

Strangeness and Familiarity

Global Unity and Diversity
in Human Rights and Democracy

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The international conference “Strangeness and Familiarity: Unity and Diversity in Human Rights and Democracy” was held on the 21st and 22nd of October 2011 in Groningen, the Netherlands. It was organized by FORUM, the Dutch Institute for Multicultural Affairs, and the Faculty of Philosophy of the Groningen University.

The conference was part of the FORUM-project “Human Beings as Strangers”, inspired by the fiftieth anniversary of the dissertation with the same title by Lolle Nauta – a former philosopher at the University of Groningen. Goal of this project was to resume Nauta’s core issue – the ambivalent relation between strangeness and familiarity – but now in an entirely new, that is in an international and globalized context.

This publication features all the papers and comments by the conference’s participants, who hailed from countries like the USA, South Korea, Australia, Turkey and The Netherlands. They are a rich source for other academics studying these topics, and especially for policy makers who struggle with the framing of policies in modern multicultural societies.



PROCEEDINGS
INTERNATIONAL
CONFERENCE
GRONINGEN, NL
OCTOBER 21-22, 2010

Editor: Hans Harbers

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Organized by
FORUM, Institute for Multicultural Affairs /
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Preface

Chris Huinder and Sadik Harchaoui

Just one week before the conference on Strangeness and Familiarity took place the new Liberal-Christian-Democratic government, officially tolerated by the right wing-populist party of Geert Wilders in order to get a majority in Parliament, was installed. Geert Wilders' Party for Freedom (PVV) vehemently aims to 'de-Islamize' The Netherlands. It seems to us not only a Herculean task, but also a task based on the out of the blue- assumption that Muslims are the main cause of the huge social problems in our society today and who, moreover, threaten to wipe out the ages-old ethics and values of our so-called Christian-Jewish-Humanistic tradition.

Until about a decade ago, The Netherlands have been known for their decent and quiet political and social life - some call it boring - and as a rather liberal and tolerant society where people of different ethnic origins and religious beliefs manage to live together in a quite comfortable climate of 'live and let live'. This myth has exploded, it is gone for ever, so it seems, since the uprising in the West of right-wing populist movements and parties with a vehement anti-strangers and anti-Muslim agenda longing for the traditional mono-ethnic society that still lingers after their head. Quite a few politicians and scientists label the actual 'migrant question' as the most urgent and explosive one to be solved, before it may even disrupt society itself. They see it as our 'new social question', replacing the issue of integration and emancipation of the poor and exploited lower class of the late 19th and early 20th century.

In recent decades, not only The Netherlands but all Western and non-Western societies have been rapidly changing. Barely manageable processes of individualisation, urbanisation, migration, globalisation and the development of new information technologies undermine the traditional structures of social stability and touch everyone's life. It leads to a plurality of cultures, habits, and ways of living, virtues and norms, not only within the privacy of houses but in the public sphere as well. Up to 20/30% or even 40% of the population in big cities like Amsterdam and Rotterdam, Paris and Munich, London and New York, are migrants of the first or second or even third generation. And it is not just ethnic or religious diversity that counts. The development and introduction of new technologies and media leads to a variety of new and liquid identities, to new social patterns and networks.

This is an age of interchange, of intercultural mixtures, of weakening borders, of daily meetings between countries and people of the North and the South. Now we live in an era where the former 'stranger' is living next-door or on the same block. He or she has become part of our society, whether we like it or not. As a consequence, long time held and sometimes even dearly nourished perceptions of the

'faraway other' being backward or exotic, traditional, aggressive or over-friendly, individualistic or collectivistic and so on; all those ascribed negative or positive perceptions and prejudices have to be matched with the 'nearby other' walking in our streets, bringing his or her children to the same school and shopping in our malls. What will prevail in our societies: our old stereotypes or our willingness to see and meet the 'other' without fear and without prejudice? And how can we bolster our courage to do so?

Migrants having become an integral part of our society - our fellow citizens - we cannot speak in terms of 'we' and 'they' anymore, can we? As bringers of new cultures, ideas, religions, and having other cloths and skin colours, our migrants are pouring into our societies new ways of looking, thinking, talking, organizing, and running businesses, performing arts, making music.

Some or even many of them may be a burden or even a threat for our societies, some of them are a blessing in disguise and many of them add an economic and social value to our society. Questioning our ways of living, our beliefs and our habits, doing the jobs our 'natives' are reluctant or unable to perform or are lacking, they may enhance our creativity, strengthen our economic progress and open our eyes for new thoughts which seemed so strange to us at a time we did not yet know our new fellow-citizens.

Our societies are in the middle of a process of reframing, of a fundamental review of our concepts of stability, solidarity, citizenship and collective prosperity. The multicultural character of our societies has gradually become a question of the society as a whole, of all citizens. It is no longer a matter of a few disadvantaged groups whom we have to help integrating and emancipating themselves. Our societies have become or are unmistakably on the way of becoming hyphen-nations and we can't turn our backs to this undeniable fact. At this moment, we are stepping into a new phase of the development of our societies. For this new situation we need new terms, images, and metaphors, because the old ones have become obsolete.

It was a matter of coincidence that we discovered about two years before the conference took place that the well-known Dutch philosopher Lolli Nauta had written in 1960 his doctoral thesis *De mens als vreemdeling* (Human beings as strangers). We saw it as a suitable opportunity to organize this conference and resume this same theme fifty years later, while at the same time paying tribute to the thoughts and publications of this philosopher, who for quite a long time was a professor in Philosophy at the Groningen University.

Lolli Nauta (1929-2006) had investigated the part played by the Stranger in the Western literature of his time. According to Nauta, this Stranger affects us in two ways: he opens up a door into new and different worlds and ideas, but by doing this, he also alienates us, the readers, from ourselves. This confrontation with the Stranger makes us question familiar frameworks that we use in a cog-

nitive and normative sense to acquaint ourselves with the world around us. The Stranger frees us from deeply-rooted patterns and opens up new perspectives, widening our horizon. Familiarity becomes strange to us, while strangeness becomes slightly more familiar.

Following this line of reasoning, the Unfamiliar outside ourselves (the external Stranger, the Other) is therefore inextricably linked with the Unfamiliar in us (the internal Stranger, our reflexive Self). In this way, Nauta distances himself right from the start from all distinctive types of us-and-them thinking. It is not the border itself that interests him, but the relations between the two; it is not the demarcation that is important, but the interaction between Us and Them, between our Self and the Other.

It has been a great honor to us to welcome all the academics present at the October 2010 conference on the topic Strangeness and Familiarity: Global Unity and Diversity in Human Rights and Democracy, organized by our institute, FORUM, Institute for Multicultural Affairs, and the Faculty of Philosophy of the University of Groningen.

It has been a conference with substantial results. Because, the papers and discussions brought us, the organizers, beyond the actual state of the public discourse in The Netherlands concerning integration, with its migrant/native dichotomy. During the conference new concepts of and views on thinking about familiarity and strangeness have been proposed. And we have been confronted with new dilemmas and challenges at the same time. If in recent time in the West there is a strong emphasis on 'feeling at home' or on 'cultural citizenships', are we talking then about 'an idealized national place of comfort' or about 'rooted citizenship exclusive for the native nationals'? But isn't the essence of feeling at home and cultural comfort to live in a place secure from want and danger and with social bonds with all our fellow citizens who strive for the same assets? How can we sustain an open society in a borderless world? Another point raised has been the question of the relations between the well-to-do cosmopolitan citizens ruling our countries, the so-called elite on the one hand and the middle and working classes who feel alienated from the society they were accustomed to and who daily feel the necessity to survive between citizens who are new and even strange to them. How to root a cosmopolitan attitude in a national context and how to value and incorporate the aspirations of these classes for a respected position in society?

Then, finally, the question of the relation between (national) democracies and universal human rights; what is at stake here? It was a hotly debated issue. Don't we put too much emphasis on the juridical aspect of human rights instead on the moral values of human dignity essentially connoted with these rights?

In two days' time we were gifted with a truly rich pack of concepts, ideas, dilemmas and challenges related to the 'multicultural issues' which are the core business of our organization. That is the reason that we called the results of this conference substantial.

We are very thankful to all the participants who deeply inspired us with their concepts and views about a tomorrow's society open to all and safe for everyone in his or her pursuit for happiness and wellbeing.

We sincerely hope that the papers and comments in this dossier are a true source of inspiration for many more people.

The conference could not have been possible without the zealous and diligent work done by Hans Harbers and without the hospitality of the Faculty of Philosophy of the University of Groningen. We are deeply grateful to them both.

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Introduction

Hans Harbers

The international conference “*Strangeness and Familiarity: Global Unity and Diversity in Human Rights and Democracy*”, held in Groningen, NL, 21-22 October 2010, was organized by FORUM, the Dutch Institute for Multicultural Affairs and the Faculty of Philosophy of the Groningen University. The conference was part of the FORUM-project “*Human Beings as Strangers*”, inspired by the publication, 50 years ago, of the dissertation with the same title by Lolle Nauta – a former philosopher at the University of Groningen. Goal of this project was to resume Nauta’s core issue – the ambivalent relation between strangeness and familiarity – but now in an entirely new, i.e. international and globalized context.¹

Starting point of the conference was a so-called ‘position-paper’, explicating its goal, theme and central questions. The first section of this Introduction contains the original text of this position-paper. In the second section the various contributions to the conference will be introduced and summarized in a more or less thematic order.

Position-paper

Nauta on the Stranger

In his doctoral thesis entitled *De mens als vreemdeling* (Human beings as strangers) and published in 1960, the Dutch philosopher Lolle Nauta (1929-2006) investigates the part played by the Stranger in modern literature, with reference to works by Camus, Malraux, Kafka, Nijhoff, Eliot, Dostoyevsky, Wilson and Beckett.² The Stranger affects us in two ways, Nauta argues: he opens up a door into new and different worlds and ideas, but by doing this, he also alienates us, the readers, from ourselves. This confrontation with the Stranger makes us question familiar frameworks that we use in a cognitive and normative sense to acquaint ourselves with the world around us. The Stranger frees us from deeply-rooted patterns and opens up new perspectives, widening our horizon. Familiarity becomes strange to us, while strangeness becomes slightly more familiar.

Nauta refers to this process in terms of what his intellectual source of inspiration Helmut Plessner described as ‘human beings’ eccentric position’: the specifically human ability to detach one’s mind from one’s body and to ponder one’s

1. See the Preface to these Proceedings.

2. L.W. Nauta, *De mens als vreemdeling. Een wijsgerig onderzoek naar de antropologische en religieuze betekenis van het probleem der absurditeit en de figuur van de vreemdeling in de moderne literatuur*. Van Oorschot, Amsterdam 1960.

own actions. No other species is able to look at itself from the outside in this way. Following this line of reasoning, the Unfamiliar outside ourselves (the external Stranger, the Other) is therefore inextricably linked with the Unfamiliar in us (the internal Stranger, our reflexive Self). In this way, Nauta distances himself right from the start from all distinctive types of us-and-them thinking. It is not the border that interests him, but the relations between the two; it is not the demarcation that is important, but the interaction between Us and Them, between our Self and the Other. In the context of his thesis, this is expressed as criticism of some contemporary existentialist philosophers' romantic idealisation of the Stranger: the Other as an exotic being. In more recent work, Nauta likewise criticizes anti-multiculturalism leaving the Stranger no choice but to assimilate or to remain permanently excluded: the Other as a demon. In both cases, we fail to appreciate the Stranger's productive force, which makes us question our cognitive and moral securities, our presumed identity, our traditions, our norms and values.³

In *De mens als vreemdeling*, this positive assessment of the Alien and alienation is still expressed in fairly abstract terms by embedding them in Plessner's philosophical anthropology on human beings' eccentricity, interpreted as a universally-valid *conditio humana*. In his later work, however, Nauta was more inclined to focus on elaborating this in a tangible, historically-specific social and political sense. One example of this is his farewell speech in 1994, in which he differentiated between the old-style and the new-style Stranger.⁴ The age of voyages of discovery and colonialism has acquainted us with the old-style Stranger - the Stranger also described by classical anthropologists who journeyed into the unexplored jungle. This type of Stranger no longer exists nowadays, Nauta argues. Apart from a few exceptions, there is nothing left to discover, since the peoples of the West have already ransacked the entire world. These days, however, we are confronted with new-style Strangers: those who come to us, either as refugees or as migrants. These new-style Strangers are not exotic persons who arouse our curiosity, but prospective citizens, foreigners seeking a goal that is not unfamiliar: civil rights. We speak of old-style Strangers in bipolar and cultural terms: their unfamiliar culture as opposed to our own culture. On the other hand, we allude to new-style Strangers in legal terms; either we confer rights and duties upon them to a greater or a lesser extent, or we refuse to do so and exclude them from our society in a legal sense. Consequently, our sense of what is unfamiliar and what is familiar takes on an entirely new meaning. In this new context, indigenous fellow citizens legally are our

3. The same also applies, incidentally, to a third representation: the one made by postmodern thinkers who contend that no identity whatsoever can now be established beforehand as a fact in a globalised world in which everything is permanently subject to change, and everyone has therefore become a Stranger to a certain degree: a perpetual traveller, a nomad. The mechanism of (intercultural) learning processes ceases to function within this concept as well. See Lolle Nauta, *Politieke stukken. Een pleidooi voor kosmopolitisme*. Van Gennep, Amsterdam 2008, pp. 111-12.

4. "Vreemdelingen oude en nieuwe stijl". Included in Lolle Nauta, *Onbehagen in de filosofie*. Van Gennep, Amsterdam 2000, pp. 114-127.

equals, but culturally they may be more unfamiliar to us than prospective citizens from ethnic minority groups. It is this very legal equality that makes cultural differences possible. Homogenisation forms an integral part of individualisation, as Simmel – another of Nauta's favourites – already said.

Thus, the cultural Stranger in a literary and aesthetic context gives way to the civilian Stranger within the context of national and international politics. However, the underlying character remains the same: those productive dialectics of strangeness and familiarity, of unity and diversity. The fact that people are different makes them mutually interdependent, and it is this very fact that enables (individual and collective) learning processes – even progress. According to Nauta, this interdependence has by now extended to include the whole world. We, the world's human inhabitants, form a 'community of fate' because we share certain qualities and basic needs. Differences within the world community can only be used productively if each member of this community is treated as an equal. And that is why universal human rights and democracy are essential, as Nauta writes in his plea for a moderate form of world citizenship, that is, without immediately lapsing into (dangerous) utopian dreams of a global state and world government.

That is how Nauta analyses the situation that others refer to as 'the aliens issue': beyond the difference between Us and Them, between our Self and the Other, between the Familiar and the Unfamiliar. And thus beyond the supposed contrasts between the individual and the community, liberalism and communitarianism, individual freedom and collective solidarity. De facto, these supposed dichotomies are two sides to the same coin, Nauta argues: there is no Self without the Other, no individual without the community, neither the other way around. Like strangeness and familiarity, these are *relational* categories.

Moreover, there are varying degrees of strangeness. The old-style Stranger represented the 'Other' in particular as being entirely different, unfamiliar, exotic; something that is and remains far away. But nothing is far away any more in this globalised world of ours, with its advanced information and communications technology. On the contrary, we have ensured that everything is permanently within reach, close by and available. Nowadays our neighbours may be far less familiar to us than friends or colleagues in distant countries. In a judicial sense, illegal residents are slightly more strangers than those who hold a Green Card. And a permanent residence permit eliminates strangeness completely, at least in a legal sense. Therefore, strangeness is no longer related to geographical distances, nor is it an absolute, but a *gradual* characteristic (apart from exceptions such as Guantanamo Bay).

Besides degrees (more/less), strangeness and foreignness also consist of different layers. One type of strangeness (such as people's legal status) does not necessarily run parallel with another type of strangeness (such as culture or lifestyle). Polish labourers, women in burqas, people with tattoos or with designer glasses, those who have successfully integrated, believers kneeling to pray, (political) enemies – we continually create and apply categories and classifications, each of

which includes its own contrast between familiarity and strangeness. Sometimes this relates to economic, cultural or religious foreignness, while at other times the differences referred to are social or judicial ones. This *stratification* of foreignness is partly defined by various disciplinary lines of approach: economical, sociological, legal, psychological, cultural-anthropological, polemological, etc.

These different strata, these layers of strangeness, are in turn interrelated: none of the above lines of approach has a primacy to which all the others can be subordinated. So we must get rid of economism as well as culturalism, i.e. the idea that economy or culture is the determining factor with respect to migration, integration and social cohesion issues. Equal citizenship, as a condition for the productive exploitation of differences, is neither a strictly economical question – a question of distribution, as socialists of the old school used to think – nor a merely cultural or even a primarily religious matter, as many people seem to feel nowadays. Distributive justice and mutual recognition, economy and culture, presuppose one another. As Nauta introduced the culture factor into economic distribution issues at that time⁵, these days it is important to break free from the apparent monopoly of thinking in terms of culture and identity.

Relational, gradual, layered: however subtle Nauta's analysis of the Stranger and strangeness may be, a number of critics feel that his line of reasoning shows a remarkable asymmetry on one point. This is primarily remarkable when viewed in the light of his own emphasis on the productive relations between the Unfamiliar and the Familiar. We can summarise these critics' comments by saying that these relations mainly focus on *us*, i.e. *us as modern people of the West*. The old-style Stranger was primarily used for the benefit of *our* own self-determination: the Stranger as our silent mirror image. But *we Occidentals* occupy centre stage in Nauta's new-style Stranger as well: this new Stranger comes to *us* to obtain something he himself does not have – civil rights and a certain degree of prosperity. When Nauta describes the steady (and in his eyes inevitable) actualisation of world citizenship and cosmopolitanism in terms of disseminating a democratic lifestyle and the self-expansion of civil practices⁶, these processes always start at a specific location, i.e. in the Western world. In this way, one might interpret Nauta's words as putting forward, though unintentionally and unconsciously, a veiled argument in favour of assimilation, not taking the Stranger seriously enough – as if we, the enlightened people of the West, are the sole source of that inevitable civil society on a global scale.

5. See Lolle Nauta, *De factor van de kleine c. Essays over culturele armoede en politieke cultuur*. Van Gennep, Amsterdam 1987.

6. See Lolle Nauta, *Politieke Stukken. Een pleidooi voor kosmopolitisme*. Van Gennep, Amsterdam 2008.

Conference Issues

Such were Nauta's views. Today, 50 years later, this conference will resume the subject of his thesis, *De mens als vreemdeling*, although from an entirely different angle and with a new turn to that at his time. What remains of strangeness in today's globalised world? Who is still a stranger to whom? How has the meaning of unfamiliarity and strangeness shifted and differentiated as a result of this changed social context? And what significance does all this have in a political sense? What are the potential policy implications, both national and international? How can we interpret strangeness and familiarity in a theoretical-conceptual way in this day and age, and how can we deal with them in a practical and political sense?

If, like authors such as Mary Douglas, Imre Lakatos and Donna Haraway, we define the Unfamiliar as the Monster, i.e. as something that does not fit into a framework of thoughts and actions, there are quite a number of different strategies for dealing with these monsters. One can try to hide them away or suppress them for as long as possible, or one can give them the kiss of death, shower cynicism upon them, flatly deny their existence, or rigorously combat them: these are all strategies for driving out monsters. However, in line with Plessner's notion of eccentricity and Nauta's interpretation of this in terms of individual and collective learning processes, one can also try to learn from monsters by taking them seriously, or perhaps even taking them as a starting point for criticising our own way of thinking and acting.

But this is the very thing that requires us to avoid the – rightly or wrongly – supposed asymmetry in Nauta's argument, and to take the symmetry between strangeness and familiarity seriously. After all, something that is strange, threatening or monstrous to some people is familiar and well-known to others, and vice versa: something that one person experiences as natural, normal and everyday is viewed by another person as abnormal, exceptional and possibly intimidating. This applies at all conceivable levels: interpersonal relationships, relations within a group, and multiculturalism on a local, national and/or global scale. That is why this learning process can only gain symmetry if all parties involved also have a say in it and are heard; if the Unfamiliar is accepted as its individual self – not necessarily in a morally affirmative sense, but in a factually neutral sense at the very least.

The aim of this conference is to seek out this mutual learning process and to contribute to it – especially, in view of the increasing interdependence on a worldwide scale, at a *global* level. This means we must get right away from discussions about a national canon, from discourses of identity, from debates about headscarves, handshakes, the height of minarets and other hypes in the public struggle about multiculturalism. After all, the theme of this conference is the dialectics of strangeness and familiarity at international level: not only how we Westerners deal with strangers, whether they are far away or in our midst, but also what these strangers themselves think of us and how they deal with us. How do Asians regard the Western world? What do Africans think of China, or Brazilians of Russia? And since Asians, Africans, Chinese, Brazilians and Russians naturally do not consist of uniform categories, we should also ask how they deal with differences among

themselves, i.e. with the innumerable internal distinctions between strangeness and familiarity: such as minorities, for instance? And is there anything that 'we' could learn from them?

In line with Nauta's opinions on world citizenship and cosmopolitanism, and his arguments in favour of them, this conference will centre on *human rights* and *democracy*. These are known as 'essentially contested concepts': their exact meaning is not fixed, and can or will never be established either. These concepts are interpreted differently in different traditions and contexts, both in an intellectual and in a practical-institutional sense; and there is nothing wrong with that. On the contrary, this contest, this struggle to establish the meaning of human rights and democracy, and how to give them shape in a practical manner, is functional in connection with that learning process between strangeness and familiarity. It is this very diversity of interpretations and practical elaborations that gives human rights and democracy their power, their binding unity and their universal nature. Abandoning the illusion of one sole interpretation and elaboration while acknowledging differences instead, creates scope for mutual criticism and learning processes. This conference aims to provide this scope.

Broadly speaking, this calls for three types of input: (1) Conceptual analyses of the dialectics of strangeness and familiarity, i.e. critical discussions on current conceptualisations of strangeness and familiarity. (2) Empirical and historically descriptive stories of human rights and democracy within various contexts and traditions – similarities and differences. (3) Normative analyses in order to answer the question of how to assess these differences (and similarities), and how to deal with these in a political sense. Of course, these three issues may be addressed at the same time in one single contribution to the conference.

Contributions

At the conference 11 papers, distributed in advance to all participants, were commented on the spot by 2 referents, followed by a reply from the author and a plenary discussion.⁷ These proceedings include the original papers and most of the referees' comments – presented in a more consistent order than possible at the conference itself.

The ball is opened by *Marc Goodale*, examining Nauta's notion of a productive dialectics between self/other and, more generally, sameness/difference in terms of contemporary debates over the meaning and implications of transnational normativities such as human rights and cosmopolitan citizenship. Goodale discusses the intellectual history within which the questions of sameness and difference have been theorized in order to understand how the meaning of these questions has

7. For the conference program, a list of participants and minutes of the discussions, see the Appendices.

changed over time. Next, he takes up Nauta's concern with forms of belonging, especially citizenship, arguing that a depoliticized account of cosmopolitanism is difficult to sustain in light of current debates and preoccupations. Goodale's paper then moves to the problem of moral evil and finds that Nauta's dialectics of being provide an interesting model for understanding and explaining the radical Other. Finally, the paper ruminates on the moral range of the human condition and the impossibility of accounting for this range through better theoretical models.

Barbara Oomen in her comments discusses Goodale's treatment and elaboration of Nauta's work in the context of present-day human rights. *Dvora Yanov* brings up several points related to Goodale's conceptual reworking of Nauta's ontology of strangeness.

This first paper, most of all directly related to Nauta's work, is followed by four papers about the ins and outs of (national) identity, belonging, feeling at home and autochthony in the context of globalization and (im)migration. What are the possibilities and impossibilities of keeping intact an idea of shared identity, a feeling of 'we'? Who, then, are included, and who excluded? Is belonging a (necessary and/or desirable?) human condition?

In his paper on autochthony, belonging and exclusion *Peter Geschiere* follows the notion of autochthony in its different trajectories in time and space. Already in its primal locus – classical Athens during its heyday (5th century BC) – the notion was beset by a paradox that would mark it in all its subsequent expressions: a problematic combination of an apparent, basic security and a practice of deep uncertainties. Everywhere autochthony tends to be constantly re-defined in ever closer circles. It triggers a search for an impossible purity, since the claim to have always been on the spot is redundant in a world that was always deeply marked by migration. One of the paradoxes of our times is the upsurge of strong preoccupations with belonging in a world that pretends to be globalizing. Notions of autochthony ('born from the soil'), cropping up in highly different parts of the globe, play a particular role in this respect, as some sort of primordial and radically exclusionary form of belonging. The term is difficult to reconcile with an increasing emphasis in many parts of the globe on (cultural) integration. Yet it seems to be at the same time a pregnant expression of the culturalization of citizenship: the insistence on cultural aspects rather than juridical or economic criteria for defining who qualifies as a citizen and who does not.

In her comments on Geschiere *Baukje Prins* elaborates this culturalization of citizenship by analyzing the asymmetries and double standards in this distinction between autochthons and allochthons. For example, while the latter are never relieved from the burden of proof of belonging, Dutch autochthons are never submitted to a civic integration test – their belonging is considered to be self-evident. *Jan Willem Duyvendak* in his paper on the politics of home explicitly denies that The Netherlands ever has been a multiculturalist society with a policy aimed at cultural diversity and tolerance. On the contrary: the just mentioned culturalization of

citizenship, a good example of 'glocalization' (i.e. strengthening of local bonds in a globalizing world), has led to a monocultural definition of Dutchness – to a thick notion of home and belonging – a *Heimat*, the Germans would say. This thickening and historical rooting of the Dutch identity makes it much harder for newcomers to identify with, Duyvendak argues. Citizenship is thus reduced to a property one has by birth, one that is unchanged through agency. Ergo, the thick, historically rooted idea of 'home' has highly ambivalent and paradoxical effects. Though presented to 'support' immigrants, in reality it blocks their integration; obliged to feel at home in their country of residence, this 'home' is constructed in such a way that they can never really feel a part of it.

Sawitri Saharso in her comments agrees with Duyvendak that a thick notion of citizenship is indeed not a solution but part of the problem and proposes a differentiation of the idea of feeling at home in *Heimat* versus *zu Hause*. Where *Heimat* refers to roots and to an idealized place, *zu Hause* is associated with security and a physical place. If we agree that *zu Hause* is the best way of feeling at home, the subsequent question is what must be changed in our conception of national identity so that for all of us, *zu Hause* can become the common denominator of feeling at home in the Netherlands. *Pieter Boele*, agreeing on the pitfalls of an all too culturalist definition of citizenship, nevertheless wants to keep up this notion. But that requires we keep it away from the discourse and policy of integration and redefine it as co-authorship of community and culture, asking for cultural agency instead of subjection to dominant values.

René Cuperus in his paper attacks the flip side of a thick notion of home and belonging: the, what he calls, elitist myth of globalism and pseudo-cosmopolitan world citizenship. Europe, Cuperus argues, faces a dangerous populist revolt against the good society of both the neoliberal business community and progressive academic professionals. This revolt of populism is, according to him, 'produced' by the economic and cultural elites themselves. They advocate, without much historical or sociological reflection, their 'brave new world' of the bright, well-educated, entrepreneurial and highly mobile. Their TINA-project is creating fear and resentment under non-elites. The deterministic, TINA-image (There Is No Alternative) of a future world of globalisation, open borders, free flows of people, lifelong-learning in the knowledge-based society is a night mare world for non-elites, the 'losers of globalisation'. Sizable parts of the middle and working class feel alienated, dispossessed and downgraded, because the society in which they felt comfortable, in which they had their respected place and which has been part of their social identity is being pushed aside in this elite narrative. To what extent, so Cuperus poses his question, the ideology of 'globalism', multiculturalism and world citizenship can be reconciled with the heritage of national democracy and welfare state communitarism? To what extent a uniform global culture of neoliberal and hedonistic capitalism, can be reconciled with the rich cultural diversity of the world?

But there is no such cosmopolitanism without roots, *Dick Pels* argues in his comments. Criticizing elites does not imply that we should dismiss international-

ism as a normative vision. Cuperus' concern for the populist revolt against cosmopolitanism seems justified but political ambition should not stop with protecting losers against winners, but make losers into winners. Thus, rather than dismissing cosmopolitanism, the populist revolt asks for re-evaluating the role of the elite.

In the final paper in this quartet about national identity, belonging and feeling at home *Paul Scheffer* in his search for words that bridge the gap between the local and the universal, for a world citizenship that connects with its own lived environment, explicitly mentions Appiah's notion of 'rooted cosmopolitanism'. The weakness of cosmopolitanism, Scheffer argues, lies in the fact that the ambitious 'everyone is in principle responsible for everything' can easily degenerate in practice into 'nobody is any longer responsible for anything'. Our world is becoming both larger and smaller, bringing people closer together and pushing them further apart. The astonishing mobility of capital, information, goods and people is making societies not only more involved with each other but more permeated by each other. At the same time the aversion to integration and cultural mixing is increasing and people are withdrawing into their shells. World citizenship is a remote prospect for most. The central question here is what a contemporary cosmopolitanism ought to look like. What form should an open society take in a borderless world?

In his comments *Sjaak Koenis*, partly seriously, partly ironically analyses Scheffer's success in the public arena. Always rational, balanced, avoiding extreme positions, well-informed and eloquent Scheffer practices a dialectic without *Aufhebung*. This search for a peaceful middle position makes Scheffer, in the words of Koenis, 'the perfect midwife of the new society which is taking shape right now'. But at which point a nuanced middle-position turns into an unsatisfactory middle-of-the-road-position?

Next, two papers follow about actual images of 'us' and 'them', as well as the performative act of imaging those categories.

Christiane Timmerman, *Petra Heyse*, and *Christof van Mol* present the conceptual and theoretical framework of EUMAGINE, a FP-7 research project, funded by the EU, about imaging Europe from the outside. The project aims to study the links between outside perceptions on democracy and human rights of Europe and (the desire for) migration to Europe – assuming that migration aspirations, decisions and behavior are linked at these perceptions. The ultimate goal of the project is to study the relation between perceptions of migrant and non-migrant individuals from source countries on human rights and democracy at the local, regional, national and international level on the one hand and migration aspirations and migration decision-making on the other.

Next to methodological questions (whose perceptions actually will be reached with this research design?), *Yolande Jansen* comments the relation between the research project and EU migration policies, pleading for more critical distance.

In her paper on both migrants, coming from 'there' to 'here', and tourists, going from 'here' to 'there', *Meyda Yeğenoğlu* explores first how Third World migrants in Western metropolitan contexts de-stabilize the shared but nevertheless exclusionary sense of sovereign identity, i.e. the self recognition of the nation and the presumed unified sense of national cultural space. Occupying an interstitial space between 'us' and 'them', the migrant destroys the sociality's system of reference. Refusing neither to stay in the far away land and nor go away, the migrant upsets the easy spatial segregation and borders, and therefore tends to be 'abjected'. As a mirror-image Yeğenoğlu examines, secondly, how and why the same Other when he/she is in his/her own space becomes an object of desire when Western tourists occupy the touristic spaces in the Third world, and what this desire tells us about the Western subject's ability to maintain control and power in the space of the native. So, in both mirror-cases the Western subject reinforces its hegemony, putting aside the strange 'other' either as an abject or as an object.

Judith Vega in her comments doubts whether Yeğenoğlu's psychoanalytic framework, drawing on Freud, Kristeva and Lacan, is appropriate for the analysis of actual practices of recognition, *vis-à-vis* strangers, in our current societies. Moreover she questions the empirical adequacy of the binary distinction between migrants and tourists – leaving out of sight several mixtures and hybrids.

Subsequently, three papers make a link between the problem of strangeness and familiarity and the issue of (the universality of) human rights.

In his paper on apostasy, freedom of religion and human rights of a Muslim *Abdullah Saeed* examines how the conservative and progressive Muslims are engaged in a fierce debate on whether a Muslim today has the right to 'apostasise' and leave Islam without the fear of the traditionally sanctioned death penalty. While this may appear to be a theological/legal debate among Muslims, it does have important implications for those accused of apostasy. These can include what some scholars refer to as 'civil death' even where the traditional death penalty is not imposed. Relying on classical Muslim scholarship (exegesis, theology and law) and contemporary debates on freedom of religion, Saeed argues in favor of the right of a Muslim to 'leave' Islam if s/he so desires and that there is no strong textual basis that warrants this law today. Meanwhile, Saeed explores why this 'law of apostasy' developed in early Islam, analyses the political and social context in which it developed and argues why in the modern period, with a major shift and change in the contemporary political and social context, there is a great need to rethink this classical law, highlighting the negative consequences (social, cultural, intellectual and political) of maintaining this law on Muslims today.

Thijl Sunier comments the lack of historical, political and societal context in Saeed's analysis of apostasy. The theological sources Saeed uses for his argument don't speak for themselves but are dependent on people applying them under specific circumstances. And modernity is a more complex phenomenon than the liberal society consisting of independent individuals, Saeed reduces it to.

Hyo-Je CHO's paper on the (lack of) response of the South Korean human rights movement to the North Korean situation raises the question how universal human rights actually are. Although the legitimacy, visibility, and moral fortitude of the human rights movement in South Korea were largely undisputed, the movement has recently been scrutinized for its perceived lack of interest with regard to the growing concern about human rights situation in North Korea. What made the traditional human rights movement reluctant to engage with the North Korean human rights issue? CHO discusses several explanations. In one way or another they all refer to contextual factors, thus implying some sort of de-universalization of human rights, i.e. a re-thinking of the idea of human rights from local situations. CHO accepts this move, but acknowledges its possible danger: an entire contextualization of human rights – in the case at hand leading to a legitimization of the South Korean silence about the North Korean situation. CHO tries to avoid both extreme positions – juridical universalism and cultural relativism – in his proposal for a more actor-oriented, so-called ‘transformational approach’ of human rights, i.e. a kind of ‘thick universalism’, absorbing situational and contextual dimensions.

In his comments on CHO's paper *Caspar Schweigman* raises two questions. The first one is especially urgent in the case discussed – the Korean situation: should the fight against famine get priority above the implementation of human rights, or is the latter conditional for the success of the first? Secondly, how convincing is CHO's transformational approach?

In his paper on minority rights *Bas de Gaay Fortman* explores the tension between human rights and democracy. Surely, as the European Court of Human Rights states: democracy does not simply mean that the views of a majority must always prevail: a balance must be achieved which ensures the fair and proper treatment of minorities and avoids any abuse of dominant position. Nevertheless, De Gaay Fortman argues, equal protection of all – strangers included – is perhaps the most problematic aspect of democracy in our world today as minorities still tend to be highly exposed to discrimination, precisely at a time when nations become increasingly heterogeneous. Using the the Swiss constitutional ban on minarets as example, De Gaay Fortman examines in his contribution how far the international venture for the realisation of human rights may contribute to inclusion of the stranger. He argues that this UN-based mission cannot offer much when it comes to just *legality* founded on declared rights such as freedom expression. However, De Gaay Fortman continues, the principal moral foundation of the human rights mission is not the idea of fundamental rights but a globally expressed belief in universal human dignity. This constitutes a strong basis for an inclusive notion of global legitimacy –avoiding ‘us’ and ‘them’ divides.

Commenting De Gaay Fortman's framing of the tension between democracy and human rights in terms of minorities and majorities, *Karin Arts* fears this way of framing foster difference and divides, making them counter-productive rather than that they emphasize the universality of human rights and equality principles.

More than invoking moral categories like human dignity, she bets on international law for equal treatment and equal opportunity.

These conference proceedings close off with a critical paper by *David Chandler* about the possibilities of transnational politics and the building of a global, post-territorial political community. Today, he says, there is a widespread recognition of the erosion of political community on the territorial basis of the nation state. Instead, alternative framings of “being” political or of engaging in politics have argued for a more radical post-territorial space of political possibilities, of what it means to be political, and of how we envision political community. Through focusing on the two dominant articulations of post-territorial political community, liberal cosmopolitan and radical poststructuralist approaches, Chandler seeks to analyse the possibilities and limitations inherent in the search for political community beyond the boundaries of the nation state. The aspiration to engage in, construct, or recognise the existence of a post-territorial political community, a community of broader humanity, has been articulated in liberal terms as cosmopolitanism, driven by global civil society, and in poststructuralist terms as “political cosmopolitanism”, “cosmopolitanism-to-come” or the “solidarity of the governed”, given its force by the creativity of the resistance to liberal universalism of the “multitude”. Chandler shows the similarities between these two contrasting approaches and critically assesses the results of this flight from the national to the global level – the erosion of politics, political representation and political communities.

Both *Timo Jütten* and *Bart van Leeuwen* in their comments agree with Chandler’s worries, but at the same time both are much less pessimistic about the possibilities of transnational, post-territorial forms of politics and political community building. Jütten refers to European institutions (Commission, Parliament, Human Rights Court) as possible counter examples for Chandler’s scepticism. Van Leeuwen shows the internal varieties within liberal cosmopolitanism, some advocates of this position escaping Chandler’s critique.

Attached to these proceedings are three appendices: the conference program, a list of participants, and minutes of the discussions during the conference, written by *Sanne Raap*.



Paper for FORUM conference
Strangeness and Familiarity
University of Groningen
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university of
 groningen

/ faculty of philosophy

‘The World, If It Is Not In Pieces’ Relational Normatives and the Anthropology of Difference

Mark Goodale

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Prolegomenon

It is a distinct pleasure to engage so closely with the writings and ideas of Lolle Nauta. Although the sociolinguists tell us that Dutch and English are in fact closely related cousins in the Germanic branch of the Indo-European language tree, I am afraid that Dutch remains a fairly opaque language to me. This means that my response to the various interlocking theses of Nauta’s *De mens als vreemdeling* and subsequent works must begin as intellectual evocations, as inspirations “in the manner” rather than “in terms of.” But perhaps we can agree that this limitation is also a possibility, since an evocative understanding is one that allows me to concentrate on the broader intellectual history of Nauta’s writings and their continued relevance and meaning in today’s much different moment. Moreover, the organizers of this event have done an excellent job of bringing us together within a set of problems extracted from the Nauta corpus. We are free, of course, to make what we will of these problems and I assume that the wide range of epistemologies and histories represented by the event’s participants will no doubt lead to an equally expansive set of contributions. Yet my contribution to this debate will not, alas, allow itself to be slotted so easily into the organizers’ typology; like any good work within contemporary sociocultural anthropology, it moves without apology across the admittedly artificial boundaries of the conceptual, the empirical, and the normative.

Introduction to contribution

The paper is roughly divided into several sections or modes of presentation. My intent is to examine several problems that are either derived from Nauta (via the organizers) or are inspired by them and the general domains of knowledge and ethics in which he can variously be identified. The method is alternately conceptual, historical, critical, and ruminative and concerned with drawing out, rather than ultimately defining, topics for further debate.

More concretely, I begin with a consideration of the ways in which the dialectics of difference and sameness and strangeness and similarity have undergone a change in both meaning and valence from the first period of the postwar in Europe. In other words, we cannot examine these dialectics in the conceptual abstract; they must be contextualized within a wider intellectual and cultural history. Although limitations of space prevent me from doing full justice to this task, I will at least identify what I see are the key differences across the relevant histories.

Next I will take on the broader ethical thrust of Nauta's intellectual project as it evolved from his 1960 dissertation: to articulate a theory of human interrelationship that both solved – theoretically, at least – the problems of antagonistic difference and pointed to the political implications of seeing the world's diverse populations as bound by a "community of fate." Nauta's cosmopolitanism is certainly thought-provoking and unorthodox, but not entirely convincing, especially in relation to dominant contemporary cosmopolitanisms like human rights. Nevertheless, his ontology of equality is worth pondering in some detail.

There is another ethical framing to Nauta's philosophy: the desire to recast difference in a way that reduces the chances that what he believes to be a misinterpretation of difference will lead to legal, cultural, and economic forms of exclusion, which range from legal differentiation among categories of citizenship to the severest forms of human destruction like genocide. The relationality of Nauta's account of strangeness and familiarity means that we are locked into a dialectical bond with even the most apparently evil – or monstrous – among us. People might do bad things for reasons both clear and mysterious, but they, and we, are still defined primarily by the relationship between self and the internal other, that reflective self that is alienated from the un-self-reflective self or what might be describe as one's *performative being*. And yet the anthropology of violence and human rights – if not a sober reading of history since the end of the Cold War – confronts us with the possibility that not only are some among us monsters, but that we ought to exclude them from the "community of fate" culturally, politically, and legally, if not normatively. How would Nauta's philosophy respond to the fact that not all monsters are a figment of our moral imagination?

Finally, I end with a tentative argument for alternatively framing strangeness and familiarity that is likewise inflected with a typical anthropological lament for times of theoretical certainty long since gone. It is here that I reveal the admittedly cryptic meaning and rationale behind the title to my contribution and thus point to what I believe are the ultimate limits of our desire to situate the problem of difference within a more inclusive yet conceptually satisfying framework.

Differences of difference – a brief intellectual and cultural history

To begin with, let us consider the obvious fact that Nauta's writings on sameness and difference, similarity and strangeness, and the political implications of an on-

tology of alienation, were very much a product of their time, starting with his 1960 dissertation that provides the framework for this event/volume. Although, as I say, this is an obvious point, it is perhaps less clear what this particular intellectual history means for our purposes now. I would like to identify several implications.

First, the 1950s, the decade in which Nauta presumably conceived of and then wrote his dissertation, was a time in the early postwar period in which Europe's relationship with its colonial territories was undergoing a rapid, transformative, and yet painfully ambiguous set of changes. Philosophically, this period of ferment saw the rise of modes of analysis that sought to make sense of, even dignify, the prevailing climate of malaise that followed on the devastation of Europe and its Enlightenment ideals. So at the same time that colonial Europe was witnessing its own disintegration, accompanied by various degrees of resistance and atrocity within the disappearing colonial possessions, its intellectuals on the left were searching for a radically different way to humanize experience in a world apparently devoid of meaning. At this point the problem of difference – what we would call today “alterity” – was not as acute for Nauta as it would later become. But like others of his generation, Nauta developed a philosophy that was deeply, indeed radically, ontological. This theoretical turning inward was perhaps a necessary antidote for thinkers for whom the maze-like complications of mind, consciousness, and being provided the only topics worthy of serious consideration (the *external*, broadly understood, was where political ideologies were conceived that justified the murder of millions). In a universe devoid of either the divine or the comforting certainty of universal reason, what was left was the bitter humility of individual man alone in a cosmos hurtling toward a *truly* certain, distant death. The most we can do, once we realize and then accept this final, literal, universal truth, is to explore with honesty and transparency the depths and implications of our isolation.

What were the implications of a theory and then politics of difference that were derived from an ontology of the self? The most important was the fact that the community of equals was defined by a dialectic that was both absolutely true, in an empirical sense, and yet fragile as a model of transcendence in relation to all those other categories and lines of division that appeared to be at the heart of many conflicts. That is to say, all human beings – we might agree – experience consciousness in the way Nauta proposed, as a kind of internal split in being, with one part experienced un-self-reflexively as *the* self and the other experienced as an often strange or even hostile critical self-reflexive voice that is detached from the true self. And it might also be true that at this internal level we are all equally perplexed by the way in which a part of us, an important, constant presence, is at times unrecognizable, foreign, other. Yet even though this might be what we can describe as the primary – in the sense of foundational – condition of human difference, it is not at all clear that this relationship is either prior to, or isomorphic with, all other dialectics of strangeness and similarity that exist in the world.

So we might fully agree with Nauta on this point and yet disagree about the further implications, some of which, obviously, would become much more central to later phases in his intellectual project – for example, his theory of cosmopolitan-

ism. Moreover, one can point empirically to many other ways in which the problem of difference exists in the world, which has implications for our normative project. As an anthropologist I insist that the normative and the cultural/empirical must coexist in their own dialectic of familiarity; in other words, our normative models – of strangeness and familiarity, in this case – cannot be so obviously and radically detached from the messy phenomenologies of social life, which is often characterized by conflict, disruption, and suspicion.

On the one hand, we are today much more likely to anchor our theories of difference and sameness in the external world of human relations rather than in an ontology of being. The fraught concept of “culture” has done much of this work, albeit in ways that have created their own set of problems and inconsistencies. And, on the other hand, poststructuralist provocations have cast doubt on the possibility of articulating a philosophy of self that is either universally applicable or capable of ultimately grounding projects of positive social change.

So in light of these developments in the wider intellectual history, what does Nauta’s ontological model of difference have to contribute to contemporary debates over citizenship, ethnic cleansing, immigration, bilingual education, and the possibilities of postnationalism, among other pressing topics for which the problem – or, as it were, illusion – of difference is critical? I think the single greatest enduring attraction of Nauta’s ontology is the way in which it recognizes that strangeness can take different forms and that some of these forms are, perhaps paradoxically, quite familiar. Again, the extent to which the familiar forms of strangeness can stand in for, let alone presuppose, other forms, is more doubtful. But as we will see below, in the discussions of citizenship, human rights, and the problem of relationality, dominant contemporary theories of radical human equality admit of only social or cultural difference, not individual. Indeed, the radically homogeneous status of the individual in theories of human rights, for example, is among their most potent sources of power in social and political practice, especially for groups of individuals who have labored under layers of structural and class-based oppression. What then, we might ask, would result if our dominant theory of human equality was predicated on an intimate, personal relationship with our own self-critical and therefore alien selves?

Everyone is a prospective citizen, but of what?

Europe is in the midst of a deeply consequential set of debates in which the problem of difference is central. Immigration, exclusion and assimilation, cultural identity, the legal and political framework for postnationalism, the relationship between Europe and its former colonies, even the meaning of Europe itself – these are among the burning contemporary issues that have recently taken on a new sense of urgency in the wake of the economic troubles that have caused Europeans to make hard decisions about the allocation of social resources in times of scarcity.

In a sense, citizenship is a kind of social resource and the multiple problems

for which “citizenship” stands in have emerged as the means through which Europeans can continue the on-again, off-again internal dialogue about the extent to which Europe itself should project or model a form of cosmopolitanism well beyond its regional borders, or, instead, search for ways that national cultures – real or imagined – can find a place within the tenuous union. The different voices in this debate cannot be so easily caricatured as simply latter-day combatants in a conflict that has its roots in the late-eighteenth century, in which one side pushes the cause of universalism in all its manifestations – political, scientific, moral – and the other pushes back on behalf of the mysteries and spiritual imperatives of *Volksgeist*. Rather, the debate is marked by degrees – of tolerance, of suspicion, of moral obligation, of respect. Even so, the debate can be painfully acrimonious.

Take, for example, the case of the French public intellectual Alain Finkielkraut. In his influential polemic against multiculturalism, *The Defeat of the Mind* (1987/1995), he argues that *tolerance versus humanism* is the best way to characterize the greatest struggle confronting contemporary Europe. By tolerance he means the entire range of educational, social, intellectual, and legal repertoires that begin from a lingering sense of colonial guilt but end up erecting barriers to mutual recognition and the triumph of transcendent values and commitments. The crystallization of difference – or, we might say, strangeness – under the banner of tolerance has had disastrous consequences, according to Finkielkraut. As he puts it, tolerance has “destroyed the spirit of Europe, making prosperity the only attraction Europe has left” (1995: 103). (Of course, in an ironic postscript to this pungent observation, we might wonder what Finkielkraut would say about a Europe that can no longer offer even prosperity, at least to the full range of its diverse, and growing, populations.)

Tolerance for supposed cultural difference as a benevolent but insidious force is contrasted by Finkielkraut with humanism, which is a substantive framework for citizenship that is coextensive with the idea of Europe itself, although I think it is telling that he makes this point through a national frame: “France is made up of a set of values offered to human intelligence” (102). This humanism emerges, according to Finkielkraut, precisely as a thoroughgoing and historically embedded means for moving beyond the dangers of strangeness institutionalized as “culture.” In other words, the conflict between theories of difference and theories of radical human equality is at the heart of the European project from the beginning. And this conflict has, Finkielkraut argues, a certain teleology that should not be denied: “In the end it is the critique of tradition that constitutes the spiritual foundation of Europe, a fact the philosophy of decolonization has let us forget by persuading us that the individual is nothing more than a cultural phenomenon” (106).

Despite the apparently emancipatory tendencies of humanism – it attacks tradition at the service of human progress – Finkielkraut cannot help let a bit of leftist intellectual *noblesse oblige* slip into his polemic. Even though there is no question in his mind about the relative intellectual merit as between the competing theories of universal human sameness and theories of cultural difference, it is not enough to simply retreat into a corner of philosophical smugness. One must insist on universal human sameness as a protective measure: “To let *them* live as *they* like, we refuse to

protect *them* from the misdeeds or eventual abuses *they* might perceive at the hands of *their* own traditions” (107; emphases mine). The “them” and “they” here are the different populations of immigrants whose supposed cultural difference receives, according to Finkelkraut, such misplaced attention and legal rationalization.

The mere presence in Europe of immigrants from different parts of the world constitutes for Finkelkraut an implicit agreement on the part of what we might describe as the *Other-in-transition*: an agreement to embrace and then foreground “the spirit of modern Europe” even if this means the “rejection of all practices – including those whose roots go deep into history – that reject the basic rights of *human beings*” (108; emphasis mine). The rewards for rejecting cultural identity (and thus difference) as primary identity are twofold, according to Finkelkraut: first, the former Other is entitled to live as a citizen in a “nation comprised of free and equal individuals”; and second, these newly free and equal individuals are reimagined – and, more importantly, able to reimagine themselves – in terms of the supposedly subversive ontology of being that is coextensive with Europeanness itself, one that grounds identity in the concept of the abstract and universal human person, that Leibnizian monad that exists as an entirely self-contained moral universe while at the same time being a “perpetual living mirror[]” of that same universe. (This is the same ontology of being, incidentally, that provides the framework for the modern postwar human rights project.)

I dwell on Finkelkraut here not because I think his intellectual project or its results are particularly brilliant. Indeed, *The Defeat of the Mind* is riddled with overgeneralizations, logical errors, and hidden (and not-so-hidden) traces of ethnocentrism, elitism, and needless provocation. Indeed, there are two major fallacies in his argument that are worth exposing since they bear on the wider themes of this paper and conference. First, Finkelkraut does not understand the implications of what he calls “cultural relativism,” since he argues that this kind of rewlativity makes communication *about* values and meaning impossible across the locations and times from which values and meaning emerge. This makes the mistake of conflating communication about values and meaning *as such* with communication *in terms of* such values and meaning. All human beings can communicate across cultures about the existence of values and meaning as categories of lived experience without necessarily fully understanding the substantive content and histories of the respective values and meaning. In other words, the categories of values and meaning are transcultural while the concepts that constitute these categories are not (or not necessarily). Now we might worry about difficulties in cross-cultural understanding of the content of the categories of value and meaning; but communication is nevertheless fully possible and indeed likely even in light of “cultural relativism.” (As an example of what I mean, take the case of religion, which for our purposes here can be seen as a distinct category of values and meaning. You and I can easily understand the fact that our distinct cultures are associated with something called “religion” and we can agree that our respective religions share certain characteristics in common, *as a category of values and meaning*. In other words, we can communicate. However, we can also agree that without more effort and inter-

est the content – moral, spiritual, institutional – of each other’s religion may remain entirely mysterious, even unintelligible.)

And second, Finkelkraut’s attack on the idea of culture and the politics of multiculturalism in contemporary Europe adopts almost a caricature of historical determinism in describing the way in which cultural identity is a form of servitude in which human action is rigidly constrained by the straightjacket of relational normativity. Needless to say, a long line of social theorists of practice, most notably Finkelkraut’s own compatriot Bourdieu, have articulated a much more nuanced understanding of the relationship between structure (cultural or otherwise) and agency, but this kind of subtlety does not fit Finkelkraut’s purposes.

Rather, *The Defeat of the Mind* is symbolic of the way in which sameness and difference, similarity and strangeness, have become essentially political, and not intellectual or philosophical, problems in contemporary Europe. Among other things, this marks yet another profound contrast in historical moments from the time that shaped *De mens als vreemdeling*. But more importantly, Finkelkraut’s intervention allows us to problematize the relationship between theories of difference and sameness and theories of political identity, that is, citizenship. No one doubts that everyone is at least a *potential* citizen, but a citizen of what? At least since Kant (although we can look as far back as the second century Stoic philosopher Hierocles), the progressive, evolutionary impulse of cosmopolitanism has been *centrifugal*: one acknowledges the small and insular categories of belonging only in order to move beyond and outward, past all the intermediate circles until one arrives at the outer circle – the circle that contains all human beings in all their violence, good will, and cross-cultural multiplicity. Kant used this ethics of cosmopolitanism to envision an entirely new political and social order at the global level, whereas Hierocles, intriguingly, argued that the outer circles should be collapsed successively in on themselves until what is left is one circle, the circle of all human beings (These are obviously two different conceptual frameworks for cosmopolitanism, but for our purposes they imply something similar.)

The organizers/editors of this event/volume argue that Nauta did not allow his theory of similarity to “laps[e] into (dangerous) utopian dreams of a global state and world government.” Instead, his ontology of being compelled him to articulate a “moderate form of world citizenship,” one in which a theory of secular normativity (human rights) and political participation (democracy) were derived from an underlying or preconditional theory of interdependence. We are similar in that we must all confront our internal Other, the first Stranger; this primary dialectic implies a form of equality; this dialectic is at least potentially productive, since it makes difference – and not an artificial homogeneity – the primary fact of human existence; and, finally, this equality of difference implies a certain kind of politics, since the struggle to make sense of our respective internal others is a universally humbling condition that *should* have the effect of diminishing the perceived importance of all those other apparent lines of division.

While I sympathize with the desire to envision a cosmopolitanism that, like Hierocles’s, is largely *interpersonal* rather than political, I wonder how such a depoliti-

cized account of difference resonates with the kind of debates symbolized by *The Defeat of the Mind*. In the end, as the life of the postwar human rights project has taught us, the political cannot be bypassed; it must be acknowledged and incorporated, even within an ethics of being like Nauta's.

Not all monsters are a figment of our moral imagination

We must not forget that intellectuals like Nauta, who grew up in the Europe of the 1940s, were forced to confront the consequences of political and social ideologies that justified an unimaginable process of human destruction. Indeed, when circumstances proved just right, conditions and practices that could only be described as evil became, in Arendt's chilling phrase, "banal." And yet for philosophers like Nauta, who came of age intellectually in the decades *after* this evil had been apparently stamped from the earth, there was a pressing need to construct theories of meaning (and being) that could at least shed light on what had come to pass, if not explain it fully. As we have already seen, this was the time in which the new philosophies of being emerged as a reaction and response; in a way, they did not examine at all the problem of evil and of course few thinkers were willing, like Arendt, to confront this problem with such intellectual creativity and insight. But even the most achingly desperate existentialism still had to acknowledge what had happened in Europe in the 1940s, if only to reflect on its sheer meaninglessness.

Yet as the postcolonial moment arrived at the end of the 1950s and endured throughout the turbulent 1960s, the problem of moral evil in particular was subsumed by the problem of culture politicized. In other words, the question of whether or not social and political conditions can converge in such a way that human beings are disfigured as ethical beings to such a degree that they cease, in a moral sense, being human, was foreclosed by widespread concern that *any* account of human difference would be used to justify the continued repression of peoples. At the same time, the postwar human rights project was slowly, but surely, emerging in the form of major new international treaties (for example, the ICCPR and the more controversial ICESCR), new nongovernmental institutions committed to the global cause of human rights (for example, Human Rights Watch and Amnesty International), and comparatively robust intellectual developments in political philosophy, legal theory, and cognate disciplines concerned with the normative, institutional, and (somewhat later) empirical dimensions of human rights.

The combination of postcolonialism with the parallel but quite distinct emergence of human rights theory and practice meant that a serious attention to what lies beyond – potentially or actually – the moral boundaries of humanness was simply unthinkable for most especially progressive thinkers. The strong current of intellectual history was moving in precisely the opposite direction: toward political, social, and philosophical theories that articulated different accounts of, and rationales for, sameness and thus equality. The Other still had a role to play, as scholars like Edward Said demonstrated, but only as a kind of discursive category that al-

lowed elites of different kinds – socioeconomic, political, ethnic – to consolidate and perpetuate the conditions of their own hegemony. That is, the Other did not refer to anyone or anyplace at all in particular, and nor could it, since difference itself had been reinscribed as a mere tool at the service of power. And if this was true of the Other-as-category more generally, then the Monster was simply the Other taken to its radical extreme of difference. If it proved useful to elites to be able to manipulate the category of Other in order to reflect back on what was normal, appropriate, morally valuable, then the presence of the Monster-as-hyper-Other was simply that much more useful.

But as the later phase in Nauta's intellectual project demonstrates, theorists did not remain idle as the category of Other came to stand in for difference more generally. Even a categorical – as distinct from an empirical – account of human or cultural difference could prove insidious. Indeed, in a certain sense, it could be even more so, since as a category for perpetuating different types of power, the Other was not subject to refutation or rejection based on empirical evidence or arguments from history. The theoretical attack on the Other took different forms. But it is important to acknowledge that Nauta's approach did not seek to deny the presence of Other-as-category; instead, Nauta sought to frame his theoretical response in such a way that even the stranger as figment of our moral imagination could be reinterpreted progressively.

As the organizers/editors argue, this reframing of the Other extended even to the hyper-Other, the Monster. As they say, Nauta believed that "one can . . . try to learn from monsters by taking them seriously, or perhaps even taking them as a starting point for criticizing our own way of thinking and acting." This was how postcolonialism and poststructuralism came together for Nauta: on the one hand, the Other exists only as a discursive category, as we have seen; but, on the other, this category should not be allowed to reinforce elite hegemony. Instead, it should be held up as a didactic social mirror to hegemony itself as a way of undermining the class, political, and social forces that lead to the emergence of Other-as-category in the first place.

And yet, what does it really mean to take monsters seriously? This is an important – if admittedly oddly framed – question, since the preoccupation with sameness, equality, human rights, and critical self-reflection over the last thirty years has made it more difficult to evaluate the extremes of individual or social action on moral grounds. Does Nauta – via the organizers/editors – really mean to say that we should pause to consider what the Rwandan *genocidier* has to teach us about interethnic relations, peaceful coexistence, or the possibility of forgiveness? After all, as the organizers/editors tell us, "something that one person experiences as natural, normal and everyday is viewed by another person as abnormal, exceptional and possibly intimidating." And "something that is strange, threatening or monstrous to some people is familiar and well-known to others . . ." We use the case of Rwanda and other instances of post-Cold War genocide here because this is, like the Holocaust that preceded it, a symbol of the horrors of dehumanization and the potential for collective depravity. If the relational approach to strangeness and differ-

ence cannot encompass and explain the monstrosities of Rwanda circa April 1994, then we must doubt its use in other, much more benign, instances of “strange,” “threatening,” and “intimidating” human behavior.

In order to respond to this dilemma in a way that recovers some of the thrust of Nauta’s approach to difference and the extreme Other, we must draw a distinction between what we might call the ontological Other on the one hand, and, on the other, the social – which, for my purposes here, includes the moral – Other. Seen in the long arc of his intellectual trajectory, I believe that Nauta was primarily concerned with the ontological, and not the social, Other, despite what we read about his broader interests in pressing issues of his day, like immigration and cultural policy in Europe, and the ways in which these could be understood in terms of his adaptation of Plessner’s theory of eccentricity. The ontological Other is defined in terms of immutable or nearly immutable differences: race, language, religion, political ideology, country of origin, and so on. To conceive of the world in terms of ontological Others is to view a world in which the category of “human beings” is a fiction, since what is most important about “us” is that we exist in the plural; indeed, we cannot speak of the collective “us” at all except by looking out, as it were, from within the lines of division.

In devoting so much of his writings to the idea that all people *should be* defined by the dialectical relationship between the two internal selves – the critical, reflective self and the un-self-reflective self (what I have called *performative being*) – Nauta absolutely rejects the idea of an ontological Other, since all those supposed lines of division obscure what is an essential, and universal, sameness: we all struggle with our two selves and we all model our experience – if not thought – of difference based on our often uneasy relationship with our internal reflective selves. In this sense, there are no real monsters (as our parents always assured us on those dark and stormy nights); since everyone is precisely equal in terms of this internal dialectic, there are no real – that is, empirically real – Others. We are all part of a collective us that is coextensive with everyone in the world. And since even the *genocidiers* of Rwanda struggled with this same internal conflict, they cannot be defined as ontological Others or, *a fortiori*, ontological Monsters (the hyper-Other).

But there is another kind of Other (and therefore another kind of Monster): the social Other. This is a result, and not a category, the conclusion of a process by which individuals within collectivities transgress the outer boundaries of human cultural and moral functioning, whether these boundaries are defined by human rights, or human capabilities, or basic human needs, or some other transcultural normative framework. Not only does the social Other exist in the world empirically, but he/she/they *must* exist, for without these boundaries, and therefore the reality that they might be, and often are, transgressed, social life itself would lose all coherence and meaning. In this sense, social Others (and thus social Monsters) very much are real; they are not, alas, mere figments of our moral imagination. Yet once these boundaries have been transgressed, there is no reason why the Other/Monster might not return, as it were, by crossing back over. In other words, the social Other is not a necessarily permanent conclusion. The use of the gacaca tribunals in post-conflict

Rwanda – which put the emphasis on acknowledgement of guilt and social integration – teaches us that at least *some* of those who find themselves on the very far side of the boundaries of human moral functioning can find their way back.

Returning to Nauta, we might say that he was concerned with the ontological Other, although in a very specific way, and not concerned with the social Other at all. In arguing that we might learn from the Other, what I believe he meant – using my own theoretical framing – was that the existence of the ontological Other as discursive category teaches us about ourselves: those cultures, or classes, or political parties, or nations, that find it necessary to conceive of the Other in order to consolidate and justify power. To this extent, the critique that Nauta was ethnocentric in the articulation of his intellectual project is badly misplaced; since the use of Other-as-category has political origins within specific histories, it was right that he would make the West and its Others the center of his model because the use of the Other as a consolidating device was refined by the European powers during colonialism. In a way, we can say that the emergence of the Other-as-category is a hallmark of the colonial project, one that has also marked the various projections of neo-colonialism by the United States. But what makes the existence of the ontological Other – as a discursive category – so useful, what makes it possible to reflect back through the Other as a critique of power, is the fact that no *real* ontological Others exist.

“The World, If It Is Not In Pieces”

Let me try and synthesize the main thrust of this paper in this concluding section, which takes its title from a relatively obscure book chapter that the Swedish social anthropologist Ulf Hannerz contributed to a volume in honor of the American cultural anthropologist Clifford Geertz. This title has always haunted me even though its meanings for me have nothing to do with its use by Hannerz. I think this phrase, which can be read both declaratively and imperatively, invokes a central mode of contemporary sociocultural anthropology, the discipline that inflects the concerns in this paper. This is a mode of intellectual restraint and even a bit of pessimism. This is not, I hasten to add, the kind of restraint that was implied by poststructuralist critiques as they were absorbed most robustly into American cultural anthropology, in which the mistrust of master (including theoretical) narratives led to a kind of mistrust of all systems of coherent ideas, whether or not they were conceived at the service of different forms of power.

Rather, this is a mode of restraint that is as much ethical as it is intellectual (if this distinction is worth making in this context). And it is a mode that is associated most strongly with the anthropologies of human rights, international law, and transitional justice. What this mode leads to is a recognition that as members of collectivities – cultural, religious, national, political – human beings are capable of a long list of cruel and destructive acts at the same time we are capable of a long list of the most altruistic and even heroic acts, not to mention the everyday kindnesses and good will that E. M. Forster described as “the true human condition, the one

permanent victory of our queer race over cruelty and chaos.” This is a clear-eyed assessment that has been made many times, perhaps most eloquently and famously – in the Western canon, at least – by Joseph Conrad, whose *Heart of Darkness* is one long meditation on the frighteningly wide range of the human moral spirit.

But we turn to anthropology, in particular, to tell us whether or not this literary and perhaps philosophical insight is, in fact, true, in the sense of resonating with what our cross-cultural research can tell us. What we learn from anthropological studies of genocide, the international criminal court, the globalization of discourses of democratization and human rights, and postconflict processes, among others, is that the potential for evil – as Arendt would have defined it – is still very much with us and shows no signs of diminishing through some unilineal process of moral development. At the same time, the potential for tolerance, mutual understanding, and empathy, also remain on the landscape of human affairs. In short, an anthropologist would say to Nauta and our gathering that a better philosophy of being, one more directly calculated to lead to mutual understanding at a theoretical level, does not seem likely to affect the Conradian predicament of our “queer race.” The most we can hope for is a world that is not utterly in pieces; that is, a world that is incapable of sustaining human life in all its moral range. We know what a world in pieces looks like, and fortunately we have had the good sense to rebuild it when it gets broken.

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Picking up the pieces

Comments on Goodale

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There is, of course, something very unfair, in asking a scholar like Mark Goodale to reflect on Lolle Nauta's work on the basis of only an English summary. Given this background, Goodale presents a very interesting argument that places Nauta's views in his times, and considers the degree to which the ontology here is tenable. His point of departure are the dialectics of strangeness and familiarity within every human being, which he juxtaposes with the messy and sometimes pitch black reality of today's world.

An interesting thought experiment is how Nauta would have responded to these sobering reminders, larded with the memories of Srebrenica, Rwanda, Cambodia bemoaning test 'nie wieder' in the Universal Declaration of Human Rights.

In his political philosophy published long after *Human beings as strangers* Nauta picks up these themes in a way that is very much line with some of Mark Goodale's work. Goodale, for instance in *The Practice of Human Rights: Tracking Law between the Global and the Local* seeks to, with his co-authors, uses the anthropological habitus to map the way in which individuals, groups and organizations mobilize human rights in a variety of cultural contexts () This concern, with the relationship between the epistemology of human rights and the social ontology within which they are necessarily embedded (Ibid., 4) is a red thread in Nauta's later work and works. In *Political pieces* for instance, his central claim was that the form that the satisfaction of basic needs takes, the prioritization of articles in the Universal Declaration, and the relationship between rights and religion will always depend on a given context (Nauta).

In these brief comments, I would like to take up this combined interest of Nauta and Goodale, and relate it to the conference theme of strangeness and familiarity, the 'struggle to establish the meaning of human rights and democracy, and how to give them shape in a practical manner'. Given Nauta's life-long interest in making human rights matter in the Netherlands I will not focus on faraway places, but rather concentrate on the meaning of rights talk and the mobilization of human rights for current-day developments in this country (cf. Pels, De Vries and Nauta).

My central argument is as follows: Increasingly, empirically, one sees the world community coming about. Centrifugal and centripetal forces are closely linked, and "the world if it is not in pieces" is increasingly becoming an empirical reality. This particular community, no more an abstract set of ideas but a specific set of institutions, with individuals representing it and (a little bit of force) to implement its decisions, increasingly also speaks to the Netherlands. This whilst, at the

same time, one sees a culturalization of citizenship in this country, the distinction between allochthone and autochthone, those of belong and those who don't, described in other contributions to this conference. In this sense, of the cosmopolitan world community seeking to remind an increasingly closed country of the moral values it once helped export, rights discourse has come full swing. The early strangers, in Nauta's terms, play a role in ensuring rights compliance in the Netherlands. In this sense, we see a continuation of the development sketched in Nauta's valedictory lecture, a 'boomerang effect' in the home-coming of human rights (Keck and Sikkink 228; Halliday and Schmidt 278).

The prime example of how this international community has transformed from an abstract notion into a 'palpable presence' (Fukuyama 97) can, of course, be seen here in the Hague. At the International Criminal Court the world community comes together to try Goodale's monsters, the genocidiars, those people who challenge the very notion of humanity. The Rome Statute does not only start with the words "Conscious that all peoples are united by common bonds, their cultures pieced together in a shared heritage, and concerned that this delicate mosaic may be shattered at any time" but it also repeatedly speaks of the responsibility that this places on the international community. Addis has argued that this work, of the ICC, has a constitutive dimension: in trying evil, the international community constitutes itself (129-162).

But let me focus on how this international community and the values it stands for gain meaning in the Netherlands by providing two examples: the first concerns the legal contestation of Wilders' outings on the Islam in the Netherlands. Whilst this case, on the surface, might be all about the archetypical Dutch value of the freedom of expression, the legal boundaries in this case are by international human rights law: the International Convention on the Elimination of all Forms of Racial Discrimination as it was incorporated in the Dutch Penal Code, and the European Convention of Human Rights. It is on the basis of ECHR case law that the defense, the plaintiffs and the prosecutor will argue their case, and that will form the grounds for decision-making. The decision can, ultimately, also be heard by the European Court of Human Rights (ECHR), put in place by the nascent Council of Europe in 1950 to ensure that the Universal Declaration of Human Rights would, in this part of the world, be given teeth.

The ECHR is not the only institutionalization of the notion of rights relevant here. Increasingly, the rights in the Universal Declaration have been encoded in binding treaties, with treaty monitoring bodies and – in the past years – individual and collective complaints procedures as remedies available to world citizens wishing to see states comply with the rights they once promised to protect. One mechanism out of this long list is the Universal Periodic Review; a general human rights exam for all members of the Human Rights Council. Here, in 2008, Peru, Pakistan and Nigeria – the erstwhile strangers - prepared a report on the human-rights situation in the Netherlands.¹ In subsequent discussions, Egypt, Iran, Cuba

1. A/HRC/8/31, 13 May 2008, UNIVERSAL PERIODIC REVIEW, Report of the Working Group on the Universal Periodic Review The Netherlands

and Pakistan were amongst those who recommended the Netherlands to not allow for parties with xenophobic programs. The general UN recommendations were, amongst others, that the Netherlands would strengthen rules related to the defamation of religions. Similar recommendations were made, in the past years, by the UN Committees looking into the rights of women, the rights of the child, and socio-economic rights in general.

The stranger talks back, with human rights as the global Esperanto. Let me give a second example: that of socio-economic rights of migrants. In the field of the right to education, to health care, to shelter there is, as Nauta would note, a large difference between the promises made in international human rights instruments, the Dutch constitution, and political and administrative practice. A difference mostly felt by the 'strangers' in the Netherlands, those people who possess nothing but, in Arendt's words 'the abstract nakedness of being human' ((299).

How does the universal right to shelter, and to human dignity, relate to refusing to provide shelter to undocumented migrants and their children in the Netherlands? It was this question that a coalition of Dutch ngo's (No Child on the Streets) put to the Committee overseeing the implementation of the European Social Charter in 2010.² The Committee ruled that the Netherlands should provide shelter, as did the Council of Europe Committee of Ministers. This ruling was reiterated by a number of Dutch judges, thus creating a 'spiral of human rights' and ensuring the universal rights also matter to children put out in the streets in the Netherlands (Risse, Ropp and Sikkink 318) .

With the culturalization of citizenship in the Netherlands, therefore, there is also a counterdiscourse that emphasizes the rights of others and cosmopolitanism. Within public and political debates, however, this influence is largely negated, and at times even contested. The negation is visible in the way in the lack of interest in the relevance of human rights to Dutch policy debates. The critical UN reports on the Netherlands hardly receive any media attention, as did the founding of a Dutch human rights institute. Human rights, it seems, are still more of an export product than relevant to policy decisions in the Netherlands (Brenninkmeijer 277-285).

If human rights treaties are referred to, these days, it is more in negative terms, as impediments to governmental policies in the field of, for instance, immigration. The governmental agreement of 2010 states that "where new national policies run up against legal limits the Netherlands will, within the European Union or elsewhere, strive to change the treaties, directives or agreements concerned" (VVD - CDA 3) . This contestation of rights discourse was also visible in the derision of international critiques of the SGP, the Dutch reformed party that – on biblical grounds – refuses to allow women passive voting rights. How could these international organizations understand these Dutch particularities, and histories?

With Goodale and Nauta in mind, the tone is familiar. With the increase of the relevance of rights there is also the resistance against it, in the Netherlands as in

2. European Committee of Social Rights, Defence for Children International (DCI) v. the Netherlands, Complaint No. 47/2008, 20 October 2009

Africa. There is what Merry calls the paradox of making human rights in the vernacular: “in order to be accepted, they have to be tailored to the local context and resonate with the local cultural framework” (Merry 221). Whilst human rights have become the global moral Esperanto over the past decades, their expression has to be – in this case – in Dutch. It is only in this manner that they can connect Dutch debates on strangeness and familiarity to cosmopolitanism, and the world order pieced together in a variety of small places.

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Comments on Goodale

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As a political ethnographer studying public policies and organizations, I bring a focus on language to my work, which follows from the urging of interpretive policy analysis that we attend to the framing of the subject we are analyzing. That is my initial point of departure with respect to Mark Goodale's paper. I raise 6 points sparked by the paper.

1. The phrases "difference and sameness, strangeness and similarity" recur several times in the paper, like psalmic strophes. But I find similarity to be an odd opposition to strangeness: I would expect to find "familiarity" there instead.

Familiarity suggests an epistemological position with respect to what is strange. Similarity suggests more of the ontological orientation that Mark comments on with respect to Lolle Nauta's work. I think we might well attend to the meanings of these various terms for our topic.

2. Related to this: Mark Goodale several times refers to "the problem of difference." It is a common phrase in social scientific analysis, and we use it synonymously with "the question of...", "the matter of...", "the issue of..."

But, on the notion that language matters, I suggest that we might reconsider such usage and seek to de-problematize difference! I have in mind Martha Minow's *Making All the Difference*, in part of which she suggested that educational policy needs to reframe and re-label the "problem child."

QED here: "equal" is not equal to "the same." In socio-political and other settings, one can be "different" and still be an "equal."

Jumping off from Goodale's paper, I want to consider how this line of inquiry might relate to the present Netherlands framing of niet-Westerse allochtonen [the common referent of the 'stranger' in today's parlance] as, for instance, 'kans-arme' (I note that in US English and policy discourse, this would be rendered as 'high risk' immigrants or some other population).

Why not seek to reframe this sort of language? Conceptualizing niet-Westerse allochtonen more as 'equals' who are not 'the same' might provide groundwork for more of a sense of hybridity in conceptualizations of 'Dutch-ness.' [In response to the criticisms concerning my introduction of hybridity, let me note that I was us-

ing it in an effort to counter the notion of “purity” that I find in the discourse concerning autochtoon nederlanders.]

3. Mark Goodale discusses Nauta’s relational approach. This reminded me of Buber’s I-Thou ideas and of George Herbert Mead’s three aspects of the self. I wonder if these figure in your [Mark’s] thinking?

4. From the perspective of state-created categories for “race-ethnic” groups, the point you [Mark Goodale] make with respect to individuals finding their identity only through membership in groups (p. 7) is of interest.

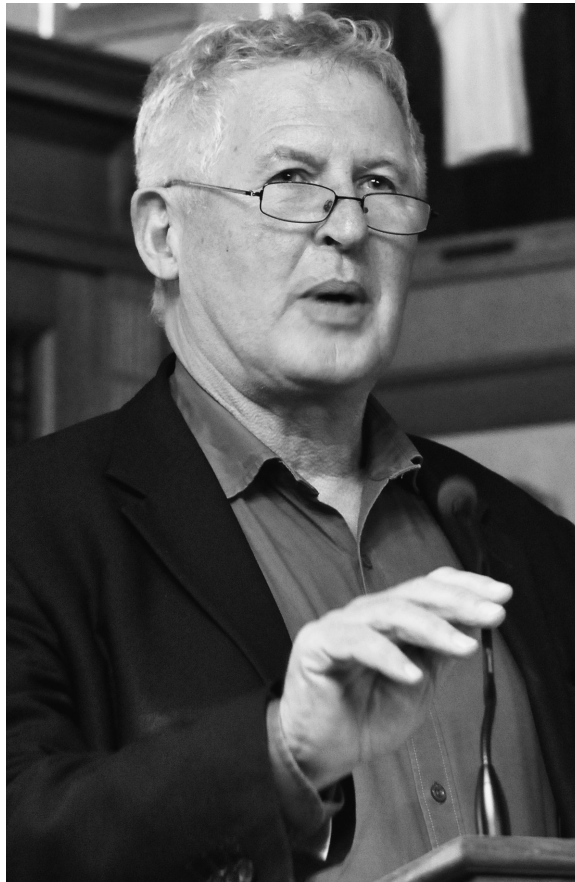
Anthropologist Davyd Greenwood, a scholar of Spain, notes that in recent decades, a Spaniard only acquires rights by being a Catalanian, a Galician, an Andalucian, etc. In my analysis of race-ethnic discourse in the US, I argued that the race-ethnic categories (in use, e.g., in the census and other government agencies) enable the telling of national and group identity stories and that these days it is only through hyphenated group membership (e.g., African-American, Asian-American, etc.) that the individual can give expression to US-American identity.

Does this hold for Netherlands identity? But what, then, is the group with which the individual must identify – allochtoon? autochtoon? Dutch? If the latter (which is what the contemporary discourse suggests), then, can an allochtoon manifest this, especially when hyphenation has not caught on [and allochtoon identity is reified]?

Related to this, a question to Mark Goodale: are “ontological differences” really immutable (p. 14)? If so, how do you explain “passing”? [a term in US race discourse to refer to someone who has “passed” over the racial boundary and become “white”; most commonly used in reference to African-Americans prior to the Civil Rights movement, but also occurring among Jews, Chinese, Indians (Native Americans), etc.]

5. With respect to human rights: In a “difference” world, what happens to the idea of (universal) human rights? The latter is, it seems to me, incompatible with a “cultural defense” argument.

6. Is the potential for evil (p. 16) driven or caused by difference? The implication of this line of argument is that if we can normalize difference, we would then live in a Garden of Eden, which is a “world not in pieces.”



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Autochthony, Belonging and Exclusion

The Pitfalls of a Culturalization of Citizenship

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Our world may be globalizing, yet it is equally marked by strong preoccupations with belonging. The upsurge of notions of autochthony (litt: born from the soil) in highly different parts of the globe is of particular interest in this respect since the term seems to express a kind of primordial belonging with equally radical forms of exclusion as its reverse. The emotional charge these notions recently acquired in different parts of the African continent – Ivory Coast, Cameroon, Congo, to mention the most blatant examples – will be well known. Yet, it is important to emphasize that the impact of this notion and the concomitant obsession with belonging as some sort of flip side of processes of globalisation are much wider than the African continent alone. Actually my interest in the theme was triggered by the surprising realization that, during the 1990's, similar discourses on belonging suddenly invaded everyday politics with highly charged slogans in regions as different as West Africa and Europe.¹ The surprise was all the greater because the core term of autochthon - with which I had become familiar in Ivorian and Cameroonian politics - became around the same time suddenly a heavily emotional term in Dutch and Flemish discussions on how to deal with immigrants. How could the same language acquire such great mobilizing appeal in completely different settings? And why did this happen in roughly the same moment of time? In her work on Southeast Asia, Tania Murray Li (2000) speaks of 'a deep conjuncture of belonging.' It seems safe to say that this is a global conjuncture – an omnipresent preoccupation with belonging that is quite striking in a world that thinks it is globalizing. But her approach suggests also – and this is why her term 'conjuncture of belonging' is so well-chosen – that in various regions highly different trends may contribute to this global obsession with belonging. All the more important to try and be specific about the contexts in which autochthony as some sort of primordial form of belonging emerges with such force.

1. See also my book *Perils of Belonging, Autochthony and Citizenship in Africa and Europe*, University of Chicago Press 2009.

In the context of our discussions it may be important to highlight the highly different implications of autochthony as a basic form of belonging for citizenship: depending on the context, autochthony can become a dangerous rival to national citizenship, drastically undermining earlier ideals of national unity and the equality of all national citizens. But it can also be seen as coinciding with national citizenship. In such cases, autochthony slogans demand a purification of citizenship and an exclusion of 'strangers', who ever these may be. Indeed, whatever the exact pattern in relation to nation and citizenship, autochthony always asks for exclusion. Yet, the exact definition of who belongs and who is to be excluded can change dramatically and abruptly.

Related to this, and this is the second aspect I want to focus on, is the curious paradox that emerges in all the different settings and moments of the notion's long genealogy, between, on the one hand, the basic security that autochthony discourse seems to promise - how can one belong more than if one is 'born from the soil'? - and, on the other, the haunting uncertainties this discourse evokes in everyday practice. Its apparent self-evidence - autochthony as an almost 'natural' given - seems to give this discourse great emotional appeal and therefore strong mobilizing impact in highly different circumstances. But there is a glaring contrast with its receding quality in practice. The 'true' autochthon tends to be constantly redefined at ever closer range. The search for an impossible purity in a world since long marked by migration and mixing triggers both constant concerns about one's own autochthony, and an equally constant obsession to unmask traitors hiding inside. Recent history is full of unhappy examples of the latter and the terrible violence such cleansing efforts may unleash.

It might, therefore, be worthwhile to follow this strange term and its basic paradoxes in different times and places. Indeed, while working on autochthony's history, the complex vicissitudes of the notion in time and space became ever more intriguing to me. As said, I started to work on this notion because I was struck by the coincidence that the same jargon quite abruptly became so politically charged in such different contexts as Cameroon and the Netherlands. However, following autochthony in time and space turned out to be quite an adventurous journey. I had certainly not expected that it would take me to such widely different places and moments - like some sort of magical bird, turning up in unexpected places. Leading thinkers have used it and still do so - be it in quite different ways. Levi-Strauss (1958:238) gave it a central place in his analysis of the Oedipus myth and its emphasis on the physical handicap of its main actor. Heidegger (1989 / 1934), proposed the heavy term of *Bodenständigkeit* as translation of autochthony, and used it to defend a more communitarian form of nationalism for Germany, as an antidote to the all too individualistic tenor of Anglo-Saxon and French versions of nationalism (unfortunately, but probably not accidentally, Heidegger developed these ideas in the days that he made overtures to the nazi's).² Derrida (1997 / 1994:95) on the contrary criticized autochthony as a mark of a too limited (even 'phallic') form of

2. See also Garbutt 2006, Fritsche 1999 and Bambach 2003.

democracy, which we urgently need to surpass for a more universalistic version of democracy.³ It is clear where all these important thinkers drew their inspiration from: classical Athens, the cradle of the very idea of autochthony

Classical Athens: The first fortress of autochthony

The idea of *autochthonia* played a central role in classical Athens. Apparently, the Athenian citizens of the 5th century BC – the city’s Golden Age, the time of Pericles, Euripides and Plato – were prone to boast of their ‘autochthony’ as proof that their city was exceptional among all the Greek *poleis*. All other cities had histories of having been founded by immigrants. Only the Athenians were truly *autochthonoi* – that is, born from the land where they lived. This was also the reason why Athenians would have a special propensity for *demokratia*. The classical texts – Euripides, Plato, Demosthenes – are surprisingly vivid on this aspect. To the present-day reader, it might come as a shock to read in the text of these venerated classics the same language of autochthony that is now so brutally propagated by Europe’s prophets of the New Right. And, indeed, this correspondence did not go unnoticed by these prophets themselves, as may be clear from an incident in France.

The 2nd May of 1990, a Member of Parliament in the French *Assemblée nationale*, a certain Marie-France Stirbois, member for Le Pen’s *Front national* - still the most right wing party in France - surprised her colleagues by delivering a passionate speech about classical Athens and the way in which Euripides, Plato and even Socrates himself defended the case of autochthony. Apparently her colleague *députés* were somewhat surprised since until then Mme Stirbois’ interventions had not betrayed such an in-depth interest in the classics (or for that matter in any academic subject). Clearly another sympathiser of *Le Front national* – probably a professor at the Sorbonne – had written her speech for her. The incident had its pathetic overtones, but the good thing was that it inspired two leading French classicists – Nicole Loraux (a good friend of Derrida) and Marcel Detienne - to look into the issue of Athenian autochthony. Both authors show with impressive eloquence that it pays off to take the old authors seriously since these classical voices highlight already so sharply – maybe inadvertently - the tensions inherent to the autochthony notion as such.

At first sight the Athenian claim to autochthony seems to be as natural and as unequivocal as, for instance, the claims of the new President of Ivory Coast, Laurent Gbagbo, that one needs to distinguish *Ivoiriens ‘de souche’* (literally ‘from the trunk of the tree’) from later immigrants (Le Pen uses a similar jargon in France).⁴ However, Loraux and Detienne’s visionary analysis shows that it may, indeed, be

3. See also Chérif 2006.

4. Indeed, the Athenians went even further by declaring their autochthony to be absolutely unique among all the Greeks: their city was the only city where the citizens – at least the ‘real’ ones – were *autochthonoi*; therefore it could justly claim pre-eminence over all the Greeks, and certainly over the Barbarians.

worthwhile to have a closer look at Athenian language on autochthony. As said, this will require a detour in time, and the lively imaginary of Greek mythology may put to the test the reader's patience. Yet, such a return to the classical locus of the autochthony notion is rewarding since here the tensions and inconsistencies of this apparently unequivocal notion come to the fore in particularly striking ways - as may be clear from the following examples that testify to both the vigour and the complexities of autochthony in Athenian thinking.

In *Erechtheus*, one of Euripides' most popular tragedies,⁵ the playwright has Praxithea, king Erechtheus' wife, offer her own daughter for sacrifice, in order to save the city:

'I, then, shall give my daughter to be killed. I take many things into account, and first of all, that I could not find any city better than this. To begin with, we are an autochthonous people, not introduced from elsewhere; other communities, founded as it were through board-game moves, are imported, different ones from different places. Now someone who settles in one city from another is like a peg ill-fitted in a piece of wood - a citizen in name, but not in his actions.'

Heavy language under heavy circumstances. The play's story is that Athens is threatened with destruction by Eumolpus and his Thracians invading Attica. The Delphi oracle has prophesied that king Erechtheus can only save the city by sacrificing one of his own off-spring. He seems to hesitate but his wife gives him a lesson of what autochthony means in practice:

'This girl, not mine in fact except through birth, I shall give to be sacrificed in defence of our land. If the city is captured, what share in my children have I then? Shall not the whole then be saved, so far as is in my power.' (Collard, Cropp and Lee 1995: 159/60; cf. also Detienne 2003:36-39).

Euripides' tragedy was based on a myth, placed in some sort of mythical time (Erechtheus is supposed to have been mentioned already by Homer) but it was clearly very topical to Athens' situation of 422 BC when the play was first performed: the city was at the height of its naval power, but already locked in mortal combat with its arch rival Sparta. There was, indeed, some reason for celebrating Athenian uniqueness at the time. In other respects as well Praxithea's words must have seemed highly to the point for the audience. Her scorn of people 'who settle in one city from another' being like 'a peg ill-fitted in a piece of wood' no doubt had special meaning in 5th century Athens where the majority of the population were seen as foreign immigrants (*metoikoi*) - amongst whom quite a few were much richer than many a true citizen by descent.

With Plato, Athenian *autochthonia* seems to be equally self-evident. He makes

5. See Euripides / Collard, Cropp and Lee 1995; unfortunately only a few fragments of the text have been conserved.

Socrates – when instructing young Menexenes on how to deliver a funeral oration for fallen soldiers (a big occasion in 5th century Athens)⁶ – celebrate Athenian uniqueness in no uncertain terms:

‘... the forefathers of these men were not of immigrant stock, nor were these their sons declared by their origin to be strangers in the land sprung from immigrants, but natives sprung from the soil living and dwelling in their own true fatherland.’

As the next step in his didactic model for a funeral speech, Plato – still speaking through Socrates’ mouth – makes his famous (or notorious) equation of *autochthonia* and *demokratia*:

‘For whereas all other States are composed of a heterogeneous collection of all sorts of people, so that their polities also are heterogeneous, tyrannies as well as oligarchies, some of them regarding one another as slaves, others as masters; we and our people, on the contrary, being all born of one mother, claim to be neither the slaves of one another nor the masters; rather does our natural birth-equality drive us to seek lawfully legal equality.’ (Bury, Loeb Library, Menexenus 2005:343/7).

As in Africa, funerals and notably funeral orations must have been a high point in the expression of Athenian autochthony.⁷ In general, autochthony in Greece – again, as elsewhere - must have been linked to heavy ritual and symbols that verge on the burlesque.

In Euripides’ tragedy Erechtheus is punished for his dearly bought victory over the Thracians by Poseidon, who is still furious that the Athenians preferred the goddess Athena to him as the city’s protector. With his terrible trident Poseidon made a deep cleft right through the Akropolis (Athens’ main mountain) so that Erechtheus disappeared in the chasm to remain literally ‘locked in the earth’ – an appropriate position in view of his emphatic chthonic character, invariably repeated whenever he is mentioned.⁸ But finally Athena, the city’s chosen goddess appeared

6. Socrates pretends in his dialogue that he has been trained in how to deliver an *epitaphios* (funeral oration) by none other than Aspasia, Pericles’ famous spouse (or rather ‘partner’?). Some (Detienne 2003:21) emphasize the ironical elements in the Menexenes dialogue. However, it seems clear that once Socrates’ / Plato’s exemplary oration gets going irony gives way to patriotism (see also Bury 2005:330)

7. Cf. also Pericles’ famous *epitaphios* for the Athenians fallen in the first years of the long war against Sparta, and Demosthenes funeral addresses from a later period (second half of the 4th century) when Athens was threatened again, this time by the Macedonians (Philippos, father of Alexander – Loraux 1996:44). There are, of course, striking parallels here with very different times and situations. Cf. Maurice Barrès, champion of French nationalism in the 1880’s and his famous dictum that the main things needed for creating a *conscience nationale* were ‘a graveyard and the teaching of history’ (Barrès 1925, vol. I: 25 – cf. also Detienne 2003: 131). See also below and Geschiere 2005 on funerals and belonging in neo-liberal Africa.

8. Detienne (2003: 42) translates a variant of the king’s name, Erichthonios, as the *Très-Terrien*.

to save the situation. She ordained the consecration, in honour of the king-locked-in-the-earth, of a small temple, the Erechteion, to be situated on the Akropolis, as the focal point for celebrating Athenian autochthony.

Indeed, burlesque as some of the founding myths of this Athenian particularity may seem now, it is clear that, at the time, this heavy symbolism had a powerful appeal. In Athens, the reference to the soil in autochthony discourse was affirmed by a king-locked-in-the-earth and the rhetorics of the funeral orations in particularly graphic ways. All this confirmed also an idea of Athenian autochthony as a long-standing trait of this particular city - didn't Homer mention already Erechtheus as an arch-cthonian? Indeed, this pride in Athens' autochthony as an old tradition was so convincing that it was later also accepted by many modern classicists (cf. Rosivach 1987:294).

Yet, recently, several historians have raised doubts about this shiny image of classical Athenian autochthony – problems that must have worried contemporaries as well. There is a clear tension with the study of history as it was practiced already at the time. Striking is that the two most prominent historians of those days do not make special mention of Athens being particular in this respect. Herodotus mentioned a wide array of autochthonous groupings – some more autochthonous than others – but he did not mention this trait in relation to Athens (Detienne 2003:49). And Thucydides seemed determined to avoid the very word of *autochthon*, probably because he distrusted its rhetorical use. Instead, he went to the opposite by explaining Athens' pre-eminence by its success in attracting immigrants (the *metoikoi* mentioned before) from all over Greece (Loraux 1996: 94). Indeed, the upsurge of autochthony in Athens in the fifth century seems to be intrinsically related to this influx of immigrants, who especially in the Piraeus, the harbour area, were rapidly become the majority of the population. As so often in its subsequent avatars, Athenian autochthony expressed a determined effort by the city's citizens to exclude newcomers (some of whom were rapidly becoming richer than earlier inhabitants) from citizenship.

Another classical historian of our times, Vincent Rosivach (1987), even shows that the very term *autochthon* must have been of a much later coinage - probably only of the 5th century when Athens was emerging as the major power among the Greek cities. He proposes to distinguish an 'indigenous' and a 'chthonic' use of the term. It is certainly true that already Homer mentions, for instance Erechtheus from Attica as a chthonic figure. But in Rosivach's view this is rather in a different sense, as some sort of primal, serpent-like figure (a monster?) closely tied to the earth. It is only during Athens' upsurge that this Erechtheus was linked to the Athenians' search for proving their exceptional indigeneity, giving the chthonic component in *autochthon* a quite different implication. Rosivach's conclusions may be quite hypothetical.⁹ Yet his insistence on the reverse side of attributing a

9. It is indeed clear that the veneration of Erechtheus, the arch-father of Athenian autochthony – the king, mentioned before, who was so graphically locked inside the earth itself by Poseidon's revenge - can not be that old. Archaeologists maintain now that the Erechteion, his temple where Athenian autochthony was sanctified, was built between 430 and 422 – that is at the very same

chthonic origin – it can also imply primitivizing a being or a group as some sort of primal phenomenon – is very relevant for other situations as well. In Africa, as elsewhere, this double meaning was to come up time and again: the autochthon as prestigious first-comer, but also as primitive or even pre-human.

In the same line as Rosivach, Marcel Detienne (2003) emphasizes that in general Greek claims to autochthony must have been somewhat a-historical since they denied per definition the great era of Greek colonisation of the 7th and 6th century BC, when new *poleis* were founded all over the Eastern Mediterranean in an adventurous expansion process. Even Athens was very much a city in formation up to the 5th century. It is, indeed, striking, that the laws on citizenship promulgated in 509 by Cleisthenes, Athens' great legislator during the city's ascension, were much more open and inclusive than Pericles' law of 451 BC, during the city's heyday. Although Pericles' law came only a little over 50 years later, it brought incisive changes, reserving Athenian citizenship only for those who could claim that both parents were Athenian (Detienne 2003:53).¹⁰

Nicole Loraux (1996) problematizes Athenian autochthony – and hence autochthony in general - at an even deeper level. For her, the insistence on having remained on the same spot is a basic denial of history, which always implies movement. It is a kind of negative history which always needs an Other – movement in whatever form – in order to define itself (see notably p. 82 and 99). At a very practical level, this implied for Athenians a guilty denial of memories of earlier migrations – especially for the city's aristocratic families who used to be proud of their founding histories, often referring to their provenance from elsewhere, as some sort of mythical charter. Loraux signals that in other classic texts on autochthony as well history and movement are a kind of hidden subtext undermining autochthony's rigid memory.

A blatant expression of this is, for instance, to be found in one of Euripides' most famous tragedies, *Ion* - probably the most outspoken celebration of autochthony he left us. For modern readers (and viewers) the force of the play mostly lays in Euripides' beautiful verses in which he allows the actors to express their rage – contained by deep respect – against the Gods and the careless way they handle mortals. But another possible reading of the text, one that takes into account Athe-

time that Euripides wrote his *Erechtheus* play in which Athena ordered the Athenians to build this temple (Collard, Cropp & Lee 1995:193; Detienne 2003: 44). A similar tension between founding and belonging haunts also Plato's *Republic*. The founder of his model city – who necessarily must have come from elsewhere to found his 'new' city - has to acquire a certain aura of autochthony in order to create a myth of belonging: Plato describes this as 'a beautiful lie,' that will serve as basis for the civic instruction of its newly settled citizens (Rosivach 1987:303; cf. Loraux 1996: 176 and Detienne 2003:56).

10. Again the parallels with present-day struggles are striking. Cf. Le Pen's half-hearted attempts to fix the notion of *Français de souche* as reserved to those who have four grand-parents born in France – a proposition he rapidly had to give up since many of his followers would not meet this criterion; or the fierce debates in Ivory Coast, directly related to the contested position of Alassane Ouattara (the leading politician from the North), over 'and' versus 'or' – that is, whether father *and* mother had to be Ivorian in order to grant Ivorian citizenship to their off-spring; or would father *or* mother suffice for this?

nians' preoccupation with autochthony, suggests that this latter theme must have been at least as important. Confer Ion's statement when his new 'father' (who later turns out not to be his real father) tries to take him to Athens, while Ion still believes he himself is a stranger to the city: ¹¹

'They say that the famous Athenians, born from the soil, are no immigrant race. I would be suffering from two disabilities if I were cast there, both the foreignness of my father and my own bastardy....For if a foreigner, even though nominally a citizen, comes into that pure-bred city, his tongue is enslaved and he has no freedom of speech' (Kovacz, Loeb Library, 1999: 397 and 403).

This is vintage autochthony thinking! However, in the unfolding of the tragedy this theme leads to so much complications that the tragedy can also be read as some sort of carnival of autochthony: Ion has to be crowned in the end as Athens' truly autochthonous king, even though he is Apollon's son and adopted by a father who himself is a stranger (the latter is even led to believe that he is Ion's 'real' father) and so forth, and so forth. As Detienne puts it so graphically '... nothing is impossible in autochthony....' (2003:59).

There is a clear reflection here of the deep unrest in autochthony thinking, which Loraux brings out so well by insisting on the sheer impossibility to exclude history. Persons are not what they seem to be. If a foreigner – like Ion - can turn out to be an autochthon, the reverse can be true also. Indeed, the obsession with having traitors 'inside' and the urgent need to unmask them – which comes up so strongly from recent developments in Ivory Coast, Cameroon, Rwanda and many other hotspots of autochthony – was very present in classical Athens as well. If a citizen was slandered by someone who put into doubt his citizenship, he could summon the slanderer before a city tribunal. However this implied a huge risk: if the slanderer would be put in the right, his target would not only lose his citizenship but also his liberty; he could be sold as a slave (Loraux 1996:195).

The above may indicate why the present-day New Right in Europe is tempted to quote the celebration of autochthony in classical Athens as a precedent to be respected. However, both Loraux and Detienne convincingly show that on closer reading these texts rather highlight the basic impossibilities of autochthony thinking: its tortuous struggles to come to terms with history which constantly undermines the apparent self-evidence of chthonic belonging; and even more the great uncertainty it creates about 'authentic' and 'fake' autochthony, and hence an obsession with purification and the unmasking of traitors-in-our-midst.¹² Such un-

11. Later, this same Ion is to learn that his 'real' mother is the sole inheritor of the city's autochthonous royal line – Greek stories seem to love playing havoc with lines of descent.....!

12. Marcel Detienne focuses in his last chapter also on present-day historians and their ongoing contribution to the reproduction of autochthony thinking. His main example – and indeed a quite shocking one – is Fernand Braudel and one of the latter's more recent books *L'Identité de la France* (1986, Paris: Flammarion). Braudel made his name with *La Méditerranée* (1949), precisely because this book showed in a challenging way how to write a history that surpassed the limits of the nation-

certainties make the notion, despite its apparent self-evidence, a fickle base for the definition of citizenship – a problem that is unfortunately all too relevant for autochthony's present-day trajectories

Autochthony now: Globalization and the neo-liberal turn

Clearly then, autochthony has a long history. The discourse of its present-day protagonists is certainly not new, it rather brings a reshuffling of elements from former days. Yet, it is clear as well that recently - especially since the late 1980's - it experienced a powerful renaissance. The question is why it became such a tempting discourse at the present moment in time in many parts of the globe.

Tania Murray Li's notion of a 'deep conjuncture of belonging' points at various aspects of what has come to be called 'globalization' as important factor. Especially the rapidly increasing mobility of people, not only on a national but also on a transnational scale set the wider context for people's preoccupation with belonging.¹³ But Li's approach allows to outline also more specific factors, be it that these are quite different for various regions. For the areas she studies in South East Asia, Li emphasizes global concerns over the loss of biodiversity, 'indigenous people' and 'disappearing cultures' as crucial factors in this upsurge of concerns over belonging. For Africa, determining factors might rather be the twin processes of democratisation and decentralisation - both closely related to the new emphasis since the end of the 1980's on the need to 'by-pass' the state in the policies of the global development establishment.

Throughout the continent the new wave of democratisation of the early 1990's seemed to bring initially a promising turn towards political liberalization. Yet in many countries it inspired in practice and quite unexpectedly especially determined attempts towards closure in order to exclude fellow-countrymen from their full rights as national citizens - or at least to differentiate between citizens who 'belong' and others who do less so. As always Ivory Coast offers particularly tragic examples of this - for instance, the *Opération nationale d'identification* which was announced in 2002 with some fanfare by the country's new President Laurent Gbagbo, con-

state and nationalist thinking. So it is, indeed, a bit disconcerting that the same Braudel starts this later book by emphasizing that, after all, a historian is really at home with the history of his own country – a familiarity that brings Braudel to project *notre hexagone* (the favourite national metaphor to indicate France and its territory) back into pre-historical times, and to link the palaeolithic drawings of Lascaux to French identity. Detienne (2003:142) cites all this as an illustration of the 'extraordinary weight of nationalist thinking' that in the end could even constrain the view of an historian with such a broad vision as Braudel.

13. Historians (cf., for instance, J. and L. Lucassen 1997) may emphasize that, demographically, migration in many parts of the world was more important in earlier centuries. Yet it is clear that the facilitating of mobility by new technology conjures up a vision of a rapid increase of migration, and it is precisely this vision that plays such a central role in much autochthony discourse. Cf. also Appadurai's powerful definition (1996) of globalisation as increased mobility of 'goods, people and ideas'; for him, ideas are at least as important as the other two in this triplet.

firmed champion of autochthony. The idea was that everybody had to go home – that is to one’s village of origin - in order to claim national citizenship. All persons who could not identify a specific village within the country as their place of origin would automatically lose their citizenship.¹⁴ In Eastern Congo, the enigmatic *Banyamulenge* - opponents rather call them *Banyarwanda* (Rwanda people) - became similarly the object of fierce struggles over belonging and autochthony, fanned by Mobutu’s machiavellistic manipulations in offering them full citizenship and withdrawing it at will. In Anglophone Africa as well, belonging became a crucial issue in the new style of politics. In Zambia, former national President Kenneth Kaunda could be excluded from the political competition by the simple claim that he ‘really’ descended from strangers. In a completely different context, the new ANC democracy in South Africa became marked by furious popular reactions for excluding all *Makwere-kwere* – ‘these’ Africans from across the Limpopo.

At least as important as democratization was the drastic shift, already mentioned, in the policies of global development agencies like the World Bank, the IMF and other major donors: from an explicitly statist view to an equally blunt distrust of the state. While up to the early 1980’s it seemed self-evident that development had to be realized through the state, and that therefore strengthening the state and nation-building by the new state elites were the first priorities, the state was subsequently seen no longer as a pillar but rather as a major barrier to development in the Bank’s official view.¹⁵ Especially after the Bank’s 1989 report on Africa – not by accident at the very moment that the Cold War was clearly over - ‘by-passing the state’, strengthening ‘civil society’ and NGO’s, and notably ‘decentralization’ became the buzz words. But just as democratization turned out to create unexpected scope for autochthony movements, the new decentralization policy and the support to NGO’s, often quite localist in character, similarly turned questions of belonging and exclusion into burning issues. In Cameroon, for instance, the new forest law, heavily supported by the World Bank and World Wildlife Fund, helped to make autochthony – that is, the question as to who could be excluded from the development projects-new-style, as ‘not really’ belonging – a hot item, even in areas that are so thinly populated that there seem to be no demographic pressure at all on the soil and other resources.

Important in all this is that such developments can not be dismissed as just political games - manoeuvres imposed from above by shrewd politicians or well-meaning ‘developers.’ Political manipulations and external interventions by development agencies certainly play a role in most of these cases, but they can only work because the very idea of local belonging strikes such a deep emotional chord with the population in general. Indeed, the force of the emotions unleashed by a politi-

14. See Marshall 2006; see also Banégas 2007, Banégas and Marshall 2003 and Yéré 2006. Until now, this idea has only been applied in mitigated forms, but it is still around in governments circles.

15. An overview of speeches by World Bank directors and other representatives from 1972 to 1989 (see Geschiere 2008) shows indeed how deep a shift took place in the 1980s.

cal appeal to autochthony is often such that it threatens to sweep the very politicians who launched it right from their feet. This is, for instance, vividly illustrated by the increasing importance, throughout the continent, of the funeral 'at home' (that is, in the village of origin) which is turned into a true festival of belonging – often to the clear discomfort of urban elites who dread such occasions when the villagers can get even with 'their brothers' in the cities. Marked by a proliferation of all sorts of 'neo-traditional' rites that often involve great expenditure, these occasions show how deeply this obsession with belonging is rooted in society, but also what a complex balancing act between returning and maintaining distance this requires from urban elites. Indeed, for many regions, there is a direct link between democratization and the increasing exuberance of the funeral 'at home', a clear sign how important local belonging has become. All this not despite, but rather because of 'liberalization.' A major challenge in studying autochthony and the politics of belonging is therefore how to relate shrewd political manipulation, on the one hand, and deep emotional involvement, on the other, since the combination of both seems to be at the heart of the conundrum of belonging and exclusion that is becoming so central in our supposedly globalizing world.

Elsewhere, it were again other factors that had similar effects - as is clear from my surprise at recognizing the same language I heard in Cameroon coming from my radio at home in the Netherlands. One of the interesting aspects of the term 'autochthony' is that it bridges so easily the gap between 'South' and 'North.'¹⁶ Apparently its language works as well in Flanders or Holland as in Cameroon or Ivory Coast. But the background here is rather increasing fear of transnational immigrants – 'guest labourers' who are not planning to go back home again.

In the late 1980's, I became familiar with the term in Dutch language mainly from our southern neighbours in Flanders. But in subsequent years, it conquered with surprising rapidity the Netherlands as well. The shocking murder in 2002 of Holland's most successful populist politician ever, Pim Fortuyn, made his heritage all the more powerful. Since his meteoric career, Dutch politicians have realized that electoral success depends on taking 'autochthony' seriously. Since then the defence of the 'autochthonous cultural heritage' – which for the Dutch, always proud of not being *that* nationalistic, proved to be quite hard to define - has become a dominant theme, together with the idea that more pressure is needed to make immigrants 'integrate' into this elusive culture. The term autochthony is now less current in France and almost absent in Germany or the U.K., even though similar concerns about belonging are high on the political agenda there as well. Yet elsewhere it crops up in unexpected places. In Italy, Umberto Bossi has recently adopted it for his *Lega Norte*; and as said it emerges strongly in the Pacific and in Quebec, be it in a different sense.

16. In this respect there is again an interesting difference with the related notion of 'indigenous': the latter seems to retain its exoticizing tenor (it mostly refers to 'others' - i.e. people with a non-Western background). Autochthons are not necessarily the others; indeed, the term can be adopted by majority populations also in the West (see also p. 6 above).

A brief illustration can show how great the confusion can become when autochthony, with its different meanings, crosses the diving lines between continents. In 2006, I attended, together with several Africanists, a large-scale conference around the theme of autochthony at the *Ecole des Hautes Etudes en Sciences Sociales*, Paris' leading institute for social sciences. The conference was organized in close collaboration by colleagues from Quebec and France. For the *Québécois* and their French counterparts the meaning of the term autochthony was clear. In the 1980's they had decided that this was to be used as translation for the budding Anglophone notion of 'indigenous', clearly because since the colonial period the more direct French translation, *indigène*, has such a pejorative charge that it had to be avoided at all costs.¹⁷ In the Quebec version of the term, *les autochtones* are 'indigenous people' - that is, people in a minority position and threatened in their way of life by dominant groups. In this view, Quebec's Native Americans are the prototype of *peuples autochtones*. At the conference, however, our Quebec colleagues discovered to their dismay that in other continents the term had acquired quite different meanings. It was difficult to accept for them that, for instance, in Cameroon and elsewhere in Africa the term 'autochthonous' does not primarily refer to groups like the 'Pygmies' or endangered pastoralists, but is commonly claimed by well-established groups, who are in control of the state and try to use this against immigrants who are still seen as foreigners. Even more surprising seemed to be the fact that, for instance, in Flanders and the Netherlands, the majority of the population is happy to be labelled 'autochthons.' As one participant from Quebec put it most eloquently:

'If the Dutch are so foolish as to label themselves "autochthons", it is their affair. But the United Nations Working Group on Indigenous Populations have already decided that *autochtone* is the French translation of "indigenous." And I think we should stick to this.'

It was of little use to question the UN's mandate to decide on the meaning of a term that clearly had very different histories in different parts of the globe. And the suggestion that the *Québécois* might be tempted to use the term for themselves in their relation to Anglophone 'latecomers' seemed to be even more hilarious to a large part of the audience. Apparently in Canada, the *autochtone* has to be the Other, with his own, endangered culture.

A neo-liberal moment? Betting on both the market and 'traditional' forms of belonging

It is tempting to see the recent upsurge of 'autochthony' or related notions of belonging in very different places of the globe as an unexpected outcome of the neo-

17. Particularly galling is the memory of the French institution of the *Indigénat* – the lower juridical status of the *indigènes* (in sharp contrast to the *citoyens*) which, until 1944, gave the harsher forms of French colonial rule (coercive labour, corporal punishment) a formal basis. Cf. also the challenge implied by the quite brutal name – at least in French – of the recent film *Indigènes* on the generally neglected role of African soldiers in the French army in the Second World War.

liberal tide that swept our globalizing world with so much force after the end of the Cold War. And, indeed, democratisation and decentralization, the dominant trends in the African continent since 1990, fitted in very well with the so-called 'Washington Consensus,' tersely summarized by Jim Ferguson (2006:39) as pretending to bring 'less state interference and inefficiency' – and, one could add, more leeway for the market.¹⁸ Yet, the explanatory value of invoking neo-liberalism as a final cause may lately have become somewhat overstretched.¹⁹ In recent seminars and conferences, many colleagues have warned that this notion – just like globalization – is rapidly becoming some sort of panacea that seems to apply to a discouraging wide range of phenomena. So it might be necessary to try and be a bit more specific. A *Leitmotiv* in the examples above might be the surprising penchant of many advocates of neo-liberal reform for 'tradition' and belonging. There is of course an interesting paradox here: how can one combine a fixed belief in the market as the solution to all problems with far-reaching trust in 'the' community or 'customary chiefs' as stable footholds?²⁰ For Africa, this penchant for 'community,' tradition and 'chiefs' seems to be a logical consequence of the belief in decentralization as a panacea. If one wants to 'by-pass' the state and reach out to 'civil society', local forms of organization and 'traditional' authorities seem to be obvious points of orientation. Unfortunately, this new approach to development tends to ignore that most 'traditional' communities are the product of incisive colonial and post-colonial interventions. Even more seriously is the supreme indifference to the fact that focussing on such partners inevitably raises ardent issues of belonging: chiefs relate only to their own subjects and tend to discriminate against immigrants (who were often earlier on encouraged to migrate by colonial development projects). Local communities have now a tendency to close themselves and apply severe forms of exclusion of people who were earlier on considered as fellows.

For different reasons, the same paradox emerges with the protagonists of the New Right in Europe (and elsewhere). Striking is, for instance, that while liberalism in this continent used to be equated with various forms of anticlericalism (or in any case with the insistence on a strict separation of religion and state), neo-

18. The term 'Washington Consensus' was coined by economist John Williamson in 1989, in order to summarize basic – and supposedly novel - principles behind IMF and World Bank policies at the time. Apparently he bitterly deplored having launched this term subsequently (see Wikipedia article on 'Washington Consensus')

19. I thank Daniel J. Smith for his critical comments on this point.

20. Striking illustrations of this penchant are described in the recent thesis by Juan Obarrio (2006) on Mozambique which in many respects offers a fascinating view of what the author terms the 'Structural Adjustment State.' Obarrio describes, for instance, that a senior American UNDP official assured him that '... communities know how they are and know also their boundaries perfectly well' – this, in order to counter warnings by some observers that 'the' community on which his organization wants to base its new projects might in practice be highly elusive and volatile. Similarly a British USAID consultant insisted that '... communities 'will be like corporations, unified single legal subjects under the new land law...' (Obarrio 2007). Cf. also the recent volume by Lars Buur and Maria Kyed (2007) who similarly note the unexpected comeback of traditional chiefs in a neo-liberal context.

liberal spokesmen now often plea for a resurrection of ‘Judaeo-Christian values’ as an anchor for society. More important is that they manage to combine the good old liberal principle of reducing the interference of the state as much as possible, with a vocal appeal to the same state to exercise almost total control over society (mostly against suspect immigrants) – thus strengthening the presence of the state in everyday life instead of promoting a withdrawal (see Geschiere 2009, ch.5). Neo-liberalism as such may be a fuzzy phenomenon, but on the ground this surprising combination of market and tradition has very concrete effects.

The above may help to relativize the apparent naturalness of autochthony claims. In the different contexts discussed above – classical Athens, as much as in the different manifestations of the neo-liberal moment of our days - autochthony may present itself as self-evident, but in practice it turns out to be always contested and full of uncertainty. One sad example from a recent article on Ivory Coast (Chauveau and Bobo 2003) remains for me one of the most striking illustrations of the dangerous ambiguities hidden in this now so current notion. The article is based on courageous field-work on a violent topic: the *barrages* that after 2000 were everywhere erected in the countryside of southern Ivory Coast by Gbagbo’s *Jeunes Patriotes*. Soon the *barrages* and their revenues – mostly ‘fines’ extorted by violent threats from ‘strangers’- became a way of life or these youngsters, mostly *rurbains* (disappointed urbanites, forced by the ongoing crisis to return to ‘their’ village). Striking is that they tended to posit themselves as the guardians of autochthony and tradition, often in direct confrontation with their elders whom they reproached to have squandered their ancestral lands to strangers so that there is no more left for them.²¹ Some elders still seemed to have preferred to lease the land to strangers who at least pay some rent. Yet, many youngsters succeeded in reclaiming ‘their’ lands, often with violent means. But then these *rurbains* became quickly disappointed with the rural way of life, and several of them tried already to sell their new farms in order to get money for a ticket to Europe (or beyond). In this one example all the tragic contradictions of the notion of autochthony seem to be condensed – most importantly its basic insecurity, hidden under an appearance of self-evidence, which so easily can lead to violence.

What are the implications of this broad overview for present-day debates in the Netherlands on citizenship and exclusion – on strangeness and familiarity? The main one might be that culture and history offer quite slippery footholds for defining citizenship and identity. This is not unimportant because, ever since 2000, precisely culture and history keep being invoked as beacons by the protagonists of a more forceful cultural integration of immigrants. The very idea of cultural integration seems to require a closer definition of what immigrants have to integrate into. Hence, notions like Dutch identity or Dutch culture re-emerged quite abruptly as central to the immigration debate. The very idea of a canon of Dutch history

21. See also Fisiy 1999 for an early analysis of the tensions over land in Ivory Coast between elders and youngsters.

was similarly inspired by the hope that it would provide a beacon for the *inburgering* of immigrants.

It is striking that in these debates the main protagonists of enforced cultural integration used 'culture' and 'history' as self-evident notions, ignoring recent discussions on both notions among respectively anthropologists and historians (see further Geschiere 2009b). For 'culture' there were only some references to the age-old debate on cultural relativism among anthropologists in the 1950's. Yet, the much more relevant debate since the 1980's on the dangers of essentialist notions of culture was ignored. Anthropologists like James Clifford or Arjan Appadurai strongly warned for the dangers of older notions of culture as a-historical and ignoring human creativity. For them, the notion of culture can only be maintained if it is seen as a constantly emergent, marked by continuous borrowing, hybridization and dynamics.

Equally striking was the complete ignoring of the debate on *mémoire* and *histoire* among historians – that is, on the tension between, on the one hand, the fixing of historical data to create a kind of canonized memory, or as objects of historical research that will always highlight ambiguities and uncertainties, on the other. The exercise with the canon of Dutch history (2006) might be summarized as hampered by a basic misunderstanding. In her installation letter for the canon committee Minister van der Hoeven (at the time Education, Culture and Science) asked explicitly for a product that would promote integration and *burgerschapsvorming* – that is, for fixed *mémoire*.²² However, she gave the task to a committee of professional historians / academics. So what she got was *histoire*: a set of 'windows' that open to other 'windows' and thus allow for all sorts of identities. No wonder many people were disappointed with the result.

Yet, precisely the open character of the Dutch canon points the way for the solution of the whole conundrum of immigration (of course, an inevitable by-product of globalization) and integration. In his seminal explorations on how cosmopolitanism and identity can be combined the Ghanaian-British philosopher Kwame Anthony Appiah, now in the US, emphasizes the importance of 'common stories' (just as Paul Scheffer does at the end of his 2007 book). However, Appiah adds that stories of identity risk only deepening the gaps between different groups in society unless they assume the character of 'conversations' that respect difference:

What makes such conversations possible is always shared 'culture,' not even, as the older humanists imagined, universal principles ... it is the capacity to conjure a world (Appiah 2005:245, 258).

Culture can be a useful notion in debates on how to live with immigration, but only if it includes difference rather than excluding it.

The recent upsurge of autochthony as a central notion in public debate in highly different parts of the world, and the constant struggle to mask the deep in-

22. Canon van Nederland (2006:96)

securities that haunt this notion (and similar ones of apparently unproblematic belonging) show how important it is to return to the tension between the self and the stranger *inside* that was so strongly developed in Lolle Nauta's work.

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How (never) to become Dutch

Testing the civic integration test

Comments on Geschiere

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Since the early nineties the language of Dutch researchers and policymakers has been 'enriched' by a new conceptual pair, the terms *allochtoon* and *autochtoon*. The term *allochtoon* for immigrants was used for the first time in 1971, in a volume edited by the sociologist Hilda Verwey-Jonker to capture a heterogeneous bunch of residents, according to the elaborate subtitle: "repatriates (so-called, from Indonesia), Ambonese, Surinamese, Antillians, foreign laborers, Chinese, refugees, and foreign students."¹ At that time the Netherlands considered itself as a seriously overpopulated country. Until far into the 1960s government had been propagating emigration rather than immigration. In his book *Perils of Belonging*² Peter Geschiere relates how one of the contributors to the book and now Nestor of Dutch migrant studies, Hans van Amersfoort, had come up with the term *allochtoon*, a term he was acquainted with from physical geography, where it was used to speak of allochthonous sediments. Verwey-Jonker was very happy with this alternative, because it carried no political connotations whatsoever. But apart from a few academic researchers, the terminology did not really catch on. Van Amersfoort himself for instance, spoke of immigrants. It was only when the WRR (the Scientific Council for Governmental Policy) in a report published in 1989 replaced the term ethnic minorities with *allochtonen* that the word gradually became adopted, first by researchers and policymakers, then by the media and subsequently the public at large.

It is worthwhile to go back to the text of the 1989 WRR report and reconstruct the Council's initial motives for introducing this terminology. Why depart from speaking about *ethnic minorities*? Because, the Council explained, this term did not capture groups whose culture is from strange origins ('van vreemde origine') but who do not occupy the lower ranks of the social ladder. In other words: it did not capture groups who were ethnically different from the indigenous Dutch yet not in a minority position. Why not *immigrants*? Because it suggests permanent residence which need not always be the case (here we see the WRR also still struggling with the Netherlands being an immigration country, which elsewhere the Council acknowledges), and (more to the point) because it does not capture the position of the children of immigrants who often face the same kind of obstacles as their parents.

1. Verwey-Jonker 1971.

2. Geschiere 2009: 148-149.

The definition of *allochtonen* proposed by the Council encapsulated *all* immigrants (foreigners, former foreigners who naturalized into Dutchmen and all Dutchmen from overseas territories) and added to that members of the second and third generation *in so far as* they still to some extent wished to identify themselves with the origins of their (grand)parents. By doing this, the Council explicitly acknowledged the phenomenon of double loyalty of many migrants and their offspring with both the country of arrival and the country of origin. The Council conceded that this definition, because of its mixture of objective and subjective elements, had its drawbacks. But the advantage was that it gave second and even third generation immigrants the opportunity to indicate for themselves whether they wanted to be registered as *allochtoon* or not.³ In other words: in this initial proposal children of immigrants were given room to identify themselves, and hence be registered by official statistics as autochthonous.

Alas, this was apparently too complicated a proposal for researchers of institutions like the CBS of SCP to handle, and the definition was quickly objectified such that all second generation offspring of at least one allochthone parent became registered as allochthone too. Moreover, by subsequently introducing a distinction between western and non western *allochtonen*, where the decisive criterion for a non western group is not its geographical origin but its 'socio-economic and socio-cultural position', the notion of ethnic minorities got in by the backdoor again.

Obsessions

I agree with Peter Geschiere that it is instructive to trace the stories of origin of the terminology of allochthone and autochthonous in West-African and Dutch-Flamish discourse. However, such a comparative undertaking does not so much show that we here observe the same discourse being used be it that the backgrounds are different, as Geschiere claims, but that, although the same words are used, the discourses are quite different. While in the French speaking African countries, it was *autochthony* that was of the first concern, in Dutch the usage started with *allochtoon*. Obviously, if you introduce one part of a pair, the opposite other comes with it for free. But the sequence matters in that, so I would argue, it has lead to quite different obsessions. While, as Geschiere convincingly shows, in the West African discourse there is an obsession with autochthony, and 'allochthones' becomes the rest category, in the Netherlands we have become obsessed with allochthones, and 'autochthonous' is the rest category.⁴

In the West African discourse everyone who does not fully fit in, who is not purely autochthonous, falls outside this privileged category and is hence relegated to

3. WRR 1989: 62.

4. A simple wordcount in the WRR report of 1989 for instance shows that the word *autochtoon* is used 110 times, the word *allochtoon* 360 times. In the database Lexis Nexis, which contains articles of all Dutch newspapers, the word *autochtoon* had nearly 1500 hits in the last two years, while *allochtoon* was used at least twice as much (more than 3000).

the rest category of second class allochthone citizens. With this come deep anxieties and uncertainties about who may count as autochthonous, as well as anxieties about traitors 'from the inside'. In the Dutch discourse on the other hand everyone who is not allochthone counts as autochthonous. With this come uncertainties and ambiguities about who counts as allochthone: by official definition, for instance, all immigrants and all Dutch residents with at least one parent who was born abroad are allochthone, but in the common usage the term may refer to everyone who is not white (very broad sense), or only to people with a Muslim background (very narrow sense). In any case: the anxiety is not about traitors from the inside. More so, it is not even directed at everyone who is not purely autochthonous, witness the unproblematic position of for instance western immigrants, Dutch Surinamese or Dutch Chinese. The anxiety and distrust are currently directed at one very particular group of (non western) allochthones, i.e. Muslims. Muslims (and all residents with a Turkish, Amazigh or Arabic background are perceived as Muslims) are perceived as potential members of a fifth column, as enemies of the liberal democratic constitution and of liberal values such as freedom of religion, freedom of speech and sexual equality. Their presumed double, or straightforward *disloyalty* is not ascribed to their originating from alien soil, but to their religious and cultural background.

However, although it is entirely true that allochthones can never, by sheer definition, become autochthonous, it is not precluded that not only in the juridical, but also in the cultural and emotional sense they can become 'Dutch'. And here of course the pitfalls of the culturalization of citizenship that Geschiere worries about, abound. For currently it is not merely assumed that immigrants can become Dutch, but that should become Dutch.

Some examples of the Dutch integration exam aptly illustrate, or so I would want to argue, how immigrants in the Netherlands are thus confronted with an ambiguous if not paradoxical message: you can and should become exactly like us, but don't you ever forget: you will never be truly like us.

Testing the integration test

You are sitting in an outdoor cafe with a colleague, at a table further on you see two men caressing and kissing each other. You are disturbed by it. What do you do?

1. *You remain seated and pretend you don't mind*
2. *You tell the men that their behavior disturbs you and ask them to stop.*
3. *You and your colleague leave and go to another outdoor cafe.*

Since 2007, non EU immigrants who have lived in the Netherlands less than eight years before their 16th birthday, and who are between 16 and 65 old, have to pass a civic integration exam (*inburgeringsexamen*) before they are granted the official right to live and work in the Netherlands or can ask for naturalization. The exam tests immigrants for their language and social skills, for their knowledge of practical issues, of Dutch laws and regulations, and it assesses whether candidates are

sufficiently acquainted with the rules of everyday interaction, with “how things go in the Netherlands.” The above multiple choice question is an example of this last part of the civic integration exam.⁵

Of the three alternative answers, the first counts as the right one because, as the explanation goes: “In the Netherlands, coming out with homosexuality is not forbidden. Hence, the two men are allowed to kiss each other in public. You may not agree with that, but you are not allowed to express yourself about it in a discriminatory way. In other words: a negative response is not the way to do react.”

The idea that it is possible to test the extent to which people are ‘integrated’ into society by means of a multiple choice exam, is built on the mistaken assumption that it is possible to identify one unambiguous (i.e. Dutch) code of conduct, one set of norms or rules shared by all citizens.

As Peter Geschiere also argues, this perspective denies the actual internal dynamics of everyday culture, and ignores the fact that the settlement of immigrants will inevitably have some effect on existing cultural codes and rules of everyday conduct. It also denies, I would add, the actual differentiation within the non-immigrant population in terms of class, religious, regional, (sub)cultural and linguistic differences.

Moreover, when we take a closer look at the set up of the part of the Dutch civic integration exam that tests people’s acquaintance with ‘the rules’, as it is phrased, it is ambiguous as to the *kind of rules* about which candidates should be knowledgeable.

Sometimes, the rules concerned are mere *regularities*: they explain the way in which Dutch people usually behave and expect others to behave. The moral standing of such rules is put between brackets: the candidate is merely tested about her knowledge of how ‘we’ *happen* to do things ‘over here’. Take the following question: “A colleague is getting married. She gives only a small party, you are not invited but you would like to do something. What do you do?” The decision to send her a postcard rather than give a present or an envelope with money, is judged to be the right choice because, it is explained, in cases where you are not invited this is ‘customary’ (*de gewoonte*).⁶

In other cases, it is suggested that the knowledge tested is not about habit, but about *moral rules*, about what in the Netherlands is regarded as civilized and/or morally appropriate conduct. Judging by the explanation of the correct response

5. This question is from a test example designed in 2005, meant to give indigenous Dutch citizens an idea of the kind of questions asked at such an exam (<http://www.teleac.nl/nationaleinburgeringtest> (retrieved January 10, 2006)). The real exams differ in so far as they use simpler language, the questions are introduced with a short video film and the requirements are less stringent. It appeared that many ‘autochthonous’ Dutch who did the test, failed miserably. See Kirk 2010 for an extensive and critical analysis of the assumptions behind and the implementation of Dutch civic integration policies.

6. This question is also part of the test example, see <http://www.teleac.nl/nationaleinburgeringtest>

to the case of the two men kissing ('you are not *allowed* to express yourself in a *discriminatory* way') this question belongs to this second category.

Finally, the exam also tests a candidate's knowledge of the law, i.e. her ability to interpret *juridical rules* and how they should be applied. In the presentation of the case of the two men kissing, the assumption is that the person addressed is disturbed by their behavior. This disturbance in itself is not condemned, on the contrary: it is presented as a conceivable option: "you may not agree with that." However, even if it troubles her, a fully integrated citizen will not show her disagreement, neither in words (asking the guys to stop) nor in deeds (going someplace else), because "in the Netherlands, coming out with homosexuality is not forbidden."

But this of course quite an awkward explanation. Obviously in any society there is a range of behaviors and activities that are not outlawed, yet can be experienced as anti-social, irritating, indecent or immoral. In such cases, people will feel inclined, justified, sometimes even obliged, to show their disagreement or displeasure. When I presented the case of the two men kissing to some of my white, quite liberal and progressive Dutch friends, they could very well imagine feeling irritated. Their irritation, they told me, would not be caused so much by the fact that it was two *guys* kissing, but by the ostentatious show of intimacy that would have bothered them too if it was performed by a heterosexual couple. One of my friends therefore chose answer number 2: she would tell the guys that they made her feel uncomfortable, and ask them to stop or at least restrain themselves a bit. Another friend went for answer number 3: he would leave and look for another place to enjoy his beer. Not only did my friends tell me that this was how they would *actually* respond, they also were quite capable of explaining *why* they thought their reaction was morally defensible and not discriminating of homosexuality at all. Evidently, my friends were not the only native Dutch who indicated that all three responses could be defended as customary and/or morally acceptable.

Making up the right wrong answers

Apparently, the testmakers received similar criticisms, because within a couple of months of its first issuing, the test exam offered a different set of alternatives:

1. *You quite loudly vent your opinion about homosexuality to your colleague*
2. *You remain seated and pretend you don't mind*
3. *You tell the men that they have to sit somewhere else*

This correction provides us with a nice illustration of the relational dimension in the Dutch (but of course in any) account of self.⁷ For in our clarifications of who we are, we may attempt to communicate a truth, but we also seek to persuade, influence, and act upon the other. In recent accounts of the Dutch self, such as the civic integration tests, this inscribed other clearly is the non-western Muslim immigrant.

7. Butler 2005.

While the 'correct' answers among the multiple choices offered are meant to give a truthful account of who the Dutch are, the 'wrong' answers can be read as reflections of how it is expected that the immigrants who are put to the test might be inclined to respond. In the case of the two guys kissing in public, we got a clue about how the designers of the test grappled with their task to make up with alternative answers that sufficiently discriminate between what the average Dutch would consider acceptable and unacceptable behavior, while at the same time not making the 'wrong' options so obviously (i.e. universally) wrong that immigrants could also pass the test without actually knowing much about Dutch society and culture.

This relational dimension in the account of the Dutch self as presented in the civic integration test is highlighted by two other cases presented in the test.

One case is about Zara. She works in a home for the elderly, and one of her colleagues wears a headscarf. One of their clients says to Zara: "How stupid that she wears a headscarf indoors, I never do that!" The candidate is asked what can Zara do best: 1. file a complaint against the old lady, 2. pretend she did not hear the remark, or 3. explain why her colleague is wearing a headscarf.

Another story is about Ali, who works in a factory. His colleague Hans makes nasty jokes about him. Ali does not like that at all, he thinks that Hans discriminates against him. Again, the question is what Ali can do best: 1. look for another job, 2. not speak to Hans anymore, or 3. have a talk with him.⁸

Both cases present an immigrant who is faced with judgemental or discriminatory remarks by a native Dutch. We may safely assume that in both cases the last response will be considered the appropriate one. In the 'wrong' answers we recognize the stereotypical images of Muslim immigrants as people who are (too) easily offended or frustrated, and who refuse to take responsibility but turn to the authorities to solve their problem. This overly emotional and passive attitude is contrasted with the purportedly typical Dutch response in such situations, which is to remain calm, be sensible and address the problem by talking with the person who caused it. The account of the Dutch self given here can be read as a defense against the implicit accusation of the Dutch being judgemental or discriminatory. The negative remarks made by the white Dutch client or colleague, it is suggested, are not meant to do harm, but merely derive from a lack of knowledge or of (inter-cultural) sensitivity. A straightforward talk will educate them, and the misunderstanding will be solved.

With the case of the gay guys, immigrants are tested for their willingness to tolerate overt homosexual behavior, with the stories about the old lady and the joker they are tested for their willingness to endure stupid questions and discriminatory

8. See *Oefenexamen inburgering, Kennis Nederlandse Samenleving* at <http://www.inburgeren.eigenstart.nl/> (retrieved March 28, 2010)

jokes by indigenous Dutch. The three cases constitute an apt illustration of the centrality of freedom of speech and sexual equality as the core elements of Dutch identity, but they also bring the message across that it is the native Dutch who are allowed to make use of their right to self expression and free speech, while immigrants are told not to protest or complain even if they feel annoyed or hurt by that.

This seems to be a clear case of the application of double standards. Only in the Netherlands, I must add, it seems that this comes with a vengeance. For it does not so much imply that Dutch natives and immigrants are measured by a different yard-stick, but rather that the first are never measured while the latter remain subjected to measurement all the time. While native Dutch citizens are assumed to self evidently 'belong', even if they show deviant, inappropriate or immoral behavior, immigrants may pass the integration exam with flying colours, adopt Dutch nationality and fully assimilate to the Dutch way, yet they will never entirely be released from the burden of proof that they are indeed fully integrated and loyal citizens. Contrary to the native Dutch, immigrants and their children are never granted 'dispensation of integration', as the sociologist Willem Schinkel phrased it.⁹ It is precisely because the Dutch policy puts such a strong emphasis on the need for people to integrate fully into Dutch society, that it produces that which it purportedly wants to prevent: an essential and everlasting divide between autochthonous and allochthone Dutch.

9. Schinkel 2008.

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Some reflections based on the 'handshake court case'

Comments on Geschiere

Odile Verhaar¹

Dutch Equal Treatment Commission

Peter Geschiere shows that the notion of autochthony has a long history and its use for definitions of citizenship has many pitfalls. "Autochthony" spurs cultural definitions of belonging that *exclude*. Geschiere's point is that these cultural definitions can hardly be a solid base for defining citizenship because cultural belonging is not self-evident. A useful definition of cultural belonging should include rather than exclude difference. This position, however sympathetic, raises two questions:

First: as far as I am aware a pluralist notion of cultural citizenship does not exist, indeed it may be a contradiction in terms. Does Geschiere know of 'good practices' that I am unaware of?

Second: Geschiere, and many other scholars, have set their hopes on the judicial for constructing inclusive notions of citizenship. They assume that human rights are inclusive and can protect minorities against the majority rule. But is this true? Are juridical (as opposed to cultural) criteria more suited for constructing inclusive notions of citizenship and belonging?

Let me substantiate this second point with a 'real life' case from the Dutch Equal Treatment Commission (ETC) and the court. The case is known as 'the hand shake-case'.² It concerns a teacher who was dismissed from her job because she refused to shake hands with persons of the opposite sex because her religion forbids it. She is an orthodox Muslim and her religion does not allow physical contact with persons of the opposite sex, she claimed. Contrary to the courts, the Equal Treatment Commission rules exclusively on the basis of the General Equal Treatment law (AWGB) which prohibits discrimination of individuals in social life³ on the grounds of gender, race, and religion or belief, among other things. The case was brought before the ETC (in 2006) because the dismissed person claimed that she was discriminated against on the basis of her religion. The ETC confirmed this reading: It ruled that dismissing this teacher is a case of indirect discrimination. ETC-rulings are not legally binding, however, so the school direction that disagreed brought the case to a regular court (in Utrecht in 2007) and finally, in 2009, it appeared in appeal before the Social Security Tribunal in Utrecht (*Centrale Raad van*

1. I want to thank Frank de Zwart for his critical and constructive comments.

2. The 'hand shake'-case I refer to here is one of the first of a series of similar handshake (court) cases that occurred since 1998.

3. In the fields of Labor, Goods & Services and Education.

Beroep).⁴ The deliberations of the Utrecht court and the Tribunal can illustrate the doubts that I formulate in the second question above:

The principal of the school argues against the teacher's claim of discrimination that shaking hands is the commonly accepted 'Dutch way' of greeting a person and that teachers are an example to their students. The school prepares students for the Dutch job market which entails showing them how to behave properly. According to the school management it follows from this that shaking hands is a job requirement for teachers. The school has to uphold a clear and uniform norm – customary and respectful Dutch manners - especially since its pupils have 20 different nationalities. Greeting by shaking hands is the dominant norm in the Dutch job market, it was claimed, and the school considers it a task to comply with that norm. In other (later) hand-shake cases that were judged by the ETC⁵ it was mostly *males* refusing to shake hands with *females*,⁶ and in especially these cases it was argued that the Dutch conventional greeting norm is also a requirement of *justice*. To 'refuse'⁷ a woman's hand could be seen as a denial of equality between men and women, and thus as gender discrimination. It is an employer's legal⁸ responsibility to guarantee a discrimination-free work place, hence employees 'refusing' to shake hands with colleagues of the opposite sex (*read*: women) can not be accepted, as this can be seen as gender discrimination.

The courts: "Thou shall shake hands"

How did the courts balance the conflicting interests at stake? One would expect the judiciary to give much weight to interests protected by fundamental (human) rights such as non-discrimination or religious freedom - the latter covers religious practices that are disapproved of by the majority also - but in this case that did not happen. Interestingly, the Utrecht court did not consider fundamental rights such

4. The case is first judged by the Dutch Equal Treatment Commission (Opinion 2006-221, see www.CGB.nl), and later on by the Utrecht Court (LJN: BB2648, 30-08-2007, SBR07/1116), and by the Social Security Tribunal in Utrecht (Centrale Raad van Beroep) (in appeal) (LJN: B12440, 07-05-2009, 07/5747 AW; 07/5802 AW). It is the first handshake case that came before the court. (A second handshake case that came before the court after having been judged by the ETC was about a man who applied for the job of manager at the Rotterdam municipality and who had been refused because he did not shake hands with women on the grounds of his religion (Islam) among other things (ETC-Opinion 2006-202; Rotterdam court, 6th of August, LJN BD9643).

5. In the period from 1998 - February 2011 the Dutch ETC published 12 opinions about a handshake case. In 10 of these cases a man did not shake hands with women. Only 6 of these cases qualify as 'real' cases, that is cases that result in an opinion with a dictum 'discrimination' or 'no discrimination' (ETC-Opinions 2002-22, 2006-51, 2006-220/221, 2011-06 and 2011-07).

6. In a minority (3) of the handshake cases that came before the ETC gender discrimination was explicitly an issue and had to be balanced against the interest of religious freedom. In most other cases gender discrimination was only implicitly an issue or no issue and thus not taken into account by the ETC.

7. Mind that the practice is commonly referred to as 'refusing to shake hands' instead of the more neutral formulation 'not shaking hands'.

8. According to the General Equal Treatment Law (AWGB) and more recently also according to the Dutch Working Conditions Act (Arbowetgeving). The latter deals with safety, health and welfare in the work place.

as religious freedom and non-discrimination but framed the conflict as an ordinary labor conflict on the work floor. It ruled that dismissal of the teacher was not against the law because there was a valid ground for it: a crisis of confidence and a seriously disturbed working relation (the latter is partly due to the continuous unrest in the school and in the media, the court said).

The appeal court *did* evoke principles of religious freedom and non-discrimination, but it concluded that the interest of the school to prescribe uniform manners and rules to promote clarity in a multicultural environment, and to prevent ethnic segregation in the school, has more weight than the other interests at stake here, such as religious freedom. The school's interests should thus prevail. The court gave no arguments for giving *less* weight to religious freedom or non-discrimination (it just mentioned the relevant articles of international legislation on religious freedom). There was (at least) one fundamental 'human' right at stake here – religious freedom – and the court balanced it against the “Dutch” value of greeting by handshake. Its conclusion is that the latter is of such value that it granted it the status of a “quasi-right”: the ‘right’ of autochthone Dutch people to live according to their ‘own’ values and traditions. The court brought a contingent cultural norm on the same level as a fundamental human right (religious freedom) and decided that this ‘cultural right’ - usually recognised for cultural minorities only⁹ - should prevail over a human right - to religious freedom.

A a contingent *cultural* etiquette-norm – greeting by shaking hands irrespective of gender – was thus turned into into a *legal* norm and even into a ‘hard’, legally enforceable duty for teachers.¹⁰ It is to be seen whether the same would not apply in other professions. In two other handshake cases¹¹ a male student who announced that he did not shake hands with women wanted to follow an ITC -education at a Regional Education Center (ROC) but was denied access to this education on grounds of the demands of the Dutch labor market and future jobs and internships of ICT-students (these required “teaching respectful manners”).

The point is not so that shaking hands can be a necessary job requirement (I think it can),¹² but rather that we now have a *formalized and legally enforced* duty of mi-

9. See for instance the ‘Kaderverdrag’ PM concerning the protection of cultural minorities (Council of Europe), article 5. See Eva Brems' comment ('Note') on the ruling of the Rotterdam court about another handshake case in 2008 (LJN BD9643) in “De inclusieve rechtstaat gekneld tussen conflicterende grondrechten”, in: NJCM-Bulletin, jrg. 34 (2009), nr. 2, pp. 177-184).

10. The recent dismissal of a teacher at a Polytechnic in Amsterdam who did not shake hands with women anymore confirms this (see for instance the answers of the Dutch minister of Education Van Bijsterveldt on the questions of members of parliament about this case, 2 May 2011). Professor Kortmann notes ironically that the creation of a ‘rechtsplicht tot PM shaking hands’ by the court creates a men’s right to a woman’s handshake (and vice versa, OV) (Kortmann, *Recht op een handdruk?*, in *Rechtsgeleerd Magazijn THEMIS* 2009-4, pp. 137-138).

11. These two cases did not come before the court, however. They were judged by the ETC only (ETC-opinions 2011-6 en 2011-7).

12. Yet in the case of the two ICT-students at the ROC the job requirement to shake hands can be seriously questioned, as most of these students will find a job at the help desk, it appears.

grants (especially Muslim migrants¹³) to adopt cultural norms of the majority. To conclude, this example shows that courts which balance conflicting rights and interests are not necessarily independent from dominant cultural norms nor protect minorities against cultural definitions of citizenship. Instead these cases show that the courts can also strengthen dominant cultural norms, and thus contribute to exclusion rather than in inclusion. Many muslims, men and women, who apply for a job and come for an interview, nowadays have to answer the question “*Do you shake hands?*” If they don’t, this is a valid ground not to hire them.

Another, more fundamental point is that, whatever the courts rule, the effect will be the same: *essentialising culture*. The ruling of the Dutch Equal Treatment Commission in the hand shake case described above, for instance, says that the school’s uniform rule to shake hands, is *not* an effective nor a necessary means to realise the school’s goals and therefore was *not* legally justified. A side-effect of its ruling is that it confirms the idea *that not shaking hands is essential for orthodox Muslims* while in the real world many orthodox Muslims do shake hands, or do make exceptions for non-muslim men or women.¹⁴

In short, this case makes you wonder whether juridical criteria such as human rights can play their role as antidote for cultural definitions of citizenship and do justice to the dynamics of cultural attachments and traditions.

This commentary was written in my personal capacity.

13. Many seem to think that adopting dominant customs is mandatory for muslim migrants in particular, as the debate about this issue is narrowly related to the ongoing public debate about the integration of muslims in Dutch society. For many, the ‘refusal’ of muslims to shake hands with persons of the opposite sex (in particular with women) is just another illustration of the failed integration of muslims in Dutch society. Upholding gender equality, in this debate qualified as ‘a core value’ of Dutch society, functions as an important indicator for successful integration.

14. The ruling of the courts define shaking hands as THE and only one way of respectful greeting in the Netherlands which, in effect, reifies and fixates dynamic cultural processes - in reality people kiss, hug, nod, or shake hands when they greet. *Yet: Dutch autochthone culture is to shake hands; orthodox Muslim culture is to NOT shake hands.*



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Feeling at Home in the nation? Understanding Dutch Nostalgia

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The effort (...) to actually make 'culture' and 'place' correspond with one another turns out to be a hopeless, expensive and sometimes violent and dangerous illusion.

– Doreen Massey and Pat Jess (2003, p. 186)

The goal must be a society where everybody can feel at home.

– Dutch cabinet position (2008)¹

Introduction

If we want to better understand the political and social crisis engulfing many West European countries, we have to examine the feelings of alienation among native-born citizens who claim to no longer feel at home in their 'own' country. Their alienation is invariably blamed on the increasing number of immigrants in their midst. Rightwing populist parties, on the rise in many countries, see the presence of immigrants as a threat to social cohesion and to 'their' national 'homes'. The cultural 'deviance' of immigrants is considered incompatible with being Dutch, Danish, British, French, German, etc.

The debate over 'the stolen home' is deeply nostalgic. The past is portrayed as a closed and conflict-free whole, carried by citizens who all basically shared the same beliefs, norms and traditions. On the basis of this closed conception of culture, the invective focuses on the actual or potential harmful influences of in particular minorities with a Muslim background, who form the majority of the immigrant population in Western Europe.

This closed conception of culture is prominent in the Dutch debate and is embraced by many native Dutch, who increasingly tend to fear Islam (Entzinger & Dourleijn, 2008; EUMC, 2002; Scheepers et al., 2002). The building of mosques, the call to prayer, the use of religious symbols such as the headscarf, gender inequality, anti-integration pronouncements by ultra-orthodox imams, and Islam-inspired political extremism are all popular subjects in the media and are often portrayed as corroding Dutch culture (e.g. Uitermark et al., 2005; Verhaar & Saharso, 2004). In the Netherlands, the Islamophobic List Pim Fortuyn (LPF) party came second in the 2002 elections, despite the assassination of its leader, Pim For-

tuyn. Since then, the idea that Islam is alien to Dutch culture has gained currency. The religion's visible manifestations – the “Islamization of the Netherlands” – are definitely considered ‘out of place’.

The current ‘crisis of home’ in Western Europe can be traced back to the mobility revolution of goods and, especially, people. In Western Europe the crisis is framed at the level of nations and their putatively lost homelands. I therefore examine how a certain perception of immigration, articulated in the political and public debate, has fuelled feelings of alienation among the native-born in the Netherlands. I first analyze the alleged causes of the crisis in Western Europe. Of particular interest here is the Dutch ‘retreat from multiculturalism’ since the Netherlands was supposedly one of its standard-bearers in Europe. In the second half, I focus on the various meanings attached to ‘home’ in the public and political debate. This analysis shows that particularly the conceptualization of the nation as a ‘private home’ is highly problematic. When ‘haven’ and ‘heaven’ conflates, there is little room left for minorities.

A multicultural paradise?

What caused the beginning-of-the-century social and political crisis around the ‘integration’ of immigrants in the Netherlands, a country often jealously described as an oasis of tolerance? According to Joppke (2004, p. 248), allowing designated minority groups to ‘emancipate’ themselves within their own parallel institutions fuelled segregation. Other scholars also claim that Dutch ‘multiculturalist’ policies had pernicious effects on the cultural (and economic) integration of immigrants (Ireland, 2004; Koopmans, 2002; Koopmans & Statham, 2000; Koopmans et al., 2005). Sniderman & Hagendoorn write: “In the Netherlands, as much as can be done on behalf of multiculturalism has been done. (...) It promoted the most ambitious program of multiculturalism in Western Europe. (...) The politics of the Netherlands since the assassination of Fortuyn has been the politics of multiculturalism in extremis” (2006, pp. 15–20). In their view, radical multiculturalism caused enormous tensions in the Netherlands: “The whole thrust of multiculturalism is to accentuate, even exaggerate, differences between majority and minority and insist on their importance. (...) Sharing a common identity builds support for inclusion; bringing differences of ethnic and religious identity to the fore evokes the very exclusionary reactions it is meant to avoid” (2006, pp. 15, 135).

In the above perspective, *multiculturalist policies* created feelings of ‘homelessness’, estrangement and alienation among the native Dutch, who were taught to respect migrants as ‘others’ in their ‘own’ country. So, if we want to understand the Dutch crisis of home, we first have to answer the question whether it was indeed multiculturalism that undermined feelings of home. Were Dutch policies really multiculturalist?

1. In response to the Scientific Council for Government Policy's report ‘Identification with the Netherlands’. (For analysis of this data see: Wetenschappelijke Raad voor het Regeringsbeleid, 2007).

I think the entire idea of the Dutch being (radical) multiculturalists is an inaccurate picture of what really happened and happens in the Netherlands (Duyvendak, Pels, & Rijkschroeff, , 2009; Duyvendak & Scholten, , 2009). Policies that focused on the socio-cultural position of immigrants were much more various than the accounts of, for instance, Sniderman & Hagendoorn suggest. The 1970s policy on cultural identity can easily be misunderstood as multiculturalist, for its central tenet was that ‘guest workers’ should maintain their identities. The reason for this, however, was not to accommodate pluralism in the Netherlands, but to facilitate guest workers’ return after they had fulfilled their function as unskilled laborers in the Netherlands (Ghorashi, 2003). In the early 1980s, when it became clear that most migrants were going to stay, policies turned to the ideal of group empowerment as a means towards their ‘emancipation’. While these policies initially built on the legacy of ‘pillarization’² that characterized Dutch social structure well into the 1960s, the emphasis on group empowerment faded over the 1980s as the objectives of *individual* socio-economic integration and participation took center stage.

While Koopmans et al., like Sniderman & Hagendoorn, label the Dutch situation “culturally pluralist” – even increasingly pluralist (2005, p. 73) – this gives the wrong picture of what government policies were promoting. Tolerance for immigrants’ religious practices had little to do with national integration policies, let alone radical multiculturalism. Migrants’ use of group-specific provisions was made possible by the Dutch institutional pillarized framework. To the extent that it provided a basis for creating migrant religious and cultural institutions, it had nothing to do with ‘pluralist’ integration policies (Duyvendak et al., 2004; Rath et al., 1999). Most politicians were reluctant to support the development of a new (Islamic) religious ‘pillar’. From the 1970s onwards, local governments in fact tried to prohibit immigrants from claiming their rights as Dutch citizens to set up Muslim schools (Feirabend & Rath, 1996). What from the outside may look as a multicultural model, was in reality a conglomerate of ever changing policy measures, formulated by highly pragmatic policy makers that didn’t have any enthusiasm for group policies, relieved as they were to have left pillarization behind (Bertossi & Duyvendak, 2009). The ‘long sixties’ did not produce multiculturalism in the Netherlands, but a rather homogeneous progressive moral majority.

If the ‘multicultural model’ did not fuel the recent political and social polarization in the Netherlands, then what did? What makes that politicians claim that the native Dutch feel less at home in their country? I argue that a culturalized notion of citizenship has come to dominate the Dutch debate on the integration of immigrants, in which the Dutch ‘progressive’ culture is increasingly depicted as a product of timeless consensus. To guard against harmful external influences, this culture has to be restored and protected. Immigrants have to prove their loyalty to it, prove that they feel at home in their country of settlement by subscribing to its dominant ideas, convictions, habits and emotions (Geschiere, 2009). And if they don’t, politicians claim that the native-born no longer feel at home in their ‘own’ country.

The Dutch cultural consensus (and some dissensus)

Contrary to popular wisdom, the current crisis of home in the Netherlands is not the result of 'failed' multiculturalism. Over the past decades, Dutch policy makers have not pursued full-fledged multiculturalist policies actively promoting pluralist religious and cultural identities of all minority groups (Duyvendak & Scholten, 2009). They focused on ethnic minorities in a socio-economic backward situation (Uitermark, 2010). While the tradition of pillarization gave leeway to some Islamic institutions, integration policies never straightforwardly promoted immigrant cultural and/or religious identities.

Another, related, misunderstanding is that the Netherlands has developed into a pluralist, highly diverse society. In fact, since the 1970s, the majority population has rapidly become more culturally homogeneous. Whereas in many countries, including the US, majority opinion is divided on issues of gender, family, and sexuality, almost the entire political spectrum of the Dutch majority population supports progressive values on these matters. After a period of intense cultural polarization during the 'long sixties', the majority has developed rather uniform, progressive ideals according to the Euro-barometer, European Social Survey, European Values Study, International Social Survey Program, and the Continuous Tracking Survey (as recapitulated in Arts et al., 2003; Duyvendak et al., 2004; Halman et al., 2005; Sociaal en Cultureel Planbureau, 1998; Uitterhoeve, 2000). More than anywhere else, the majority population in the Netherlands believes that divorce is acceptable and homosexuality nothing out of the ordinary. More than most other Europeans, let alone Americans, the Dutch disagree with conservative propositions such as 'women have to have children to be happy', 'a child should respect its parents', or 'we would be better off were we to return to a traditional way of life'. Differences in values between more and less highly educated people, moreover, is slight; the Netherlands is now among the three least culturally polarized countries in Europe (Achterberg, 2006, p. 55).

As traditional values around family, marriage and sexuality lost ground, the Netherlands became less preoccupied with the Christian tradition. Figure 1 shows that polarization over these values has declined since 1970 (increasing standard deviations point to growing differences of understanding and cultural polarization; decreasing standard deviations point to growing agreement; for authoritarianism see below).³

2. Pillarization refers to the division of Dutch society into religious and ideological groups during the first half of the 20th century. There was a Roman Catholic 'pillar', a Protestant pillar that was further divided internally, and a neutral or secular pillar. Each had its own schools, societies, political parties, broadcasting organizations, newspapers, hospitals, etc. This vertical split ran through all social classes.

3. The standard deviation of a series of numbers expresses their average distance from the average. For example, if the average result of two examinations is five, this can mean that a five was obtained in both examinations or that the respective scores were one and nine. In the first case the standard deviation is zero; in the second it is four.

This decline in cultural polarization was largely due to the new progressive moral consensus that distanced itself from moral (i.e. sexual, family and gender) traditionalism (Duyvendak, 2004).

The rise of authoritarianism

The Dutch majority tends to demand that migrants share their 'modern' and 'progressive' values. This in part reflects the strength of the consensus within the majority population. In this respect, the Netherlands is similar to Denmark, which also has a clearly 'enlightened' moral majority. It may come as a surprise that a progressive and 'tolerant' country demands conformity from those whose views are not progressive. When it comes to values, liberal countries evidently need not esteem diversity in opinions (e.g. Wikan, 2002). The cultural consensus among the Dutch goes hand in hand with the dismissal of other values. As Buruma has observed:

Tolerance, then, has its limits even for Dutch progressives. It is easy to be tolerant of those who are much like us. (...) It is much harder to extend the same principle to the strangers in our midst, who find our ways as disturbing as we do theirs (2006, p. 128).

Pillarization may once have accommodated pluralism in the Netherlands. But pluralism today is a weak shadow; the growing consensus around progressive values has created a wider values gap between the native majority and Muslim immigrants than in countries with less progressive majority cultures. As Van der Veer puts it:

For the Dutch, Muslims stand for theft of enjoyment. Their strict sexual morals remind the Dutch too much of what they have so recently left behind (...) In a society where consumption and especially the public performance of sexual identity have become so important, the strict clothing habits of observant Muslims are an eyesore (2006, pp. 119-120).

However, survey results show increasing support for so-called 'Western values' among immigrants and their offspring; proportionately more immigrants in the Netherlands have come to share this progressive culture than anywhere else (Dagevos et al., 2003; Dagevos et al., 2007; Entzinger & Dourleijn, 2008). This progressive cultural consensus has also provided opportunities for (ex)Muslims – including famous ex-politician Hirsi Ali, who fervently objected to sexism in the Koran – to protest against sexism, homophobia and the lack of freedom of speech within Islamic texts and Muslim traditions (Mepschen et al., Forthcoming 2010). On the other hand, the values gap between Muslim groups and the majority population is wider in the Netherlands than in most other countries. It is wider than in Germany on such issues as community spirit, (equality in) gender roles and sexuality (Demant, 2005). All in all, it is clear that the Dutch majority population

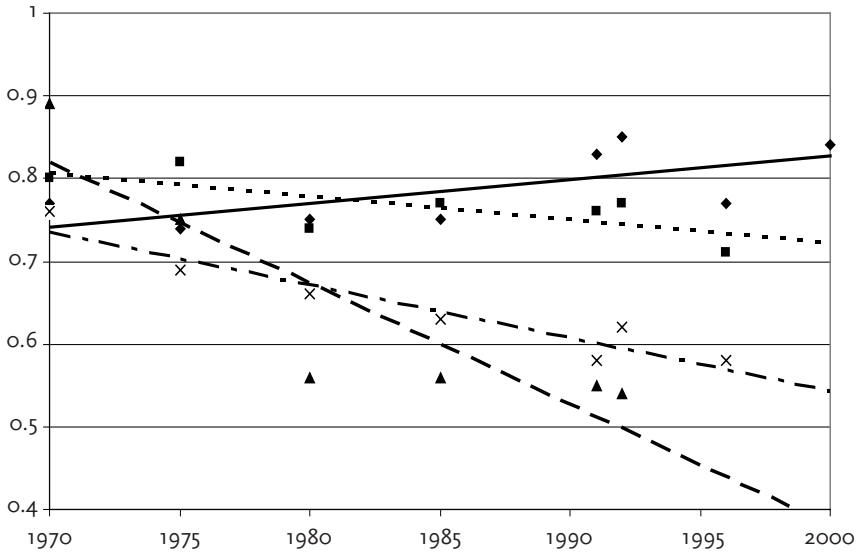


Figure 1. Polarization around moral traditionalism and authoritarianism (1970-2000)

- - - Sexual traditionalism (Pearson's $r=-0.73$, $p<0.05$)
- Authoritarianism (Pearson's $r=+0.67$, $p<0.05$)
- . - Family traditionalism (Pearson's $r=-0.95$, $p<0.01$)
- . . . Gender traditionalism (Pearson's $r=-0.87$, $p<0.01$)

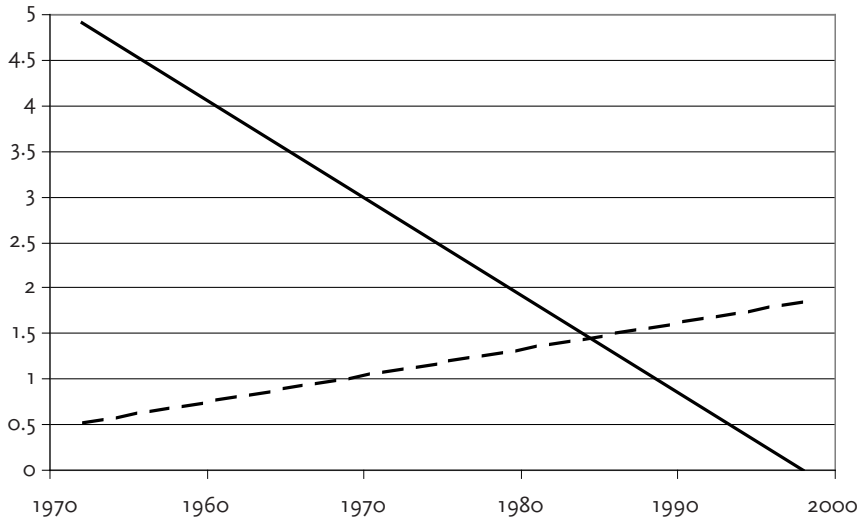


Figure 2. Polarization around moral traditionalism and authoritarianism in Dutch political party programs (fourteen elections years between 1950 and 1998)

- Moral traditionalism (Pearson's $r=-0.80$, $p<0.001$)
- - - Authoritarianism (Pearson's $r=+0.62$, $p<0.05$)

increasingly sees cultural differences as a problem (Entzinger & Dourleijn, 2008). In the political debate, populist and right-wing parties show their allergy to cultural differences and believe immigrants should be forced to assimilate or “go home”. Hence the rise of progressive values – embraced now by both left-wing and right-wing politicians- goes hand in hand with the belief that everyone has to adhere to them. Debate in Dutch politics does not concern *substantial* topics so much anymore: it is the *procedural* question how to deal with those who don’t share ‘modern’ values polarizes the political spectrum as nothing else. So whereas cultural polarization on moral traditionalism has declined since 1970, polarization on authoritarianism (defending the social order, ethnocentrism, how to deal with cultural differences) has grown (compare Koster & Waal, 2006) (see Figures 1 and 2).

This is also apparent in the programs of Dutch political parties over the period 1950-1998. Figure 2 shows that over this period, polarization over moral traditionalism (regarding all sorts of moral issues) declined, while polarization over authoritarianism (how to deal with those who buck the consensus) grew. Figure 2 is based on the so-called Party Manifesto Data (Budge et al., 2001), which quantifies the attention political party programs give to a comprehensive list of policy priorities (for analysis of this data see Achterberg, 2006).⁴ The data make clear that the decline of support for traditional moral values has fuelled a new cultural polarization over the importance of individual freedom and cultural pluralism. Among the supporters of authoritarianism we see the desire for uniformity and community, and preference for ethnocentrism and a shared ‘home’. Deviation from dominant norms and values – even though these values have become unabashedly liberal – is not tolerated.

The culturalization of citizenship

The rise of authoritarianism has fueled the culturalization of citizenship: a process in which emotions, feelings, norms and values, symbols and traditions (including religion) come to play a pivotal role in defining what can be expected of a Dutch citizen.

4. In any election year, sentences and phrases within party programs are coded for 56 separate issues. The space devoted to each is expressed as a percentage. We measure polarization over authoritarianism by determining the space allotted by each party to the maintenance of law and order, and then subtracting that devoted to minority groups of a non-economic and non-demographic nature. This gives each party a score reflecting how strongly it stresses authoritarianism over libertarianism. We then calculate the polarization between the parties for each election year using the standard deviation. We measure polarization over moral traditionalism by determining the space allotted to negative comments on traditional moral themes such as family, religion and immoral behavior, and then subtracting that devoted to positive comments on these issues. The resulting scores show the extent to which parties value traditional moral values. The standard deviation for each election year reflects the degree of polarization.

The culturalization of citizenship is not a new phenomenon but its recent manifestations are particular. While citizenship has long been defined by the nation's dominant culture and ethnic group, the idea of *national* and *mono-cultural* citizenship has grown questionable over the past decades. First, it became increasingly difficult to simply conceive of national citizenship as strictly mono-cultural because citizens of the same country have increasingly diverse cultural and ethnic backgrounds: their roots are *transnational* while their loyalties and feelings of belonging are often pluri-national. Second, as has been argued in the communitarian tradition, citizenship is more often experienced at the *local* rather than national level (Sandel, 1982; Walzer, 1983).

It is in the context of these 'glocalizing' tendencies that the culturalization of *national* citizenship is taking place. Here the 'native' culture is seen as under threat, leading to the normative project of defining and protecting 'traditional' cultural heritage (for instance in the form of a 'canon' and teaching it to newcomers in citizenship courses). This process underscores the *emotional* aspects of citizenship, which has evolved from a status or practice into a deep sentiment. Citizens are subjected to new 'feeling rules' (Hochschild & Ehrenreich, 2003). Belonging – feeling at home – has become a requirement (Morley, 2001). Particularly at the national level, new 'feeling rules' are applied to immigrants who are increasingly expected to demonstrate feelings of attachment, belonging, connectedness and loyalty to their new country. Because feelings as such cannot easily be perceived, certain actions become their symbolic stand-ins. For example, having dual nationality has come to represent lack of loyalty to Dutch culture.

Emotive culturalization thus stresses the need for loyalty to the nation-state and demands proof of such feelings from immigrants. It includes the warning that immigrants who do not manage to feel at home should go 'home', i.e. disappear altogether from their 'country of arrival' – even when they are born and raised in the Netherlands (2007). To quote Jan Marijnissen, at the time the Chairman of the leftwing Socialist Party: "The Muslim community must understand that there is a collective responsibility to combat excesses such as political Islam. Educators, teachers and imams must choose for our Constitution and bring up children in its spirit. If one is not prepared to conform to our values and obey our laws, the pressing advice is: seek a country where you feel at home" (Marijnissen, 2004). If immigrants want to stay in the Netherlands, they have to adapt to 'Dutch' norms, values and emotions. "The idea seems to be, indeed, that Dutch identity must 'cannibalize' other identities in order to turn immigrants into reliable citizens" (Geschiere, 2009, p. 166.).

This quote nicely shows that the culturalization of citizenship has a different but equally big impact on both left-wing and right-wing political parties. While the latter were pushed to embrace 'substantial' progressive values – an overall move of the political spectrum to the left-, the left-wing parties became far less tolerant towards migrants who allegedly did not conform to Dutch 'norms and values'. Interestingly, the quote is literally framing the 'solution' for the assumed 'non-fit' between migrants (with a Muslim background) and 'the Dutch' in terms of another

home: “Seek a country where you feel at home”. What kind of home feeling is implied in this quote? Marijnissen might know that most migrants report in surveys that they in fact do feel at home in the Netherlands (see below); but what seems to be lacking –in his view- is a real deep feeling of attachment and loyalty to the Netherlands on the basis of a fit between one’s personal norms and values and the country’s norms and values. In other words, Marijnissen seem to presume that a normative and cognitive fit is a precondition for really feeling at home: migrants have to share in his rather uniform public ‘heaven’ conception of home. That migrants report to feel at home in the Netherlands while allegedly disagreeing with (some) dominant norms and values, implies in his perspective that they adhere to a more private, ‘haven’-like conception of home, a form of home unacceptable to the leader of the Socialist Party.

(Not) feeling at home in the Netherlands

Most of the elements that ignite the debate in the Netherlands – and in other West European countries – can be traced to the emotionalization of what it means to be a citizen. In debates over dual citizenship, spokespersons of various political parties emphasize that citizenship is more than a ‘formality’: “To have Dutch nationality is more than having a Dutch passport. It is an expression of feeling at home in Dutch society, in her democratic legal order, her values, norms and mentality. You must, in other words, fully focus on Dutch society” (Jacques Niederer (VVD) in: Tweede Kamer, 2000a, p. 3640). “People must feel connected to our society if they want to be naturalized, they have to feel at home in it. It is necessary to feel Dutch” (Maxime Verhagen (CDA) in: Tweede Kamer, 2000a, p. 3635). Politicians thus tell immigrants how to *feel* – above all, to *feel at home* in the Netherlands.

But as we will see, many immigrants claim that they already feel at home in the Netherlands – data show that some immigrant groups even feel more at home than the native Dutch! Why, then, this strong and widely-held suspicion that immigrants don’t feel at home in the country? It may well be that for many Dutch politicians, it is simply unimaginable that (Muslim) immigrants feel at home in the Netherlands (or they don’t accept the way migrants feel at home in the Netherlands). They see an enormous gap between immigrants and how they think a ‘real’ Dutch citizen should behave, dress, think and feel: a veiled woman simply cannot feel Dutch, or at home in a country that – at least discursively – embraces gender equality. Instead of considering the possibility that people can feel at home in various ways, they simply draw the conclusion that migrants can’t feel at home as they allegedly don’t share in the majority norms and values.

This assumed incompatibility between ‘them’ and ‘us’ not only fuels suspicions that immigrants don’t really feel at home in the Netherlands; the corollary is that the native Dutch are claimed to feel less at home as well: they cannot imagine sharing their ‘home’ with people who have such alien norms and values. Hence, on the basis of a certain conception of ‘home’ – everybody shares the same norms,

values, practices, habits- Muslim migrants are suspected of disloyalty and lack of home feelings. Or even worse, of terrorism. As a prominent leftwing member of the Dutch government, Wouter Bos of the Labor party, put it recently: “Take the ordinary, law-abiding citizen faced with the arrival of terrorism from other countries and cultures, who wonders why terrorists call themselves true Muslims and what this says about the next-door neighbor, who happens to be a Muslim too...” (Bos, 2008, p. 2; Tweede Kamer, 2000a).

Analyses of parliamentary debates shows that over time, the crisis in ‘feeling at home’ has indeed become primarily a problem for the native-born. In the 1990s, and around 2000, ‘not feeling at home’ was still mostly discussed as a problem for immigrants, which Dutch society should help overcome – for instance by adding elements from the countries of provision to Dutch architecture (Kortram in: Tweede Kamer, 2000b, p. 882). After 2002 (the murder of Pim Fortuyn), and even more after 2004 (the murder of Theo van Gogh, see Buruma, 2006) – both events with a dramatic impact on both the political and public debate-, lost feelings of home have almost exclusively been discussed concerning the native Dutch, who are increasingly considered by politicians as ‘foreigners’ in their own country, cities and neighborhoods.

The alleged ‘homelessness’ of the native Dutch

A recent official government report gives the following reason why native Dutch today would feel less at home: “Feelings about what is ‘normal’ and self-evident determine whether or not people feel at home or accepted in their environment. For this reason alone, the influx of immigrants – in the district, the school, the association, the working environment – go hand in hand with feelings of unease, loss and even insecurity. These feelings become stronger as the behavior of newcomers more strongly deviate from what is considered normal, especially in the case of criminal or other beyond-the-pale behavior” (Dutch Cabinet, 2008, p. 6).

In response to reproaches that it has long overlooked the interests and feelings of its working class constituency, the Dutch Labor Party has recently begun paying great attention to how immigration has undermined ‘feeling at home’ among the native-born. I present here three, rather long quotes from spokespersons of this party to illustrate the pivotal role of feelings of alienation within Dutch politics. In the first quote, the leader of the party in parliament in 2007 reflects upon developments in disadvantaged neighborhoods. Jacques Tichelaar: “The PvdA is very aware that it is always the people with the lowest incomes living in disadvantaged neighborhoods who are the first to be confronted with the coming of foreigners. On top of their own problems, they are now saddled with the problems that the newcomers bring with them. We ask much of the inhabitants of these areas. (...) We have great admiration for them, their forbearance, their support for newcomers and their contribution to a better Netherlands and we understand that sometimes it is also just too much” (2007, p. 2666). His sympathy is all for the native-born who are ‘fed up’ with the (problems allegedly caused by) ‘foreigners’ (a rather atypical word in the Dutch debate, out of use since the late 1970s for it ‘others’ immi-

grants, including those born and raised in the Netherlands and/or those who have Dutch nationality). It shows that the Labor Party shares in the dominant framing of the issue: a minority of 'aliens' has caused the majority's feelings of alienation.

The second quote expresses the idea that it is patently unjust that those who have been 'rooted' in the Netherlands for generations are now suffering from such feelings of alienation. As it reads in a recent Labor Party white paper on migration and integration: "These feelings of loss and uneasiness we also know in the Netherlands. Not only among residents of working class city districts, but broadly in society. Neighborhoods built for workers and the middle class have become migrant districts. Well-known social customs have disappeared. Shared codes of conduct are no longer self-evident. The continuous influx of new residents requires a great deal from the residents, as well as from the school, the general practitioner and the district agent. But also in places in our country where apparently nothing has changed, people have experienced feelings of unease. Their country is changing and they feel alienated. They feel that the changes have been foisted upon them – and that is a nasty feeling when it comes to the country where you were born and raised, which you, your parents and their parents built up" (PvdA Manifesto 2009).

In this quote, a 'roots'-paradigm (the native Dutch who have build the country) is opposed to migrants -who are 'en route'- and who obviously did not contribute much to the country (teachers, general practitioners and district agents seem to be by definition native-born Dutch...). It seems implied that the native Dutch have more rights to 'the neighborhood', since they were born and raised there (a rather odd argument since the same is true for all second generation migrants...). But most importantly is the idea of 'home' underlying these lines: people can only feel at home with those who have been part of that home for a long time and who share the same norms and values.

In the third quote, the 'foreigners' turn out to be Muslims: cultural and religious elements are interwoven in the discourse opposing Muslims and Dutch society. As the leader of the Labor Party in parliament, Mariëtte Hamer, put it in 2008: "Integration causes pain. Pain for the native who feels that his neighborhood has been taken over by foreigners. Pain for the Turk who has done his best to build up a life in the Netherlands, but is blocked by a lot of incomprehension. And yes, also pain for the countryside resident who has never seen a foreigner in his town, but truly feels that the Netherlands is no longer as it was. Dutch society has taken in large groups of foreigners over the past decades. For a large number of Dutchmen, confrontation with other cultures, customs and beliefs is an uncomfortable everyday reality. I have experienced at close hand how drastic this can be. My mother saw her district (...) change dramatically within 20 years. What was once the hopeful new Amsterdam has degenerated into a district where one no longer feels at home. Concerns over changes in society are reinforced by radical Muslims committing terrorist acts in the name of Islam. Fatwas have been proclaimed. On the Linnaeusstraat in Amsterdam East, Theo van Gogh was murdered in a horrible manner. This was all directed against our open, Western society, against everything we stand for" (Tweede Kamer, 2008b, p. 4884, emphasis JWD).

The discourse is constructed in such a way that an opposition develops between ‘we’ (native-born, modern, Western, not feeling at home anymore) and ‘them’ (coming from a different ‘culture’, of whom the most radical randomly kill). The obvious intention here is to take the feelings of the native Dutch (‘my mother’) seriously: ‘we’ empathize with those who don’t feel at home anymore in what was once their hopeful neighborhood and country. The native Dutch have become like foreigners in their own country. In fact, it is presented here like *they* feel what they think foreigners should feel: not at home. But as many ‘foreigners’ now report that they *do* feel at home, the world for the native-born has been turned upside down: foreigners are experiencing feelings that should belong to the native-born while the native-born feel like foreigners. Politicians suggest that the native Dutch feel estranged and besieged by immigrants, and are therefore in a legitimate position “to claim their country back.”

The Dutch populist leader Geert Wilders attacked the Prime Minister using such a revanchist framework: “Mr Balkenende, you do not represent my Netherlands, you fritter away my Netherlands. Millions of Dutchmen want change. They want to be proud of their country. They want to feel safe in their country again. They want another Netherlands. They want to feel at home in their own country. They want a decent and social Netherlands. They want their Netherlands back” (Tweede Kamer, 2008a, p. 160).

There is, a way to ‘reclaim the country’. This is to (further) develop a ‘thick’ notion of what it is to be Dutch. This will make it impossible for foreigners to claim ‘Dutchness’ and/or to feel at home since they can’t know their new home, its history, traditions, customs and feelings as well as the native-born (allegedly) do. Foreigners aren’t part of this history; they have no roots here. By embracing the ‘roots-paradigm’, feeling at home is denied to immigrants. ‘Being rooted’ not only ensures knowledge of what it is to be authentically Dutch but the historical right to define what that is as well. Let’s see how this works.

A thick notion of ‘home’

Dutch politicians from both the Left and Right plead for new forms of ‘nationalism’ and ‘patriotism’, claiming that the Dutch to date have had a very ‘thin’ notion of national identity. Another quote from the former leader of the leftwing Socialist Party, Jan Marijnissen, is illustrative: “In the Netherlands we have not sufficiently appreciated our own history and what gives us the feeling of being at home. It has to do with the making of the physical environment, but also the cultural and moral environment. And also parliamentary democracy, all that gives us the feeling: ‘we are at home here’. (...) My argument is (...) that our view of the world has a lot to do with the land on which we stand. And that land on which we stand is what I would call the *Heimat* (I borrow it from the Germans because it is such a fine word). But also to indicate that it is not only (...) the physical home, it is the knowledge that if you send your child to school he will get a good education” (Hegeman, 2008).

Who is ‘us’ in these passages? ‘Us’ identifies with the ‘soil’: to feel at home is to be

rooted, a quality apparently more common among the native-born than among immigrants. But not only the soil: moral, cultural, social and educational aspects of life are all part of what makes the Netherlands home for 'us'. Taken together, it implies a very thick notion of what is necessary to feel at home in the Netherlands.

Mobilizing a thick notion of home runs the risk that instead of including (what might have been Marijnissen's intention), one excludes those who don't (want to) share this notion of home. Such exclusion is already taking place as the Dutch have a much thicker national identity than most of them are aware of. As Halle Ghorashi concludes on the basis of her research on exiled Iranian women in the US and the Netherlands: "In contradiction to the United States, the Dutch notion of national identity is exclusive and thick. By the thickness of national identity, I mean that there is a common understanding of Dutchness based on color, 'roots', and certain codes of behavior that excludes difference. These codes of behavior are in many ways related to a Calvinist background with expectations expressing certain behavior. This thick notion of national identity leads to a process of exclusion and sets up a dichotomous relationship between us and them. (...) The consequence is that people from different backgrounds who are born in the Netherlands, or who have lived most of their lives there and have Dutch nationality are not included as 'one of us'" (Ghorashi, 2003, p. 255).

Knowledge of this historically rooted national identity – though presented as a support to immigrants' integration – on balance works as a remedy for those 'dispossessed' native Dutch who hope to regain their former position. The historicization of citizenship favors those who have 'always' been here: not because of the cognitive part of it (since everybody can learn Dutch history), but due to the 'ontological' implications: native Dutch are indisputably part of it all, whereas migrants are by definition not part of that specific history. The native position is not in question, along with their views on what is required to feel at home in the Netherlands. The following quote from the spokesman of the small conservative Christian party illustrates the demand for unconditional emotional investment in the new country, implying that one, and only one, conception of feeling at home is acceptable for migrants: their feelings of 'home' should be warm feelings for the 'home country'. A more private, 'haven'-like conception of home is out of the question for migrants: "In order to express loyalty to the Netherlands, the ChristenUnie party is in favor of prospective Dutchmen, at the time of naturalization, to make explicitly clear their inner commitment to their new 'home' country. It could take the form of a declaration of loyalty. In any case, an explicit proclamation of loyalty to the Dutch society of which the newcomer is now a permanent part is crucial" (contribution during parliamentary debate in 2004, quoted by Van Marks 2005: 45).

The majority thus uses its power of definition to proclaim how things are done (or are allowed and tolerated) in the Netherlands, while recent proposals to establish historical canons and a national historic museum are further examples of attempts to define the nation's character. All this is excused with the idea, expressed by among others publicist Paul Scheffer (2007), that newcomers will only be able to 'feel at home' when 'the Dutch' can more clearly formulate where 'we' stand. So

that ‘they’ will be able to hear, ‘we’ – the natives – make explicit who ‘we’ are. At first sight, this may appear as acceptance of responsibility by the dominant group: only when ‘we’ clarify who we are, can ‘they’ be held accountable for their (un)willingness to integrate.

But are the politicians of the progressive majority failing to define what it stands for? No, there is little evidence of immigrants left in the dark by a country unwilling to reveal itself. Instead, we witness a dominant narrative that tells immigrants – and in particular those with a Muslim background – that how they lead their lives is improper and maladapted, and that they therefore spoil the home feelings of the native. The Netherlands has shown quite clearly what it stands for over these past years. The native Dutch identity has hardened, with a paradoxical consequence. On the one hand, migrants are forced to identify with the Dutch nation more than ever before (other loyalties are not permitted, feeling at home means feeling at home in the nation). On the other hand, the thickening and the historical rooting of the Dutch identity makes it much harder for newcomers to identify with, compared to the days of a ‘thin’ identity.

In other words, the marginalization of immigrants has only been exacerbated by the historical roots attached to Dutch ‘cultural’ identity in recent years. Creating a canon more likely hinders than promote citizenship. To begin with, familiarity with a canonical national past is poor preparation for citizenship in current society. Canonizing not only makes a mockery of the past; it ignores the malleability of the present. If the ticket into Dutch society can only be obtained by being part of a longer national history, people with different backgrounds are confronted with insurmountable obstacles. Dutch society then only becomes accessible to people with deep roots in Dutch soil. Citizenship is reduced to a property one has by birth, one that is unchanged through agency. What one does, what one contributes, one’s readiness to become a part of the society in which one lives then no longer matter: immigrants (originally) come from elsewhere, have not experienced ‘our’ history and will therefore never really be ‘one of us’.

The thick, historically rooted idea of ‘home’ thus has highly ambivalent and paradoxical effects. Though presented to ‘support’ immigrants, in reality it blocks their integration; obliged to feel at home in their country of residence, this ‘home’ is constructed in such a way that they can never really feel a part of it. Even when policymakers wish to be inclusive, they seem to believe historical ‘rooting’ is the best way to stimulate belonging. The City of Amsterdam, for example, claims that “too many residents (...) do not identify with the city and do not know its history”. Under the slogan “A Shared Vision of History and the Future”, the aim of policy is for “all residents of Amsterdam to feel themselves Amsterdammers: the number of residents who feel at home in Amsterdam should grow annually”. The way to attain such identification, the City Hall claims, is to teach residents about the city’s history (City of Amsterdam, 2006).

Local and national politicians not only consider it their job to influence deep feelings of belonging among their citizenry, they also claim to know what actually determines feeling at home and what role history plays in it.

But is this true? This question is pertinent since data show (see below) that most immigrants feel quite at home in the Netherlands, and even more so at the local level. This, again, shows that policymakers' assumptions about immigrants not feeling at home in the Netherlands don't hold. The alleged nexus between feeling at home and historical knowledge thus becomes even more questionable: since most immigrants claim that they feel at home in the country, this either implies that they are well versed in the history of the Netherlands or that historical knowledge is not a necessary condition for developing such feelings (which seems to me the more plausible case).

Since promoting a sense of belonging in the Netherlands is an official policy goal, it should come as no surprise that data on 'feeling at home' are collected by the main governmental social science research institute. These data show some correlation between juridical (citizenship) status and 'feeling at home'. But the most striking finding is the overall picture: around 70% of all immigrants feel at home in the Netherlands.

As there exist many possible meanings of 'feeling at home', the question is what these data tell us. We have to ask this as well since in the qualitative research we carried out, most immigrants did not spontaneously express strong emotions regarding the Netherlands. Their responses suggested that there was not much for them to gain by identifying with the country, that it was difficult to relate their daily lives to a structure that has relatively little emotional meaning to them.

Though the data show that this does not imply immigrants don't feel at home, their affirmation of belonging may be a response to their loyalty constantly being questioned. Recent European research among Moroccans in various Western European countries seem to corroborate this interpretation: on the one hand Dutch-Moroccans stand out for feeling very much out home in the Netherlands, on the other hand, Dutch-Moroccans are more than Moroccans in other countries aware of the negative labeling in the public and political debate.

Hence, what the affirmation exactly entails, is not directly clear: given the various meaning of feeling at home, and in the perspective of our qualitative data, I would suggest a reading of Dutch-Moroccan home feelings that those have very

Table 1.
Feeling at home in the Netherlands, by citizenship status and ethnic group (%)

	Turks	Moroccans
Dual nationality	68	74
Dutch	78	80
Nationality of land of origin	51	61

(Advise Commission for Refugee Affairs of the Social and Cultural Plan Bureau, 2008)

little to do with feeling at home in the nation. Almost the opposite: they know that politicians expect them to feel at home, but since the Dutch nation has an exclusive native connotation, they attach their home feelings to other objects, territories and people. Even more so, their notion of feeling at home may shrink from a rather public 'heaven' version into a small, safe 'haven' one, since the culturalization of citizenship makes it any easier for immigrants to feel a part of Dutch society. As Peter Geschiere points out: "The central question raised by the Dutch experience, and by developments elsewhere in Europe, is whether giving greater substance to the national culture (...) makes integration of migrants easier. In practice, this seems rather to work toward a deepening of the divide and make integration all the more difficult" (2009, p. 167).

In this deepening of the divide, some native-born (for now) are losers as well – losers in terms of not feeling at home, even though they blame others for not sufficiently belonging to the Netherlands.

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From discriminating culturalization of citizenship to emancipating cultural citizenship

Comments on Duyvendak

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This is a very interesting paper, discussing the ‘stolen home’ discourse in the Netherlands. It does in my view two main jobs:

First, it proves that central points in current analyses of the problems of Dutch multicultural society lack empirical foundation. It discusses five such points and shows in each case convincingly that the most widely circulating (and actively circulated) views on this matter simply miss empirical grounding.

- 1- *Was Government policy in the Netherlands very ambitiously multiculturalist?* No, it was a rather mixed set of policies.
- 2- *Did multiculturalists’ talk of ‘diversity’ create divisions in Dutch society rather than unity?* There is no evidence to support this.
- 3- *Is the Netherlands a highly diverse, pluralist society?* No, not more diverse than other European societies.
- 4- *Did the Dutch not communicate well their own identity, the ‘We’, to newcomers?* No.
- 5- *Do immigrants lack feeling-at-home in the Netherlands?* No, evidence shows that they generally feel quite well at home.

Second, the article argues that we see a culturalization and historicisation of the idea of citizenship. The author argues that there is a rather solid ‘progressive moral consensus’, a ‘thick’ notion of what it is to be Dutch, which includes a dismissal of other norms – especially conservative Muslim norms. We find even an idea of *Heimat*, namely in the widespread assumption that it is rather difficult to be really Dutch if one is not born in the Netherlands. The culturalization of the idea of Dutch citizenship, the article argues, is an important development in Dutch society because such culturalization necessarily leads to discrimination by placing immigrants in a disadvantaged position as compared to non-immigrants.

I find both points convincingly argued in the paper. Rather than adjusting or correcting them, I want to expand on the culturalization-of-citizenship problem. Such an expansion may supplement the argument in the article by indicating a way forward, thus providing an alternative to the culturalization of citizenship. In the

following, I proceed by making some suggestions for key notions which may facilitate an alternative way of speaking about the connections between citizenship and culture, while avoiding the awful traps of culturalization and historization of the idea of citizenship which the article so convincingly outlines. This 'next step' is the argument for the analytical and emancipatory potentials of the notion of Cultural Citizenship.

The idea of citizenship includes at least two basic ideas:

1. the idea of rights, equality of rights, the citizen as a rights-bearing person;
2. having political agency, being a co-citizen with others, and together producing together the political community (expressed already in a very strong way by the ancient Greek philosopher Aristotle).

3.

The liberal tradition in political thought stresses the rights idea, the so-called republican tradition in political thought stresses the idea of citizenship as agency – as 'making society together'. We could argue that in order to achieve citizenship we would need, as far as possible, to achieve 1 plus 2. Citizenship has legal aspects but also aspects of joint public action and public morality -we can, for instance, speak of 'virtues' of citizenship. Such virtues of citizenship would include norms such as, "Try to avoid non-participation, or 'silence' of communities in the wider society"; or "Try to avoid that one group can monopolise the public sphere.

This analyses of citizenship shows the nasty problems created by culturalizing the idea of citizenship. The motive of such culturalizing may be respectable, namely stressing the value of more substantial commitments to the community than just 'having rights'. But the core problem of loading citizenship with predefined cultural content is that this favors some citizens over others and thus undermines the idea of the equality of citizens. Culturalization is thus not only a mistake but shameful for a democrat; it creates first class and second class citizens, the worst sin from the point of view of the Rule of Law.

How then to marry equality with more substantial idea of citizenship? I think that this requires elaborating the second aspect of citizenship – the idea of co-authorship. In this case co-authorship of cultural processes in society. We should recognize the production of 'the cultural' (interactions about ideas, values, and interpretations, in short, the activity of meaning-making in society) as one of the important dimensions the exercise of citizenship. Thus the idea is to extend the ideal of citizenship to the cultural making of our societies, stressing equal engagement of all in collective meaning-making. One could call this ideal that of "achieving Cultural Citizenship for all". Political citizenship is the co-production of the ordering of society, cultural citizenship is the co-production of meaning making in society.

What then is the agenda of cultural inclusion? Avoid all speak of integration, be-

cause it is incompatible with equal citizenship. Speak of rights, duties, ideals of cultural citizenship for all. Such an idea of cultural citizenship involves rights – of equal access to media etcetera, but also obligations, namely to engage with co-citizens, take responsibility, come out and contribute. These are not legal obligations but obligations of good citizenship. This may create ‘thick’ engagement in public culture without a thick identity owned by only part of the citizens, thus, without culturalizing citizenship. Cultural citizenship gives migrants a small chance, but an equal chance, to co-produce the ‘cultural’ – to be part of present and future of our the cultural make-up of our society.

Comments on Duyvendak

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As always it was with great appreciation that I read JWD's paper. It is a typical JWD paper: it is on one of the most relevant questions of the day: why do native born citizens no longer feel at home in their country and is it immigrants who dunnit? It is well argued and goes against established wisdom. There are many points on which I agree and I am very sympathetic to the position he develops in the paper. Yet, I found it for a sociologist a peculiarly non-empirical paper. Or perhaps it is that my reading of the research literature is different from his, but anyway, let me come to the point.

The paper gives a bit the impression as if the conflict over immigration, and Muslims in particular, is only an *invention* of right-wing and also left-wing xenophobic politicians, but then the questions remains: why do their stories that the state we are in is because of the immigrants who should but do not want to accept Dutch values *resonate* so well with the population? I wish JWD had worked out more how the stories of politicians relate to the material experiences of people. What is it in their everyday experiences that the political story about the 'stolen home' touches? The new realist, as Baukje Prins names them, claim of course that they "speak for the people" but what is your analysis of how this discourse links up with and moulds which experiences of people? There is political manipulation, but of which experiences and what emotions? And, secondly, I missed a systematic comparison with other European countries. The paper's argument rests in part on the idea that there is something peculiar about the Netherlands. The Dutch population adheres more than the population in other countries to progressive values, therefore the values gap between Muslims and the majority population is wider and the desire for uniformity and community stronger than elsewhere in Europe. Yet the question is how different is the situation in Netherlands from that in other European countries? Surveying the literature on the multicultural backlash in Europe what catches the eye, are the many similarities in the condition the various European countries are in. The crisis is European wide.

JWD claims that a culturalization of citizenship is occurring. In his paper culturalization of citizenship refers to the nationalization of liberal values. These become 'our' values, laid down in 'our' Constitution. So, liberal values become nationalized as part of 'our' national identity. Yet, there is of course nothing intrinsically Dutch, or European for that matter, about liberal values. Plus, if every European country claims liberal values to be part of their national identity, there is nothing national about that identity. So, yes, I agree that this European wide invocation of liberal values is instrumentally used for Islam bashing, but I am less sure about its role in a

nation building project. If the reference made to liberal values can be equated with a culturalization of citizenship, this culture cannot be a national culture. What nation are we speaking of then?

The thesis that a culturalization of citizenship is occurring sounds plausible, yet, is not empirically founded. In fact, empirical findings rather contradict the thesis. Inez Michalowski did a comparison of the content of civic integration tests in five countries. One would expect these tests to be overloaded with culture, but this is not the case. The Dutch test contains a bit more cultural issues, but the main thing is that the tests are not much about culture at all. How is that possible? I am involved in a European project comparing civic integration tests in several European countries. Our finding is that the main purpose of these integration tests and programmes is to *select successful* immigrants, that is people who are able to participate in the labour market from the *unsuccessful*, who will be dependent on a social security benefit (and if possible keep the latter out). So, civic integration policies are driven primarily by *economic instrumentalism*, and not that much part of a project of cultural homogenisation. That is a reminder that political discourse does not get automatically translated into public policy; if, when and how it is related to policies, is what should be studied.

Lastly, I found JWD remarkably silent on solutions. I assume that these are worked out in later chapters of his coming book. Let me present yet some thoughts of me. I agree that a thick notion of citizenship is not the solution, but rather part of the problem. Then what?

Evelyn Ersanilli has done research on Turkish migrants in France, Germany and the Netherlands. I have analysed with her the identifications of the second generation. We found that they do feel connected with the country they grew up in, but it is a sense of belonging that has no name. They don't call themselves Frenchman, or German or Dutchman. Still, they are not homeless. We have used the German distinction between 'Heimat' and 'Zuhause' to understand their feelings of belonging. *Heimat* evokes the idea of roots, of having been there forever (Rätzsch, 1994: 89). It is an idealized place. *Haus* or *Zuhause* refers to the physical home but also to a place where one feels secure. It seems then that these youngsters feel at home in Germany, but also in France and the Netherlands, yet could not and were as presumed strangers not allowed to call it their *Heimat*. As one of them said in German dialect:

'Ich sag' meine Heimat isch Kurdistan, meine Zuhause isch Deutschland' (Ersanilli & Saharso 2010). At first I thought that the question was: what has to be changed so that they too can call Germany, or the Netherlands their 'Heimat'? Now, I am more inclined to believe that in a plural society in which history is no longer a story in which time, place and person fall together, feeling 'Zuhause' is perhaps the best way of feeling at home. The right question then is: what must be changed in our conception of national identity so that for all of us 'Zuhause' can become the common denominator for feeling at home in the Netherlands?

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The Populist Revolt against Pseudo-Cosmopolitanism

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'Rootless cosmopolitanism is fine for intellectuals, but most people live in a defined place' – Tony Judt

Introduction

'We have entered an age of fear. Insecurity is once again an active ingredient of political life in Western democracies. Insecurity born of terrorism, but also, and more insidiously, fear of the uncontrollable speed of change, fear of the loss of employment, fear of losing ground to others in an increasingly unequal distribution of resources, fear of losing control of the circumstances and routines of our daily life. And, perhaps above all, fear that it is not just we who can no longer shape our lives but that those in authority have also lost control, to forces beyond their reach'.

In his impressive intellectual testament *Ill Fares the Land*, Tony Judt gave this alarming statement. He added: 'We have entered an age of insecurity – economic insecurity, physical insecurity, political insecurity. The fact that we are largely unaware of this small comfort: few in 1914 predicted the utter collapse of their world and the economic and political catastrophes that followed. Insecurity breeds fear. And fear – fear of change, fear of decline, fear of strangers and an unfamiliar world – is corroding the trust and interdependence on which civil societies rest.'

Judt warns that 'today, it is as though the 20th century never happened'. As in 1914, the world believes that the globalization of an integrated world economy is inevitable, the only way forward. 'Globalisation is with us to stay, a natural process rather than a human choice. The ineluctable dynamic of global economic competition and integration has become the illusion of the age'

The question now is, how Lolle Nauta's existentialist and multiculturalist reflections on *The Stranger* do relate to this state of the world according to Tony Judt? Lolle Nauta, who must be admired for being a sharp and original Dutch philosopher and public intellectual, was both an existentialist philosopher (the early Nauta) and a social philosopher, the late Nauta. In his doctoral thesis *De mens als vreemdeling* ('Human beings as strangers'), Nauta analysed the image of the stranger in (exis-

tentialist) literature. He reflected upon the liberating capacity of the Other, opening up traditional patterns and attitudes. Referring to the philosophical anthropology of Helmut Plessner - the inventor of the concept of eccentricity -, Nauta also reflected upon the Internal Stranger within each human being, the reflexive Self.

Given this complex analysis of human nature in terms of human anthropology and psychology, it is in itself remarkable that the late Nauta transformed and 'upscaled' his romantic-literary-existentialist thoughts on Strangeness, apparent laconically, from the individual level to the global level. The Stranger may free us from deep-rooted patterns and opens up new perspectives, widening our horizon; but to what extent, and based on what historical and sociological experiences, this is simply true in the case of globalization, mass migration and individualization? One would say: the more complex the existential-literary definition of the human condition, the more problematic and surrealistic it becomes to think in terms of concepts of global unity, global familiarity, harmonious world citizenship and so on. To put it simply: if a person is already a Stranger to its own Self (which is an existentialist truth), how on earth can all strangers of the world become familiar world citizens?

In later work, as is argued in the introductory conference paper, 'Nauta criticizes anti-multiculturalism, leaving the Stranger no choice but to assimilate or to remain permanently excluded: the Other as a demon'. Here again we encounter a contradiction, which I will label the 'culture trap' of cosmopolitan multiculturalists. At one hand, postmodern, post-nationalist, post-identity thinkers, like Lolle Nauta was, 'define away' the culture, identity, national tradition and core values of the "host countries" of immigration in the West. But at the same time, they do not apply this post-traditionalist, post-cultural, postmodern approach to migrant communities and cultures, taking instead a strong multiculturalist position against assimilation or integration, assuming that migrants possess (threatened) cultures, traditions and identities, which are denied for the autochthonous population. This one-sided, asymmetrical approach did much to 'produce' the populist backlash against immigration and globalization, as I will demonstrate in my paper.

These brief introductory remarks on the work of Lolle Nauta, confronting the young Nauta with the old Nauta, reflect the tensions and contradictions of the subject of Strangeness and Familiarity, tensions which will be further analysed in the paper.

Populism against Globalisation

A tormented wave of anti-establishment populism is haunting Europe. Populist parties manage to enter political center stage. This is partly the result of the breakthrough of former extreme-right or far right parties to the 'regular right' part of the political spectrum and of the drift to the right in the European political discourse concerning issues of immigration, islam and the concept of the multicultural society after *nine-eleven*. In Europe, new populism not only comes from the right, but

from the anti-liberal protectionist left wing as well. In this essay, it will be argued that in Europe the populist wave points at a deeper rooted crisis of the political and societal system at large.¹

Western Europe is in the grip of a political identity crisis. The disrupting effects of globalisation, the permanent retrenchment of the welfare states and the development of a "media audience democracy"² are accompanied by fundamental changes in the political party system: the triumph of the floating voter, i.e. the unprecedented rise of electoral volatility, and the spectacular jump in the political arena of neo-populist movements.

The traditional mass parties that have ruled the region at least since the end of the Second World War have lost members, voters, élan, and a monopoly on ideas. Because they are the pillars of both the party-oriented parliamentary system and the welfare state, their slow but steady decline affects European societies as a whole. Due to changes in labour, family and cultural life styles, the Christian Democratic (conservative) and Social Democratic pillars of civil society are eroding away, leaving behind "people's parties" with shrinking numbers of people. This erosion of political representation eats away at the foundations of the European welfare states and European party democracies.

The second ingredient of the European crisis is what might be called the paradox of Europe's Holocaust trauma. Europeans seem unable to cope with the question of ethnic diversity. Intellectual discourse was long characterized by a species of political correctness which praised multiculturalism and "The Foreigner" as enriching society while turning a blind eye to the *de facto* segregation and marginalisation of many new immigrants and the stress they placed on the welfare system in many nations. Also the potential culture conflict between Europe's liberal-permissive societies and the orthodox Islam was denied. The established democratic parties reacted to the rise of extreme right, racist parties with a *cordon sanitaire*, but made the mistake putting a 'cordon sanitaire' also around the topic of these parties, i.e. the shadow sides of mass migration: problems of integration and segregation; high unemployment and crime rates; 'multicultural discontent', especially within the constituencies of the people's parties: "feeling a Stranger in one's own country". These problems did much to provoke a populist-xenophobic backlash. Here, Europe is facing two dilemmas: 1. how to maintain its 'communitarian' welfare states under conditions of permanent immigration?; 2. to what extent will the integration patterns in Europe be determined by multiculturalism or assimilationism?

A third ingredient of the crisis is widespread unease over the process of European integration. What should be a proud achievement of cosmopolitan cooperation between rival nation states has become, instead, a cause of increasing insecurity and national alienation. This discontent with the European Union propelled considerably by the impact of the Big Bang-European enlargement, the ar-

1. Cf. my contribution published in *Dissent*, "The Fate of European Populism", *Dissent*, Spring 2004, p. 17-20.

2. Cf. R. Manin, *The Principles of Representative Government*: Cambridge University Press, 1997.

rival of a many new East-Central European member states to the EU, and by the effects of the neoliberal make-up of EU-regulation.

The fourth component of the European malaise is the fact that much of all discontent was channelled through the rise of right-wing or even extremist-radical right populist movements. And in Europe, unlike the American historical tradition, populism is more or less associated with fascism and Nazism, the pathologies of the “voice of the masses”. This in itself adds up to a sense of crisis: the return of the spectre of the Weimar Republic.

The representation problem of the traditional political party system; the widespread discontent with ill-managed mass migration and the subsequent rapid, radical and unprecedented ‘multiculturalisation’ of European societies; the growing unease with the European integration process (not a shield against globalisation, but instead the transmitter and ‘visible face’ of globalisation); they all fuel the political and electoral potential of (right wing) populist movements.

Populism can be defined as a particular style of politics, referring to ‘the people’ as a false homogeneous entity against a ‘corrupt elite’, and in this sense the neo-populist citizen’s revolt in Europe must be understood. This revolt is rooted in the perception that people feel ‘betrayed’ by the ruling elites. They feel, as transnational public opinion research is revealing over and over again, not represented in, but victimised by, the great transformation of our contemporary societies, in particular by the processes of globalisation/Europeanisation, post-industrialisation and multiculturalisation. ‘Populism can be read as a fever warning which signals that problems of transformation are not being dealt with effectively, or points to the malfunctioning of the linkages between citizens and governing elites’.³

The new right-wing populism that emerged in the last decade of the last century can be called populist because they claim to represent ‘the people’ and to be mobilising them against a domineering Establishment. And they can be classified as right-wing populist because they claim to be defending and shielding national, cultural or ethnic identity against ‘outsiders’ or external influences.

In this sense there are connections to xenophobic, racist or far-right parties and political ideas. Some of the parties have indeed their origin in extreme-right quarters or did house neo-nazi or fascist party activists (the Haider Party in Austria, the “Vlaams Belang” party in Flanders, the Sweden Democrats). Most of these parties however tried to transform themselves (sometimes just to cover up) into democratic ‘normality’. Other parties, however, cannot be associated with ‘black European history’. Examples are the Pim Fortuyn party in the Netherlands - which has been called ‘postmodern populist’, because of his *bricolage* of right-wing and left-wing ideas- , the Danish People’s party of Pia Kjaersgeld or the Dutch ‘Partij voor de Vrijheid’ van Geert Wilders. One could call this kind of new populism as was also more or less espoused by Blocher (Switzerland), Hagen (Norway) and Berlusconi (Italy), a “third way of the right”, a middle road between the democratic and the

3. Yves Mény and Yves Surel, ‘The Constitutive Ambiguity of Populism’, in: Y. Mény and Y. Surel (eds.), *Democracies and the Populist Challenge*. Palgrave, 2002, p. 15

undemocratic right, between traditional conservatism on the one hand and the antidemocratic extreme right of the past on the other.⁴

It is common usage in Europe to identify populism with the new radical right parties.

But one of the actual problems is that the new anti-globalisation populism is not restricted any more to the relatively small 'home constituencies' of the far right parties. The populist discontent with established politics and with the perceived disrupting impact of internationalisation (global neo-liberalism, mass migration, the undermining of national democracy) is expanding to great parts of the electorate, threaten to turn over the post-war political systems in various countries.⁵ In countries such as Flanders or the Netherlands, some polls already indicate that the anti-establishment populist parties – respectively, the Flemish-nationalist NVA of Bart de Wever and the PVV of Geert Wilders -, may become the biggest parties in coming elections. Populism no longer is a marginal phenomenon, but striking at the heart of the post-war political order.

This essay therefore focuses on the widening gap between the political and policy elites and large parts of the population of the continental European welfare states. There is a massive level of unease in many Western countries, trust in institutions and politics is at a record low, there is a crisis of confidence and a crisis of political representation.⁶ The ever-growing pan-European presence of right-wing and left-wing populist movements, which often appear following a contested reform of the post-war welfare state settlements, remains an alarming and grimy reminder of the general unease in the population and the crisis of confidence which besets the established political scene.⁷

4. Cf. Michael Ehrke, *Rechtspopulismus in Europa: Die Meuterei der Besitzstandswahrer*, Analyse International Policy Analysis Unit, p. 3.; also Meindert Fennema, *Populist Parties of the Right* (IMES Paper, 23 July 2001).

5. Recent polls in *Le Monde* suggest that up to 25% of French electorate agree with the basic ideas of Le Pen.

6. M. Elchardus & Wendy Smits, *Anatomie en oorzaken van het wantrouwen*, VUBpress, 2002. Sociaal en Cultureel Planbureau (SCP), *De sociale staat van Nederland 2005*. *21minuten.nl*, Report of McKinsey and Company, 2005.

7. On the causes and backgrounds of the Populist Revolt, see: René Cuperus, 'Roots of European Populism: The Case of Pim Fortuyn's Populist Revolt in the Netherlands', in: Xavier Casals (ed.), *Political Survival on the Extreme Right. European Movements between the inherited past and the need to adapt to the future*, Institut de Ciències Polítiques I Socials (ICPS), Universitat Autònoma de Barcelona, p. 147 – 168, Barcelona, 2005; René Cuperus, 'The Fate of European Populism', in: *Dissent* (Spring 2004), p. 17-20; René Cuperus, 'The populist deficiency of European social democracy: the Dutch experience'. In: Matt Browne & Patrick Diamond (eds.), *Rethinking social democracy*, London, Policy Network, 2003, p.29-41.

A shortcut between elites and non-elites

In the process of adaptation to the New Global World Order, there has been a fundamental breakdown of communication between elites and the general population.⁸ The pressures of adaptation to the new globalised world are particularly directed towards those who do not fit in to the new international knowledge based economy, the unskilled and the low-skilled. The over-all discourse of adaptation and competitive adjustment has a strong bias against the lower middle class and non-academic professionals. This bias is one of the root causes for populist resentment and revolt. Policy- and political elites are selling and producing insecurity and uncertainty, instead of showing security and stable leadership in a world of flux. With the exception of some Scandinavian countries, European policy elites do not show welfare state pride stability in times of change and reform. This ambivalence about the very foundations of the European welfare state models is in itself producing populist unrest.

Unease and Distrust in contemporary European society must be located at more levels than that merely of the welfare state reform. We are experiencing a shift right across the board: the magic of the post-war period seems to be all used up: the post-war ideal of European unification, the post-war welfare state model and the post-Holocaust tolerance for the Foreigner; they all seem to be eroding and under pressure. The over all-process of internationalisation (globalisation, immigration, European integration) is producing a gap of trust and representation between elites and population around questions of cultural and national identity. This paper will take a closer look at precisely this complex of problems, the New Populist Condition of Contemporary Politics, especially in relation to the question of immigration, integration and the idea of a multicultural society.

Three faces of populism

As stated before, a wave of anti-establishment populism is conquering Europe. Populist parties of left and right are more and more successful in local and national elections. Populism has also been diagnosed to be the main trigger of the No-vote in the French, Dutch and Irish referenda on the European Constitution. Moreover, a populist discourse and agenda is taking over mainstream politics in many European countries, not the least in post-communist East-Central Europe. But also in Western Europe, establishment parties, especially on the right, are copying populist themes and messages, a cocktail mix of cultural conservatism, nationalism, euroscepticism and latent xenophobia.⁹

8. Tjitske Akkerman, 'Populism and Democracy: Challenge or Pathology?', in: *Acta Politica*, 2003, 38 (147-159)

9. The conservative-liberal VVD in the Netherlands is split between a traditional liberal wing and a new right wing populist wing.

Again, the core characteristic of this so-called new populism is that groups and movements identify the structural conflict in modern society and politics not any longer as one between left and right, but between ‘the people’ and ‘the elite’, both perceived as (false) homogenous entities.¹⁰

But it’s more complex than that. We can differentiate between at least three faces of populism. In the older sense, populism has been exclusively associated with right wing populist movements, populism being a euphemistic word for radical right racism or aggressive xenophobia.

A second type of populism can be labelled “media populism” or populism as a new style of communication politics. In the new information society and “mass media democracy”, under condition of diminished ideological party differences, populism is becoming more and more the dominant style of politics. Through election campaigns and permanent communication strategies (spin doctors) political leaders are trying to connect “catch-all” to mass audience and electorate for vote maximalisation and popular approval. In a way, modern democracies are doomed to be populist in this sense.¹¹

In the third sense - and this essay concentrates on this dimension (sometimes overlapping with the first dimension) – the new populist revolt must be characterised as a revolt against the New World as conceived and promoted by the mainstream political, cultural and economic elites, the New Global World, driven by the international forces of economic liberalism and cultural liberalism.

The “New Populist pan-European Revolt” in this last sense recently has been empirically demonstrated by a research team of the University of Zurich and the University of Munich, under the academic leadership of prof. HansPeter Kriesi.¹² In a Six European Countries Comparison, they analyse that “the current process of globalisation or denationalisation leads to the formation of a new structural conflict in Western European countries, opposing those who benefit from this process against those who tend to lose in the course of events’. They observe a structural opposition between so-called globalisation “winners” and “losers”, leading to a new cleavage transforming the basic national political space. “We consider those parties that most successfully appeal to the interests and fears of the ‘losers’ of globalization to be the driving force of the current transformation of the Western European party systems”.

Kriesi et al. assume “that the processes of increasing economic (sectoral and international) competition, of increasing cultural competition (which is, among other things, linked to massive immigration of ethnic groups who are rather dis-

10. Cf. Ivan Krastev, ‘The new Europe: respectable populism and clockwork liberalism’, www.open-democracy.net; and ‘The Challenge of the New Populism’, Centre for Liberal Strategies conference Sofia, may 2006.

11. Cf. Hans-Jürgen Puhle, “Zwischen Protest und Politikstil: Populismus, Neo-Populismus und Demokratie”, in: N. Werz (Hrsg.), *Populismus. Populisten in Übersee und Europa*, Opladen, 2003, p.15-43.

12. HansPeter Kriesi (and others), “Globalization and the transformation of the national political space: Six European countries compared”, in: *European Journal of Political Research*, 45/2006, p. 921-956. The term “The new populist European Revolt” is not theirs, but mine.

tinct from the European populations) and of increasing political competition (between nation-states and supra- or international political actors) create new groups of “winners” and “losers”. The likely winners include entrepreneurs and qualified entrepreneurs in sectors open to international competition as well as all kinds of cosmopolitan citizens. The expected losers, by contrast, include entrepreneurs and qualified employees in traditionally protected sectors, and unqualified employees and citizens who strongly identify themselves with their national community”.

Kriesi et al. formulate an interesting paradox of national boundaries: “the lowering and unbundling of national boundaries renders them politically more salient. As they are weakened and reassessed, their political importance increases”. They therefore expect globalisation losers to support protectionist measures, stressing the importance of national boundaries and independence. Winners who benefit from the increased competition tend at the other hand to support the opening up of the national boundaries and the process of international integration. The new antagonism between winners and losers of globalization is labelled *the conflict between integration and demarcation*.¹³ Kriesi’s c.s.” main argument is that this conflict represents a new political cleavage emerging from the process of denationalization, which is influencing the political space, the supply side of politics. The traditional left/right-class conflict around social-economic politics – the regulation of the market and social protection by the welfare state – and the traditional cultural conflict around religion and the libertarian post-materialist values plus identity issues of the new social movements are now extended and complicated by the new cleavage of integration versus demarcation. The new demarcation/integration conflict will be embedded into the two-dimensional basic structure, as Kriesi puts it.

“On the social-economic dimension, the new conflict can be expected to reinforce the classical opposition between a pro-state and a pro-market position (...). The pro-state position is likely to become more defensive and more protectionist (...). On the cultural dimension, we expect enhanced opposition to cultural liberalism of the new social movements as a result of the ethnicization of politics: the defence of tradition is expected to increasingly take on a ethnic or nationalist character. (...) The demarcation pole of the new cultural cleavage should be characterised by an opposition to the process of European integration and by restrictive positions with regard to immigration; these are issues which correspond to the new political and cultural forms of competition linked with globalization’ . .

Kriesi c.s. suggest by hypothesis “that in Western Europe, a). mainstream parties will generally tend to formulate a winners’ programme (i.e. a programme in favour of further economic and cultural integration), but that b). mainstream parties on the left will attempt to combine the economic integration with the preservation of the social protection by the welfare state, while mainstream parties on the right will tend to reduce the role of the state in every respect. (..) Left wing mainstream parties may also face the dilemma that market integration in Europe (and more globally) poses a threat to their national social achievements. In those countries

13. Ibidem, p. 922.

where mainstream parties tend to moderately opt for the winners' side, we face an increasing political fragmentation, with the strengthening of peripheral actors, who tend to adopt a 'losers' programme: i.e. on the right a culturally more protectionist stance, on the left a socially and economically more protectionist stance.

According to the Convergence thesis, the convergence of the major parties has been compensated for by the emergence of new parties.¹⁴

The radical's left opposition to the opening up of the borders is mainly an opposition to economic liberalization. The populist right's opposition is protectionist on the cultural dimension, to preserve the national identity. "The main characteristics of this "national-populism" are its xenophobia or even racism, expressed in a fervent opposition to the presence of immigrants, and its populist appeal to the widespread resentment against the mainstream parties and the dominant political elites. "Given the heterogeneous economic interests of the "losers" of denationalisation, the defence of their national identity and their national community constitutes the smallest common denominator for their political mobilization.. This could explain why the populist's right appeal to the losers is more convincing than that of the radical left".

A world in flux

In other words than HansPeter Kriesi and his colleagues, I arrived at the same analysis of populism as the protest vehicle of losers of the current modernisation process. Populism or protectionism or "politics of demarcation" may be analysed as reactions of fear and discontent to globalisation, denationalisation or detraditionalisation, a revolt against economic and cultural liberalism, the ideology of the modern internationalised professional elites, a revolt against the universalistic, cosmopolitan global village without boundaries and distinctions. In nucleus, this is what the new populism is all about, both in its moderate version (conservative or left-wing anti-capitalist protectionism) and in its nasty version of xenophobia, racism or aggressive nationalism.

Indeed, these are perilous times we live in. History teaches us that acceleration in a modernisation process is often accompanied by counter movements, not infrequently of a very dangerous nature. The process of modernisation is a story of trends and countertrends, movements and counter movements. As Tony Judt warned us before, see the beginning of this paper, the evolution of the modern liberal society produced democracy and prosperity, but also totalitarian pathologies such as Communism and National Socialism.

It looks as if we're now once again in a period of hypermodernisation. All the signals are set for change, for transition and transformation. Let's list the rather

14. A. Abedi, "Challenges to established parties: The effects of party system features on the electoral fortunes of anti-political-establishment parties", in: *European Journal of Political Research*, 41 (4), 551-583.

worn-out clichés: globalisation; European unification; the technological ICT revolution; the development of a post-industrial knowledge economy; immigration and the rise of multi-ethnic societies; individualisation and social fragmentation; environmental degradation; a commercial entertainment revolt in the media; geopolitical power shifts at the global level; international terrorism linked to political Islam.

This points to a world in flux; society, the economy and politics have entered an accelerated phase; traditional institutions and attitudes are under great pressure. Such a process of change produces both optimism and pessimism; fear and unease alongside a sense of adventure and spirit of enterprise. Those ready to welcome the future stand alongside those who fear it. A fairly harsh division is appearing between winners and losers, a demarcation line between countries and within countries. China and India versus Japan, the Arab world and Africa. Ireland, Poland, Finland and the United Kingdom against France, Germany, Italy. And within countries: young academic double-earners in the 'exposed' private sector against older, less well-educated industrial *Facharbeiter* and immigrants who are discriminated against on the labour market. New inequalities and polarisations are being produced. The transformation is particularly strong in questions of identity, issues of national, cultural and ethnic identity.

There are some who dismiss the discontent electorates, one-dimensionally and straightforward, as xenophobic nationalists, as frightened enemies of the open society, as people who turn their back on the future, as deniers of globalisation and immigration. But these critics are wide of the mark. There is a great danger involved when a cosmopolitan post-national elite carelessly argues away the nation state and national identity, just at the moment that the nation state is for many a last straw of identification to cling to, a beacon of trust in a world in flux.

A casual cosmopolitan reaction also painfully denies the strong polarising forces to which society is currently subjected and which have very different results for different groups. It denies the extremely weak socio-cultural and political climate in Europe, which is reflected by the pan-European rise of the populist right (and to a less strong extent: left-wing protectionism). The issue is thus the crisis of trust and political representation and the new sociological fault line in today's European society (see box under).

The biggest risk for contemporary society is an unprecedented cleavage between higher educated and lower educated, between cosmopolitan and nationalistic or libertarian and authoritarian orientations. This split is representing the fragmentation within our middle class society at large, as a result of the strong forces of globalization, mass migration, individualization and the postindustrial knowledge based economy.

In this respect, the problems of the post-war *Volksparteien*, the establishment parties of the middle, are a *pars pro toto*, a mirror for what's happening in society at large. The pressures of division and fragmentation on the people's parties are the pressures within society. What may fundamentally under attack is the social cohe-

'Future optimists versus future pessimists'

'On the one side is the group of people enjoying a reasonable measure of protection, who are neither insecure nor anxious. They see the market as an opportunity for progress, they view the unification of Europe as a success, they live alongside rather than within the multicultural society, they have a strong, individualised lifestyle and are not interested in the neighbourhood as a centre for solidarity and social control. They feel perfectly safe and secure and their individual prosperity gives them the means they need to avoid contact with the degenerating public domains and services. They usually cope well with bureaucracy and feel competent in their dealings with the various branches of government. They view the established political parties as legitimate organisations for shaping the democratic process, but consider them totally irrelevant in terms of their personal lifestyles. (...)

On the other side are the people who fear the future and feel threatened by the market, European expansion, continuing immigration and the multicultural society, the collapse of the social infrastructure, the loss of the tradition of helping your neighbours and solidarity in working-class areas, the internationalisation of the economy, the inadequate safety of the public domain and the deterioration of public services. They live in the midst of the multicultural society and have experienced enormous change in the social relations that used to form part of their lives. The monoculture of working-class neighbourhoods with a high degree of social control has made way for multicultural 'deprived' neighbourhoods. This group of people has lost all confidence in the traditional political parties, because they do not see them as organisations that represent their interests, but as part of the failing state machinery. Government is perceived as the opponent or the enemy. In the eyes of this frightened, insecure part of the electorate, all their problems are directly linked to the arrival of the foreigners. The presence of foreigners has allowed globalisation to become a concrete reality, and all the associated dangers (the disappearance of low-paid jobs, the undermining of national identity) have been personified'. (Van Kersbergen and Krouwel)¹⁵

sion or social fabric of our societies. What could be under attack is the European social welfare state model, defined as the coalition, the connector between privileged and underprivileged, between lower and higher middle class.

The biggest challenge for European society now seems to be a populist revolt against the established institutions, populism from the right or even extreme right, and populism from the left. The position I take in this paper on populism is a 'Blairite' one: *tough on populism and tough on the causes of populism*.

Populism is a species with a Janus-head. Populism is dangerous political material. Its anti-pluralist, xenophobic and authoritarian tendencies may be a serious

15. Kees van Kersbergen and André Krouwel, 'De buitenlandskwestie in de politiek in Europa', in: Huib Pellikaan & Margo Trappenburg (red.), *Politiek in de multiculturele samenleving*, p. 195-196. Beleid en Maatschappij Jaarboek/Boom, 2003.

threat to liberal democracy as we know it, opening up the scars of the black pages of European history.

But populism, and that's the other face, can also be seen as a legitimate warning against elitist-technocratic policy making, against the oligarchy of ideas and meritocratic interests of the academic professionals in the world of politics, against new inequalities, and the failures of representative democracy. In this sense of the word, populism should never be demonized and underestimated, but considered as an important alarm signal. Pointing at a crisis of representation, a communication breakdown between elites and ordinary people. A popular revolt of distrust and discontent. Indeed, Populism is the nightmare for moderate politics, for center-left reform politics, for the political coalition between the low-skilled and high skilled, the low educated and high educated.

Populism is a deep, fundamental reaction to social developments, to a possible new phase of the modernization process: the coming of a globalised, postindustrial multicultural world society. Populism, in its core, is a revolt against this imagined future, the future world of the political, economic, cultural elites. This future scenario of the elite is, in my analysis, producing the populist revolt. The notion that the future will be a post-national European future, a multicultural future, a globalised future, a future of permanent learning in a meritocratic knowledge economy, based on market flexibility and dynamics; that notion of the future is revolted against by populism. The more so, because the elite is communicating that this future is the only future: TINA: There is No alternative. This is the only possible future for countries such as Germany, Denmark, or even for Europe at large to survive in the new global world.

In the process of reform and adaptation to the new global world order, there has been a fundamental breakdown of trust between the elites and the general population, creating a harsh cleavage between winners and losers of the new modernization, a cleavage between future-optimists and future pessimists.

The process of economic and cultural modernization results in a new social polarization between winners and losers. Major economic changes associated with globalization and new technologies do not have the same effect on everybody but result in a redistribution of opportunities for participation and success. The level of education in particular, pre-determines individuals' life-chances, their confidence in politics and public institutions and their expectations of the future.

A new dividing line is emerging between two groups: those who embrace the future and those who fear the future, people who believe that the new world holds nothing good in store for them and who feel betrayed by the 'political elite'. This concerns both a cultural-political cleavage as well as a social-economic class divide. On the right, this new dividing line creates a breeding ground for anti-immigrant right-wing populist parties; on the left it provides a basis for left-wing populist parties, such as the German Die Linke or the Dutch Socialist Party. More and more, the traditional people's parties, which functioned as a connecting umbrella between higher and lower middle class, higher and lower educated, are faced with an existential issue as the dividing lines between these groups now threaten to split

and fragment their electorates, foreshadowing of a fragmented and split society?

Cosmopolitanism for a polarising world?

The 100 billion dollar question now is: what is, against this background of societies in flux, polarising transformation and fragmentation, the added value of the concept of cosmopolitanism? What is the realism, given the polarising forces which bring forward a populist revolt in many western countries, of the somehow other-worldly idea of global unity, of global familiarity of all people united, suggested by the Nauta-conference organisers?

As a matter of fact, the conference theme runs as follows: 'What does strange/strangeness/the stranger still means in a globalised context where anybody is supposed to know everything about everybody, and where human rights are supposed to be universal?'

What's sense and nonsense about this statement? Universal human rights are one thing (Eleanor Roosevelt already had that conviction), but do we really know everything about everybody on a global level? How many Chinese do you know out of one billion, and how good is your email-writing in Mandarin? Are there no strangers any more in a globalised world, apart from my wife and neighbour and my Other Self who I never fully understood? The world is flat, so are the people? Why this blunt unrealism disguised as philosophical hubris? How much globalization can we bear?, one could ask in the company of the German philosopher Rüdiger Safranski?

The European experience – and the European integration process is a giant 'micro cosmos' of globalization at world scale – is, unfortunately, not like this at all. The assumption that sharing sovereignty at elite-levels produces familiarity between countries and peoples, had not been proven right yet. Of course, on individual level – because of Erasmus student exchange programs, tourism, internationalized business and so on -, contacts and acquaintances have been considerably increased, but one cannot say that the European integration process has brought the political and public debate of, say, Sweden, closer to the Netherlands, let alone the Flemish. Huge amounts of "strangeness" remain - political, cultural, emotional – between the member states of the EU (and within, but that's another matter). One could even see a backlash of 'national identity' as a defensive reaction against semi-permanent European Enlargement and (perceived) semi-permanent interventions of European 'super state' institutions, such as the European Court and the European Commission, in domestic affairs and sensibilities.

The dialectics of globalisation

A more important omission in the conference theme seems to be a blind spot for the dialectics of globalization:

Globalisation implies two contradicting things at the same time:

1. the world grows more together, becomes more 'familiar', interdependent, connected, better-known, better reported and visited and travelled, because of revolutionary changes in transportation, media (the world wide web) and the economy.
2. but, 'at home', globalization implies that through global migration 'domestic', national societies become more global, more diverse, more 'strange', more fragmented and heterogeneous. So we see a dialectics of more 'familiarity' and more 'strangeness' at the same time, caused by the same factors.

And if we relate the dialectics of globalization to the populist revolt analysed here before, we can observe that globalization in the first meaning, that of more familiarity, is predominantly an experience for those people who are internationally connected, who act on a transnational or global level, i.e. international business, academic and cultural elites. Also to be referred to as the well-to-do expat-communities or the cosmopolitan happy few.

The impact of globalization on national state level, however, is predominantly directed towards low-skilled and semi-skilled workers, who are the first to experience job and wage competition of labour migration. Towards people living in worn out inner city or *banlieu*-neighbourhoods where non-expat migrants settle first, and so on. The impact of a globalised world in flux has, in other words, a strong pro- and anti-elite-bias. Again, what is against that background the meaning of cosmopolitanism?

What then is the problem with the in itself beautiful concept of cosmopolitanism, apart from its dreamy, John Lennon-like ('Imagine all the people') connotations? Much has to do that we now live in a world in flux. We experience an acceleration of the process of modernization, including globalization, mass migration, the financial crisis, the international knowledge economy. As a result, and research in many countries is demonstrating this, we see a split between those who are able to connect internationally, and those who cannot connect internationally, between national, local citizens and non-bound international oriented citizens. In the literature, they already make a distinction between 'multilingual mobiles' and 'single language, localized immobiles'. The ideology of global, cosmopolitan citizenship threatens to downgrade those who cannot connect internationally. So, cosmopolitanism produces as a matter of fact second-class citizens. This puts in the long run democracy at stake. Society threatens to split into globalization winners versus losers of globalization among countries and within countries, a fault line running right through the middle class society.

In the context of the contemporary globalization process, cosmopolitanism threatens to become the neoliberal and cultural ideology of the international business and expat interests, entrenched in their "gated communities", in stead of the philosophy of cultural universalism, the global open mind, of Erasmus or Stefan Zweig. Becomes cosmopolitanism in today's globalizing world, instead of being a homage to cultural openness and curiosity, not the accompanying song of cultural standardization and commercialization?

Back in the days of Stefan Zweig, cosmopolitanism was an important antidote to aggressive nationalism, and ‘jingoism’. Being a cosmopolitan meant distancing oneself from superiority-blind nationalism. It just meant opening up, say as a German, to the French, English, Chinese or American culture, lifestyle and experience, instead of sticking to the own culture.

But what is cosmopolitanism in the contemporary context of neoliberal globalization, mass migration and taboos on national identity? Is cosmopolitanism critically enough against the current neoliberal globalization under the auspices of the Washington Consensus, or does cosmopolitanism contribute, due to its vaguely a-cultural identity, to the fact that not the world citizen, but the world consumer

‘Speer meets Disney’: is Dubai the night mare scenario for our future global world?

The Modern Gulf States, such as Dubai, are “Thatcher Paradise”. In Dubai “there is no such thing as society”. Dubai, instead, is one of the real-existing authoritarian market societies of today, according to Syed Ali in his *Dubai. Gilded Cage* (Yale University Press, 2010). Dubai’s limitless consumers culture attracts people from all over the world. Freedom is the freedom of consumption. Dubai became the Middle East center of financial services, tourism and real estate, a paradise for developers, architects and construction companies, who built the highest skyscraper of the world, the biggest shopping mall and the most beautiful gated communities.

There is a dual class system of “expats” in Dubai. Construction workers from Pakistan and India live in worn out camps. Labour protest is punished by expulsion from the country. Also a huge amount of Indian shopkeepers, underpaid nannies from Indonesia and the Philippines and lawless prostitutes live in Dubai.

The well-off expats, working in the financial services and real estate, share the same legal residential situation with the nannies and construction workers. They are all subordinated to the so-called kafala-system of the Gulf States: ‘a system of modern slavery’, according to Syed Ali. Kafala, which purpose is that migrants cannot profit from Dubai wealth, implies that in all companies Dubai-natives must have a majority share and that visa (3 years maximum) for foreign workers are only given to the Dubai-employers, not to individual workers. Change of jobs therefore in fact is impossible, so is becoming a Dubai national.

The kafala-system transforms all foreigners in Dubai (up to 90 percent) deliberately into temporary citizens, suffering from “permanent impermanence’. They are not allowed to engage, as citizens, in political or social affairs, risking expulsion, but are restricted to be consumers of luxury only. Dubai is the wet dream of global market fundamentalism. An authoritarian state governs a market society for rootless, non-participatory consumers-inhabitants: Will Speer meet Disney in our future global world?

– Source: Bernard Hulsman, in: *NRC Handelsblad*, 18 juni 2010.

is the common denominator of the new global world? How culturally curious and open is a world, in which people and countries are merely treated as consumers and commodities, as economic competitors in a global free market society?

Cosmopolitanism is basically an a-historical, a-political and a-cultural concept, and a unprecedented, laconic replacement of traditional historical and cultural identities through a thin layer of cosmopolitan attitudes, is risky in a time when a hard separation occurs between globalization winners and losers. A misunderstood idea of cosmopolitanism sides with the elite-winners, turning cosmopolitanism into an ideology of the international top class only, turning the internationally disconnected into second-class citizens. On top of the already negative impact of socio-economic trends for non-academic professionals, now they are culturally dismissed as well, categorized as atavistic dinosaurs and xenophobic nationalists provincials. This will, understandably, call for resentments and revolt. Worse. This is already happening: the revolt of populism against the elitist notions of globalism and cosmopolitanism.

'Pornography of change'

When analyzing the elitist notions of globalism and cosmopolitanism, we encounter the careless vision of cosmopolitan ideologues, such as Ulrich Beck. Ulrich Beck's embrace of the cosmopolitan inevitability is a poor test of sociology, of utopian sociology, 'cosmo-sociology'. As if cultural differences will vanish for the sun. As if younger generations by definition will grow up without clear-cut identities? Everyone cosmopolitan! As if globalization, which forces a harsh split in the middle between the mobile and the immobile, will call only minor resistance. Dream on. Benjamin Barber and Manuel Castells just showed that globalization provokes strong aggressive reactions: *Jihad vs. McWorld*, globalization versus radical strengthening local identity. The techno-economic process of globalization, bringing about rootlessness and disorientation for many, can withstand sharp reactions to just protect identity and fight against a diffuse cosmopolitanism. Identities that may be recovered, in the form of religious fundamentalism or mild or dangerous forms of nationalism.

McWorld-cosmopolitanism threatens the postwar stability of the Western middle class democracies, where the tormented history of twentieth-century Europe has shown us precisely that a pinched, anxious middle class means big alarm for the stability of society and the mutual social relations within a society.

Cosmopolitan ideologues such as Ulrich Beck have absolutely no regard for the conflict dimension and the great disparities which their cosmopolitan utopia entails. In this respect, Beck is the prototype of the postmodern, disconnected academic who neglects academic duties. Instead of giving globalization and cosmopolitanism a critically-balanced review on the basis of the piled historical and sociological knowledge of our ancestors, they embrace, as Tony Judt pointed out so brilliantly, cosmopolitan globalization as a sort of *Belle Époque*-ideology, imply-

ing that globalization by nature will be a linear progress, without alternatives, kickbacks or counterproductive effects .

And kickbacks and risky backlashes, there will be. Large parts of the populations revolt against the elitist, neoliberal and cultural liberal, worldview of permanent flexibilisation, mobility and free flow of people and capital. People feel threatened by the totally disruptive discourse of the international policy elites about “a total change of everything.” They present a hysterical story of modernization and adaptation: everything and everyone will have to adapt constantly, on pain of missing the boat in the new world.

According to this reasoning, globalization, demographic shifts and technological revolutions will continue to shake the foundations of the world. Nothing will remain the same. Jobs, professions and industries hit wonders. Nation-states are powerless dwarfs in the global arena. Europe will hardly survive in the twenty-first century, unless the countries finally unite in becoming a global player. The West will lose out to China, unless our best and brightest are totally committed to an excellent innovative knowledge economy.

If we want Europe to succeed in the new century, and the Netherlands to succeed in Europe, we must give priority to our elites, the smartest, the strongest, the best. They are the ones who need to safeguard our future. (German SPD-banker Thilo Sarrazin in his book even designed a kind of “meritocratic racism” along these lines).

And all this under the mantra of inevitability: TINA, There Is No Alternative. According to the policy experts, there is no substitute for intensive adaptation to the brave new world of globalization, permanent immigration, economy and liberalization. That is the price we have to pay for our ideal of an open global society, economically and culturally.

I have once labeled this discourse of total adaptation, without any reference to cultural traditions and existing institutions, ‘pornography of change’.

One should have concern over the negligence of the so-called international and national policy elites. Concern for the negligence of their neoliberal world and vision. *The World is Flat*, as people will become.

The alarming warning should be: who arranges the world for cosmopolitans only, and assumes that everyone wants to be and can be a world citizen, runs the risk of huge resistance, such as the contemporary revolt of populism. Or worse. Anyone who thinks that globalization naturally brings forth global people, global politics, global democracy, global ethics and solidarity, will in the end play with historical and sociological fire.

Concluding observations

Europe faces a dangerous populist revolt against the good society of both the neoliberal business community and progressive academic professionals. The revolt of populism is, as I have argued in my paper, ‘produced’ by the economic and cultural

elites. They advocate, without much historical or sociological reflection, their 'brave new world' of the bright, well-educated, entrepreneurial and highly mobile. Their TINA-project is creating fear and resentment under non-elites. The deterministic image of a future world of globalisation, open borders, free flows of people, life-long-learning in the knowledge-based society is a night mare world for non-elites, the 'losers of globalisation'.

In the elite narrative, sizable parts of the middle and working class are being confronted with economic and psychological degradation. Theirs is no longer the future. They feel alienated, dispossessed and downgraded, because the society in which they felt comfortable, in which they had their respected place and which has been part of their social identity is being pushed aside by new realities. To what extent the ideology of 'globalism', multiculturalism and world citizenship can be reconciled with the heritage of national democracy and welfare state communitarism. To what extent a uniform global culture of neoliberal and hedonistic capitalism, can be reconciled with the rich cultural diversity of the world?

This paper examined unease and popular distrust, an instable undercurrent in European society. The unease is to be found in the perception of threat through processes of internationalisation: on the one hand the globalisation of production of goods and services as well as capital markets and the apparently boundless European unification; on the other hand a seemingly uncontrollable immigration and the development of multi-ethnic societies with problems of integration, segregation and multicultural 'disorientation'. Research is showing that immigration has become the most salient and much polarising issue since the 1970s. In some countries (Switzerland, Britain and new: the Netherlands), the question of European Unification is also part of the new political-cultural conflict. According to Kriesi c.s., this cultural dimension has become the primary basis on which new parties or transformed established parties seek to mobilize their electorate.¹⁶

Contrary to the gospel of the postmodern, cosmopolitan pundits who advocate the self-abolition of the nation state in favour of new regional power centres, instable and dislocating undercurrents in European society require not only prudence in (the discourse on) modernisation and innovation but also the rehabilitation of the nation state as a forum for restoration of trust, as an anchor in uncertain times, as a source of social cohesion between the less and the better educated, between immigrants and the autochthonous population. A restoration of trust between politicians and citizens will have to take place at the national level – the only tested legitimate arena for democracy- , as will the creation of a harmonious multi-ethnic society.¹⁷

Precondition for regaining political trust is also the renewal or even reinvention of the *Volkspartei*, as a bridge between the winners and losers of the new world trends. This new 'Volkspartei' will possibly emerge from coalition-building encompassing other political parties, as well as civil society-actors, and should design

16. Kriesi, op. cit., 950.

17. Alan Millward, *The European rescue of the nation-state*, 1992.

a new deal between the privileged and the less privileged: a pact of social-economic security and cultural openness, forging a new idea of progress. Based also on a sensibility for cultural and identity politics, because the big discontent and unhappiness in affluent welfare democracies are to a serious extent about community, social cohesion and, security: postmaterialist problems of social psychology.

Important is to restore the divide between left and right in politics - alternative scenario's to adapt to the new world trends -, in order to fight the dangerous populist cleavage between the establishment and (a false entity of) the people: *We must be tough on populism and tough on the causes of populism.*

This paper is partly based on: René Cuperus, *De Wereldburger bestaat niet. Waarom de opstand der elites de samenleving ondermijnt*, Bert Bakker, 2009.

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For Positive Insecurity

Comments on Cuperus

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It comes as no surprise that the author of a book called *The World Citizen Does not Exist* ridicules Lolle Nauta's cosmopolitanism and dismisses the conference organizers' multiculturalist and globalist perspective as naive, unrealistic, elitist and denigrating to the large majority of ordinary Dutchmen. The title of his book reads like a performative capitulation: rather than wishing to educate ordinary people to become a little more cosmopolitan, the ideal of a richer, more broadly-minded (than national) form of citizenship is demolished from the very start. In defiance of the old 'uplifting' emancipatory vision of cultural socialism, which saw material and social security as a precondition and stepping-stone towards individual liberty, cultural diversity and intellectual *insecurity* (culture as 'an unending quest for the unknown', in Jacques de Kadt's phrase), the ambition of Social Democracy is narrowed down to the petty-bourgeois ideal of 'providing security in insecure times'. The result is a double disaster: 1. amnesia about what I consider to be the superior half of the historical vision and message of social democracy; and 2. a politically dangerous rapprochement to populist sentiments about majority rule, national democracy, welfare protectionism, and strict adaptation of 'strangers' to a presumably dominant Dutch-Western *Leitkultur*.

Cuperus rejects the concept of cosmopolitanism as ahistorical, apolitical and acultural. He is right insofar as world citizenship in its literal sense is nowhere to be seen, except in the perverted form which is manifested 'in business class airport lounges, gated communities and jet set parties of the rich and famous'. He is also right in pointing at the cruelty of the dialectic of globalization, which turns out advantageously for well-to-do expats and the cosmopolitan happy few, but disadvantages low- and semi-skilled workers who suffer from economic pressure and are confined to worn-out city neighbourhoods where migrants become unwanted neighbours. But all of this is not sufficient reason for social and liberal democrats to 'understand' the alienation of the losers and their flight into the false securities of national identity, euroscepticism and fear of strangers with such energetic compassion that it spills over into condoning support and virtual identification – an attitude which in fact fuels and deepens these resentments instead of critically filtering and moderating them. The Labour Party, on Cuperus' explicit recommendation, should take the lead in offering a 'civilized populism of the left', and adapt itself in terms of programme, style and communication to its natural constituency of 'lower educated with fear of the future'.

The upshot of this is that Cuperus draws uncomfortably close to the cultural and social conservatism of the same populists whom he officially sets out to combat. We must be ‘tough on populism and on the causes of populism’, in his Blairite phrase. However, at closer inspection, Cuperus is tough on neither. If he is tough on anything or anyone, it is on the intellectual, cultural and political elites which take the side of the winners and turn the losers of the globalized knowledge economy, the anxious and angry lower middle class, into provincial second-class citizens. This cosmopolitan elite includes both neoliberal business pundits and progressive academics giving over to naive multiculturalism and postmodern relativism. They dangerously reason away the nation state and national identity at the very moment when for many of them it has become ‘a last straw of identification’ and ‘a beacon of trust in a world of flux’. In Cuperus’ analysis, apparently, populism is ‘produced’ by these antipopulist elites and their future scenario of a postnational, multicultural and meritocratic Europe. This diagnosis of the cause of populism simply (and irresponsibly) copies that of the populists themselves, as is evident from the contents of the recent book *De schijn-elite van de valsemunters* (‘The sham elite of the counterfeiters’) by PVV ideologue Martin Bosma.

Cuperus is right in emphasizing that there is no cosmopolitanism without roots, without a home base which allows one to venture into the bigger world. It is also true that the romantic view of the providential stranger carries a strongly elitist bias, as I argued in a chapter called ‘Privileged Nomads’ of *The Intellectual as Stranger* (2000), which was dedicated to Lolle Nauta and Zygmunt Bauman, who had both developed a similar argument before. But this is not sufficient to dismiss internationalism as a normative vision (even Cuperus finds the concept of cosmopolitanism ‘in itself beautiful’), especially if it takes the proximate shape of European citizenship, European democracy and a European social welfare state.

Our political ambition should not stop at the need to protect the losers against the winners, but should attempt to turn losers into winners (or in Cuperus’ terms: turn ‘localized immobiles into multilingual mobiles’), who welcome the open society and its individualistic spirit of adventure, innovation and enterprise. We must not side with the pessimists against the optimists, and inflate their pessimism with our own, but should offer a vision of the good life which balances social protection and flexibility, security and insecurity, social trust and risk-taking, solidarity and individual liberty. As spokesperson for a cosmopolitan, free-thinking and individualistic party (GroenLinks) that sports the slogan ‘Zin in de toekomst’ (Fancy the future), I can of course hardly plead otherwise.

Security, safety and protection have both good and bad sides, as do risk and insecurity. Democracy, in the words of the German philosopher Dubiel, is also ‘the institutionalized way of publicly coping with insecurity’. If we can provide a reasonable level of protection and prosperity for all, we might be able to educate people and elevate them to an ideal of civilization and high-quality life which precisely entails

the embrace of an adventurous, border-crossing individualism. Instead of leveling the elites down to the lowest common denominator, in true populist style, we should be unashamedly elitist and even paternalist in attempting to shift people from authoritarian to more liberal attitudes, and educate them to shed nationalistic and adopt more cosmopolitan values.

This was the attractive vision of an influential cultural socialist such as Hendrik de Man (1885-1953). As early as 1926, he regretfully realized that the 'petty-bourgeois surrogate culture' desired by the masses should be seen as a necessary transitional phase towards the formation of a new culture and a higher set of values and tastes. Similarly, and as a true European, he was prepared to accept the idea of a national culture, though only as a precondition 'for the higher unity of internationalism'. The labouring classes first had to pass through a stage of nationalist sentiment before they could be expected to attain a broader, more cosmopolitan consciousness.

It is painful to realize that present-day social democracy has all but forgotten about this (its own) historic civilizing mission. It is simply not good enough to embrace the security of acquired rights, and define social cohesion in terms of a self-centred 'Campina milk 100% Dutch produce' nationalism. If we really want to be 'tough on populism and tough on the causes of populism', we should set ourselves higher cultural aims. We should advocate values and virtues of moderation and self-control, self-criticism and tolerance, and even embrace the 'positive estrangement' which is part and parcel of a Nauta-inspired cosmopolitanism.



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The Open Society and its Immigrants

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Avoidance, Conflict and Accommodation

How often do we hear the unanswerable ‘immigration has always been with us’, the notion that people are always on the move and our own time is no exception? The Amsterdam municipality writes, matter-of-factly: ‘Almost half of all Amsterdammers were born outside the Netherlands. This is nothing new. For centuries Amsterdam, as a city of immigrants, has been open to people of different origins and faiths. Think of the Portuguese Jews, French Huguenots and seasonal workers from Germany.’

Even if we accept that from a historical perspective there’s nothing new under the sun, no one can doubt we are witnessing a profound change to the composition of Western populations. People certainly moved around a great deal in the seventeenth century, but that surely does nothing to mitigate the upheaval that cities are going through now. The guest workers from Morocco and Turkey who are changing Dutch neighbourhoods aren’t simply counterparts to the seasonal workers from Germany who spent time in the Low Countries in centuries past. The fact that Jews from Portugal fled to the Netherlands to escape the Catholic Church’s Inquisition doesn’t make it a matter of course that refugees from Islamist despotism in Iran and Afghanistan should come to live here.

Receiving societies are hesitant in their dealings with newcomers; established populations are becoming noticeably more rigid and tending to turn away from the outside world. It has even proven possible to find majority support for measures to limit immigrants’ civil rights. Nevertheless, many migrants could have done more to create a place for themselves in their new countries. They ought to have rid themselves sooner of the ‘myth of return’, the belief that their stay was only temporary. As someone remarked in a debate: ‘The price of staying is that you take the trouble to learn. Learning and spurning are two quite different things.’

It’s not difficult to point to shortcomings on all sides but there’s a good deal more to be said. This book examines how the conflicts surrounding migration can bring about a renewal of society as a whole, taking us closer to our aim of creating an open

society. There's a need for a more candid approach to the frictions and clashes that always result from the arrival of sizeable migrant groups. Earlier generations of historians and sociologists have left us a remarkable body of work to draw upon. Oscar Handlin, the best known historian of immigration in America, is one source of inspiration. In *The Uprooted* (1952) he describes the causes and effects of migration from Europe to America. They can be summed up in one sentence: 'the history of immigration is a history of alienation and its consequences.'¹ Alienation and loss are key features of any description of the arrival of migrants in a strange environment.

Handlin is thinking primarily of those who came, 'for the effect of the transfer was harsher upon the people than upon the society they entered'.² He tells the story of the millions who were set adrift by industrialization and by the astonishing population growth of the second half of the nineteenth century. The dislocation and poverty that resulted, especially in rural areas, led to mass emigration from countries including Ireland, Germany, Italy, Sweden, Norway and Poland. Huge economic and social forces were at work, and people were torn loose from environments they had occupied for centuries. Hardly anyone welcomed this liberation, Handlin says, since above all it meant separation. He describes with great empathy the often atrocious journey they made across the Atlantic and their arrival in a new land where they had to make their way as immigrants, often utterly destitute and with no idea what the future might bring.

In unfamiliar surroundings many sought refuge in the certainties of their religion. 'In that sense all immigrants were conservatives. . . . All would seek to set their ideas within a fortification of religious and cultural institutions that would keep them sound against the strange New World.'³ This hankering after old structures and customs served as an aid to survival in an urban environment. It's easy to see why many migrants tried to perpetuate village life in foreign cities, which makes it all the harder to understand why immigrants are so often described as great innovators.

In their new country, so confusing and full of dangers, people felt a need for the support of their religion, but maintaining religious faith was a challenge: 'The same environment, in its very strangeness and looseness and freedom, made it difficult to preserve what could be taken for granted at home.'⁴ The end result was all too often a sense of not belonging anywhere any longer. 'They had thus completed their alienation from the culture to which they had come, as from that which they had left.'⁵ This is an experience shared by many contemporary migrants as they try to connect with a new society.

1. Oscar Handlin, *The Uprooted*, Introduction, p. 4

2. Oscar Handlin, *The Uprooted*, Introduction, p. 5

3. Oscar Handlin, *The Uprooted*, p. 116

4. Oscar Handlin, *The Uprooted*, p. 141

5. Oscar Handlin, *The Uprooted*, p. 285

It was not only the migrants themselves who were afflicted by insecurity. Those already living in the new country, which after all was not a blank canvas but had customs and traditions of its own, were thrown off balance. Handlin acknowledges their side of the story: 'Everything in the neighbourhood was so nice, they would later say, until the others came. The others brought outlandish ways and unintelligible speech, foreign dress and curious foods, were poor, worked hard, and paid higher rents for inferior quarters.'⁶

In an earlier study Handlin had examined the reaction of nineteenth-century Bostonians to the arrival of Irish immigrants, who came in huge numbers. After the two groups clashed it took at least half a century for the city to regain its balance. 'Group conflict left a permanent scar that disfigured the complexion of Boston social life.'⁷ Yet Handlin's approach was subtle and he avoided laying the blame on one side or the other. He used cautious terms like 'latent distrusts' and 'social uneasiness' to describe the attitudes of longstanding residents.⁸

It's not hard to understand reactions like these. People saw their world changed by immigrants and instinctively harked back to a shared notion of the community as it had been before. It serves little purpose to impress upon people who no longer feel at home in their neighbourhoods that we all have to move with the times. In the often hostile expression 'stranger in your own country' lies a recognition that migration has brought people from all over the world to settle in today's major cities. We need to face up to the feeling among established populations that a tried and tested society is being lost, just as we need to acknowledge the feeling of uprootedness among many newcomers.

For far too long, those who didn't live in the neighbourhoods where migrants settled were the warmest advocates of the multicultural society, while those who did live in them steadily moved out. Their opinions were ignored, or they were belittled for suddenly giving voice to their own latent xenophobia. Now that the middle classes can no longer escape the changes migration brings – in part because they can no longer fail to notice migrants' children in the classroom – the argument has broken out in earnest and there is a need to think seriously about both the life stories of immigrants and the experiences of indigenous residents. It is indeed true to say that the history of immigration is a history of alienation and its consequences.

Yet that alienation does not last for ever, quite the reverse in fact. Back in the 1920s American sociologist Robert E Park described what was then generally referred to as the race relations cycle as beginning with isolation and avoidance and mov-

6. Oscar Handlin, *The Uprooted*, p. 189

7. Oscar Handlin, *Boston's Immigrants*, p. 206

8. Oscar Handlin, *Boston's Immigrants*, p. 184

ing on via contact, competition and conflict to accommodation and assimilation.⁹ There is an underlying logic here: on arrival migrants tend to keep to themselves, partly as a result of the attitude of avoidance they detect in the society around them. In the years that follow, migrants and their children struggle to claim a place for themselves in the new country, and this leads to rivalry and strife. The question of how everyone can live together becomes unavoidable. If a satisfactory answer is found, the descendants of the original migrants will be absorbed more or less smoothly into society. This is a hopeful view and it suggests the familiar model of three generations.

Of course the process can't really be divided into phases or generations as neatly as this, but the important point is that every story of migration involves conflict. That was and is the case in America and the pattern is being repeated in contemporary Europe. It's difficult to say how long or how severe the period of conflict will be, but the phase of avoidance is gradually coming to an end. We should see today's frictions as part of a search for ways for newcomers and the established population to live together. Conflict has in many ways a socializing effect.

Emancipation will not be achieved without pioneers. In the pressure cooker of the past few years there has been an unmistakable quickening of developments. Conflict is ultimately a sign of integration, so we should make a clear-eyed assessment of the anger and frustration of many migrants' children. Far more often than we may realize, behind what they say lies a burning ambition to be part of society. In 1918 sociologist Georg Simmel wrote about the significance of conflict. His verdict on indifference is wholly negative, whereas he believes conflict has something positive at its core: 'Our opposition makes us feel that we are not completely victims of circumstances. It allows us to prove our strength consciously and only thus gives vitality and reciprocity to conditions from which, without such corrective, we would withdraw at any cost.'¹⁰

Immigration is the most visible aspect of globalization, which gives many people a sense that their familiar world is vanishing. This is not yet felt to be an improvement. In European countries many people are convinced that a period of stagnation or even decline lies ahead. Few still believe their children will have a better future, whereas the post-war generation enjoyed the prospect that their offspring would live freer and more prosperous lives. It doesn't really help to say that future generations will see these as the good old days. Right now all that counts is that a sense of loss has taken hold and people are looking for ways of reaching beyond that experience.

Literary critic Svetlana Boym discerns a pattern: 'Nostalgia inevitably appears as a defense mechanism in a time of accelerated rhythms of life and historical upheav-

9. Robert E. Park, *Race and Culture*, p. 150. See also Ulf Hannerz, *Exploring the City*, p. 44

10. Georg Simmel, *On Individuality and Social Forms*, p. 75

als.¹¹ Newcomers and natives react in similar ways – and no wonder, since the cause of their unrest is the same. Migrants personify a world set adrift, and those they come to live amongst are swept along by changes to their everyday environments, but shared experience does not bring the two sides together, Boym concludes. ‘The moment we try to repair longing with belonging, the apprehension of loss with a rediscovery of identity, we often part ways and put an end to mutual understanding.’¹² That is exactly what’s happening now: the desire for a firm footing in a turbulent world is driving old and new citizens apart.

In the history of immigration the pendulum swings back and forth between openness and withdrawal. Later we’ll examine the American experience at some length, but we should note at this point that after forty years of mass immigration between 1880 and 1920, new legislation was introduced that kept the numbers to a minimum until 1965. The similarity with present-day Europe is striking; here too, after decades of mass immigration, there’s a widespread desire for tighter controls.

In other words, the call for the influx to be curbed is not an exclusively European phenomenon, nor does it represent an inability to get along with migrants, a failing that could perhaps be ascribed to Europe’s relatively short history of immigration. A more restrictive policy as a means of restoring the social balance is an option that ought to be taken seriously. History shows that spontaneous rapprochement between indigenous populations and newcomers is rare. The risk that each side will keep raising the stakes with opposing declarations of loyalty – both in effect openly saying ‘my own people first’ – means we must take the trouble to explore what lies behind this hostility.

Integration Requires Self-examination

The movement of peoples over the past few decades has had a considerable impact. Natives and newcomers often seem far apart, and beneath a veneer of harmony countless stories can be heard – by those willing to listen – about daily cultural clashes. A conflict successfully avoided for years has erupted all the more fiercely. Where silence reigned for so long, too much is now being said and too stridently. Multicultural diplomacy alone will not be enough to build mutual trust, but for a long time few awkward questions were asked, both because no one was particularly interested in the answers and because it was felt too much would be stirred up if they were. Noiriel remarks that crises surrounding migration ‘are moments in which the social rules for the whole of the receiving society are ruptured and redefined’.¹³

11. Svetlana Boym, *Future of Nostalgia*, Introduction p. xiv

12. Svetlana Boym, *Future of Nostalgia*, Introduction p. xv

13. Gérard Noiriel, *Le creuset français*, p. 274

This process is now well underway. In migrant communities, one generation after another puzzles over the nature of its relationship not just with the society it finds itself in but with its countries of origin. In an autobiographical account Ziauddin Sardar writes: 'As we, the Asian community, became more British, more rooted in time and place, here and now in Britain, we also needed to build more barricades against losing touch with where our parents came from. We needed barricades to protect us from the increasing sense of being rejected by British society.'¹⁴

Ambiguity is rife in countries of immigration and it can easily lead to distrust on all sides. When relations between people are coloured by suspicion, anything anyone does can be interpreted as malicious: on closer examination an offer of help is mere meddling, a question can easily sound like an order, apparent uncertainty is taken as some kind of subterfuge and before you know it all attempts at sincerity have run into the sand. The conclusion drawn by German writer Hans Magnus Enzensberger seems justified: 'Today the preparedness and ability to integrate cannot be taken for granted in any country or on any side. The multicultural society remains an empty slogan as long as the difficulties the concept raises are declared taboo but not resolved.'¹⁵

There has been too much avoidance on the part of receiving societies, and it goes some way to explain the current impasse. The twentieth century was marked by attempts to reduce social inequality and bridge cultural divides; no issue has disturbed European public life so much as the effort to elevate a whole range of population groups so that full citizenship would be available to everyone. This determination to achieve equality of opportunity arose out of a fear of social unrest, but it was also inspired by moral convictions.

Generally speaking past efforts to integrate all social groups could be described as successful. Rank and class lost their edge; people became less and less bound by their origins. This makes the resigned response to the rise of a new, perhaps more pernicious divide seem all the more troubling. Newcomers and their families often lag behind, and at the same time institutions are not sufficiently open to new talent. The absence of urgency was the product of a consensus that prevailed for decades, the idea that integration is purely a matter of time, a natural outcome of socio-economic progress. What's lacking now is a clear notion of citizenship that goes beyond a plea for improvements to the position of migrants in the jobs market and in education.

Timidity on the subject points to a more general failing. The call for integration prompts the response: 'Integration, fine, but into what?' A society that has little or nothing to say for itself will quickly be exposed as flawed. This has not escaped the

14. Ziauddin Sardar, *Balti Britain. A Journey through the British Asian Experience*, p. 88

15. Hans Magnus Enzensberger, *Die grosse Wanderung*, p. 59

attention of migrants, who respond with a combination of ‘What do you actually want from us?’ and ‘For heaven’s sake leave us alone’. As one student remarked: ‘You never know where you stand here. What is integration, in fact? What are Dutch or French or British norms and values? I have a feeling politicians are deliberately vague about them, so that they can always say: no, that’s not what we meant.’

Such reactions are all too often expressed in aggrieved tones, but anyone aiming to close the chasm nevertheless needs to come up with a convincing response. ‘Diversity’ is a commonly deployed concept, but it does little to clarify matters. It ought to go without saying that an open society is characterized by divergent outlooks, lifestyles and beliefs, but even in a liberal democracy there are limits: not everything that’s different is valuable. Embracing diversity indiscriminately is tantamount to protecting traditional habits and customs from critical scrutiny. There’s a tendency to address migrant families as members of the groups to which they’re presumed to belong. This applies not only to the first generation, which is to some extent preserving the traditions of its countries of origin, but to the children and grandchildren of migrants as well. They are regarded as perpetuating a particular culture, whereas it may well be that many ‘Turkish’ children prefer listening to American rapper 50 Cent than to Turkish pop star Sezen Aksu – quite apart from the fact that many different influences can be found in Aksu’s work.

There’s another reason why the prevailing view of diversity doesn’t necessarily represent progress. If minorities continue to see themselves primarily as ethnic groups, there’s a real danger that majority populations too will increasingly conceive of themselves in ethnic terms, especially when in many cities they find themselves outnumbered. American sociologist Charles Gallagher has observed: ‘Like it or not, middle-class and lower middle-class whites see themselves as a minority and have adopted a posture of being the victims.’¹⁶ This is the risk we run by emphasizing ethnicity. Why should one group be allowed to appeal to its own ethnic identity if another group is not?

It’s important always to keep in mind the aim of creating a society in which people are asked how they see their futures, not one in which they’re judged according to their pasts. Getting there will be a process of trial and error, and all citizens will need to look beyond ethnic dividing lines.

It’s often argued that integration should engage both newcomers and natives, but what does this actually mean? Instead of emphasizing the differences between minorities and the majority, we should concentrate on shared citizenship as an ideal to which everyone can aspire. Migrants can be invited and challenged by a society only if it has a strong culture of citizenship. Problems surrounding migrants and their children are general social issues writ large. They concern not only important insti-

16. Samuel Huntington, *Who are we?*, p. 315

tutions such as education but constitutional rights like freedom of expression. This is the reason migration cuts so deep: it goes to the heart of institutions and liberties.

The basic principle is simple: native populations cannot ask of newcomers any more than they are themselves prepared to contribute. Those who encourage others to see themselves as fellow citizens must have at least some notion of what it means to be a citizen and, as far as possible, turn that notion into practical reality. Hence the embarrassment that typifies debates about integration. An established population that asks people to integrate will sooner or later find itself facing similar demands. This is all part of an ongoing quest, a process of social renewal.

Take linguistic skills. There can be no doubt that the command of a country's official language is a prerequisite for all those trying to hold their own as citizens. The Dutch have therefore talked a great deal over the past few years about language deficits in migrant families, a problem currently referred to as 'low literacy'. It was only a matter of time before people started asking: How good are the reading and writing skills of the indigenous Dutch population? It quickly became clear that hundreds of thousands are struggling, and initiatives are now being implemented that are aimed at raising levels of literacy across the board.

This is just one example of how debates about integration can make hidden social problems visible, introducing issues that go far beyond the emancipation of migrants. The growing divide between low-skilled and educated people demands attention; Flemish writer David van Reybrouck regards this as the most important cause of current dissatisfaction with democracy. Many people with little more than a basic education no longer feel represented: 'As in the Netherlands, a parallel society has grown up in Belgium. The low-skilled are in the majority, but they genuinely feel themselves to be a minority that is subjected to discrimination.'¹⁷

Integration conceived as a reciprocal process confronts society with profound questions about what it means to be a citizen. What accomplishments are essential? What kind of knowledge is required? Those who think migrants should know more about the development of their adoptive country's constitution, for example, cannot avoid the question: What exactly do you know about it yourself? This has revealed another weakness of Western societies. Doubts about the historical awareness of the average citizen matter, because citizenship involves a realization that something came before us and something will come after us. It's hard for any sense of responsibility to develop unless people see themselves as part of a continuing history.

Which brings us to another series of questions: What image of the past do established residents want to present to newcomers? Might there not be a need to discuss

17. David van Reybrouck, *Pleidooi voor meer populisme*. p. 42

this image with everyone, irrespective of background and origin? Are schoolchildren taught in any meaningful sense about colonial history? Is any attention paid in schools to migration into and within Europe over the centuries? Gestures are of little use. It's essential to hand down as truthful and self-critical an account of the past as possible. The issue of integration has forced many countries to take a fresh look at school curricula.

Self-examination is going on outside schools as well. New museums are being established, such as the French museum for the history of immigration and the Dutch National History museum, while those already in existence are reassessing the stories they tell. The aim is not so much to win people over as to use migration as the starting point for a re-examination of commonly-held assumptions.

There's an even more fundamental sense in which the principle of reciprocity prompts societies to question themselves. It concerns the rights and duties attached to citizenship. Citizens are now well aware of their rights but far less likely to have been given a clear understanding of their duties. This is a crucial problem, since freedoms unaccompanied by a sense of responsibility will start to erode. The issue of religious freedom illustrates the point. Muslims invoke the right to practice their religion and that right is non-negotiable, as long as it's exercised within the bounds of the constitution, but it also confers upon all believers a responsibility to defend the rights of people of other faiths or none.

There's a need for shared norms to which both the majority and minorities feel bound, and they include the right to freedom of conscience. The question that needs to be addressed is: What do the difficulties surrounding integration tell us about the strengths and weaknesses of society as a whole? The search for ways to live together demands self-examination on all sides. That's the deeper significance of the reciprocity we seek: those who ask migrants to take a critical look at their traditions must be prepared to hold their own cherished assumptions up to the light.

Citizens, whether newcomers or otherwise, should not be required to absorb themselves into society as it is now but rather to identify with society as it has the potential to be. Everyone should feel invited to help society move closer to its ideal of equal treatment. Reciprocity as a basic principle of citizenship means that anyone trying to combat discrimination against migrants and their children must be prepared to oppose forms of discrimination within migrant families, against unbelievers, for example, or homosexuals. We can't pick and choose when it comes to equality.

This became clear on a visit to a school in Antwerp where a large majority of pupils are from Muslim families. One commented, as a joke: 'I've counted the Belgians at our school. There are twenty-three.' The school has a long tradition and many of the children do well, but the teachers say it's become difficult to talk about evo-

lution in biology lessons, about the Holocaust during history lessons and about ‘perverts’ like Oscar Wilde in literature lessons. A choice has to be made. Should teachers give in to the religious prejudices many children bring from home or oppose them, with all the patience and dedication that requires?

The reverse is also true, of course. A society that cherishes the principle of equality must be willing to listen to those who claim they’ve been discriminated against at work or in pubs and clubs. Sometimes legal action is necessary, but in many situations the key to success is persuasion, not compulsion. Campaigns and rules may help to combat discrimination, but we all need to confront prejudices publicly, challenging them as a step towards developing mutual trust.

Not everyone is favourable to such reciprocity, as is clear from comments like ‘they came to us, we didn’t go to their country’? This amounts to saying that the majority has the power and the right to force minorities to adapt. Such an imbalance of power can never produce a truly integrated society, if only because the protection of the rights of minorities is a defining element of democracy. The opposite view is equally unproductive. It often takes the form of claims that there can be no reciprocity while the imbalance between the established and newcomers is as great as it is now. In other words: ‘You can’t ask the same of those at the bottom as you do of those at the top.’ This attitude leads nowhere, except to the paternalistic notion that people in migrant communities are not responsible for their fate. Shared citizenship means, by definition, that we are all invited to enter the public arena as equals.

We started by identifying a sense of alienation and loss among both immigrant and indigenous populations. If the shock of the new can inspire self-criticism and change, real progress will have been made. Efforts to ensure that people from all regions of the world can be part of today’s urban society should prompt a reassessment of prevailing notions. This is not a matter of being disloyal to everything Europe and America have contributed to the ideal of an open society but of becoming more faithful to that ideal.

In other words, the arrival of migrants is not only irreversible, it offers a unique opportunity for introspection. American sociologist Henry Pratt Fairchild was aware of this almost a century ago. Much of what he wrote is now outdated, but surely he was right in saying that the degree to which migrants were able to feel part of a new country was not down to them alone: ‘Before laying tardy assimilation too readily at the door of the immigrant we should thoughtfully consider whether our own house does not need to be set in order.’¹⁸ In short it makes sense to talk about integration only if it’s seen as part of an effort to improve society as a whole. As Fairchild puts it: ‘If the immigrant is to love America he must first have the opportunity to experience America, and having experienced it he must find it lovable. No amount of lecturing, legislating, and threatening can make the alien

18. Henry Pratt Fairchild, *Immigration*, p. 426

love America if he does not find it lovable, and no amount of original strangeness and unfamiliarity can keep him from loving it if in the final event he finds it worthy of his love.¹⁹

The subject of immigration and integration – and therefore of citizenship – creates uncertainty because it affects so many areas of life: education systems, welfare provision, constitutional rights such as freedom of expression. The public debate now underway sparks conflict time and again. A society without clear ideas about citizenship will be unable to inspire migrants to see themselves as citizens. It's time for some thorough renovation. An open society cannot survive without self-criticism. We must aspire to become what we say we are.

The Cosmopolitan Code

We need to set off in search of a contemporary cosmopolitanism. Relativism must be given a place, but it should never be allowed the final say. Universalism is essential, since it holds open the possibility of reaching a critical verdict on norms that are generally accepted within a specific community. We have to resist the temptation to embrace traditions uncritically, but at the same time we must reject any concept of world citizenship that fails to relate to a community for which a person can feel responsible. It's proving increasingly difficult to reconcile a cultural heritage with openness to the world, two things that seem to be drifting apart in the richer nations.

Our world is becoming both larger and smaller, bringing people closer together and pushing them further apart. The astonishing mobility of capital, information, goods and people is making societies not only more involved with each other but more permeated by each other. At the same time the aversion to integration and cultural mixing is increasing and people are withdrawing into their shells. World citizenship is a remote prospect for most. The central question here is what a contemporary cosmopolitanism ought to look like.

Polish-Canadian writer Eva Hoffman emphasizes the fact that the conditions for world citizenship have changed: 'Whereas cosmopolitanism used to defend itself against the narrow-mindedness of provincialism and nationalism, nowadays we are trying to use it as an antidote to the superficiality of globalism and life as social nomads.'²⁰ She sees a 'new betrayal' by intellectuals in 'the denial of the desire for meaningful attachment'.²¹ Which returns us to the question: What form should an open society take in a borderless world?

19. Henry Pratt Fairchild, *Immigration*, p. 425

20. Eva Hoffman, *De ziel van de dialoog*, p. 32

21. Eva Hoffman, *De ziel van de dialoog*, p. 33

There's a great deal to be said for the attempts that have been made in our own time to expand the community with which a given individual can identify – just as long as it's a matter of deepening responsibility, rather than a flight from obligation of the kind that's all too much in evidence everywhere. The current blurring of borders presents more opportunities for self-interest than for serving the needs of communities. The notion of world citizenship may help to expedite enlightened ways of living together, but it has its dark side. French philosopher Jean-Jacques Rousseau knew this: 'Distrust those cosmopolitans who go to great lengths in their books to discover duties that at home they regard as beneath them. Such philosophers love the Tartars to avoid having to love their neighbours.'²²

A useful observation, particularly now. Many people are trying out a comfortable identity as citizens of a global village in the making without asking themselves whether the pursuit of a world without borders is not all too often a way of ignoring those close to them. The festive embrace of the global village is offset by urgent questions about the conditions for citizenship of a city and a state. In defiance of a readily professed openness towards the world, our heritage retains its significance.

In his autobiography, Austrian writer Stefan Zweig presents a wry exploration of the illusions surrounding the concept of the world citizen. He tells of how he was exiled. After a long wait on the 'petitioners' bench' it dawns on him exactly what the difference is between having the right to a passport and being granted a residence permit. 'Often in my cosmopolitan reveries I had imagined how beautiful it would be, how truly in accord with my innermost thoughts, to be stateless, obligated to no one country and for that reason undifferentiatedly attached to all.'²³ Now he knows better and speaks of 'that terrible state of homelessness'.²⁴ Elsewhere he writes that emigration 'disturbs the equilibrium'. His book could be read as an account of the disenchantment of a world citizen as he slowly discovers the unspoken conditions of his mobility at a time when being uprooted is no longer the result of a free choice but is brought about by force of circumstance. His life story invites a study into the often misunderstood notion of world citizenship.

We come upon a similar grappling with cosmopolitanism in the work of French philosopher Alain Finkielkraut. At first the targets of his indictment were those who glorify what is theirs at the expense of the things we hold in common. He clearly opted for a form of universalism. In his recent books, however, he explains the risks of exactly that option: faith in humanity turns out to be as easily abused as the cherishing of a birthplace. He now refuses to choose between the resulting alternatives: 'Detachment or attachment. Openness or heritage. Tolerance or loyalty.'²⁵

22. Jean-Jacques Rousseau, *Emile* I, p. 249

23. Stefan Zweig, *Die Welt von Gestern*, pp 462-463

24. Stefan Zweig, *Die Welt von Gestern*, p. 442

25. Alain Finkielkraut, *Comment peut-on être croate?*, p. 58

By combining the two rather than opting for one or the other we can avoid an impasse. We should value the crossing of frontiers in the knowledge that borders are an inalienable part of our lived reality. We need to contemplate cultural differences instead of denying they exist. People are not prisoners of their origins, but each individual existence has to be embedded in something. It's a matter of seeing a heritage not as prescriptive but as a prerequisite for independent action. Freedom, after all, needs a context.

A true cosmopolitan tries to embrace that tension between the local and the universal. This is surely rather different from believing in a worldwide market of ideas, each of which can be appropriated or rejected at will. How can we envision and revise our own cultures in the light of those of others? When we try to make comparisons we find ourselves forced to lower our sights. It's not easy to find a way into a foreign culture, even that of a neighbouring country. Anyone who tries to fathom the often implicit references in a novel originally written in another language immediately runs into difficulties. The reader is required to transpose himself or herself, and that requires effort. As TS Eliot rightly observed: 'Though it is only too easy for a writer to be local without being universal, I doubt whether a poet or novelist can be universal without being local too.'²⁶

Surely the attitude that many adopt is a strange one. They claim to be greatly interested in other cultures and regard the rejection or brushing aside of their own culture as a gesture that underlines that interest. But only those who are conversant with their own cultural traditions can move beyond them; only those who understand that boundaries exist can overstep them. In the end we learn by comparison. We get to know ourselves better by examining that which is foreign. Detachment and attachment, heritage and openness, loyalty and tolerance: these attitudes belong together and if they're decoupled a precarious balance is upset.

Finkelkraut describes his own stance: 'The cosmopolitan is distinguished by the fact that he does not regard it as dreadful but as salutary to be put to the test by the other, the stranger: the other, that which he is not, over whom he has no hold.'²⁷ Were all borders truly dissolved, there would be no outside world any longer. He therefore passes stern judgment on self-declared citizens of the world: 'They couple the tribal practices of introverted groups with the moral condemnation of their own hearth and home. . . . A person without a navel is a person who advocates unbounded human rights, but an abominable citizen.'²⁸

The weakness of cosmopolitanism lies in the fact that the ambitious 'everyone is in principle responsible for everything' can easily degenerate in practice into 'nobody

26. Cited by Kwame Anthony Appiah in his introduction to Chinua Achebe, *Things Fall Apart*, p. xii.

27. Alain Finkelkraut, *L'ingratitude*, p. 43

28. Alain Finkelkraut, *L'ingratitude*, p. 116-117

is any longer responsible for anything'. This was tragically illustrated by the peace-keeping operations in Yugoslavia and Rwanda. Where no direct security interests are involved, it's easy to look the other way. Even the aim of making the international community live up to a collective responsibility to prevent genocide – surely a moral minimum – seems extraordinarily difficult to realize.

We are looking for words that bridge the gap between the local and the universal, for a world citizenship that connects with its own lived environment. Philosopher Kwame Anthony Appiah tells of a life lesson he received from his father, who was born in Ghana: “Remember that you are citizens of the world.” He told us that wherever we chose to live we should endeavour to leave that place “better than you found it”.²⁹ His father thereby made clear that even those who settle somewhere temporarily can leave something permanent behind, or rather, ought to want to leave something permanent behind. He describes this idea as ‘rooted cosmopolitanism’.

The concept of the world citizen is in the first instance a European legacy, but the source of humanist ideals need not discredit them in the eyes of non-Europeans. When the Universal Declaration of Human Rights was drawn up it was deliberately not given a philosophical basis. It may have been conceived according to the European tradition of individual rights, but no cultural grouping can repudiate its norms. They are applicable to all countries, including those in which they were originally formulated. One example here is of course decolonization. The revolt against the colonial powers was led by elites educated in the West, who used the modern vocabulary of self-determination and human rights. There is no escaping the paradox: resistance to European colonizers took place in the name of ideals that originated in Europe.

We must learn to distinguish between the origin and the spread of ideas. Just as the classics in music, architecture and literature are appreciated far from their countries of origin, so the democratic revolutions of America and France can be seen as a universal heritage that has broken free of its sources. Singaporean diplomat and scholar Kishore Mahbubani writes: ‘For 500 years the West has been the only civilization carrying the burden of advancing human knowledge and wealth. Today, it can share this responsibility.’ And he adds: ‘It should also celebrate the clear spread of Western values in the rise of Asia.’³⁰ The applicability of human rights is not limited by their European background. Whatever we may say about Asian values – with their emphasis on collective duties rather than individual entitlements – there is no real alternative to the code of human rights.

29. Kwame Anthony Appiah, *The Ethics of Identity*, p. 213

30. Kishore Mahbubani, *The New Asian Hemisphere*, p. 102

British author Timothy Garton Ash advocates a transition from the idea of the West as the embodiment of 'the free world' to that of 'a free world' that covers far more regions of the globe. He sees it as an historical opportunity: 'Isn't it better to accept that the West, in going so far beyond its historic self, also ceases in some important sense to be the West?'³¹ This is an important question now that democracy has spread so far across the globe. We can join Garton Ash in talking of the 'post-West', just as long as we realize that there are as yet few institutions that can give any real substance to this commonality of interests among the world's democracies.

The rights of man are essential to any society, but they do not encompass culture in a general sense. For that reason we should never speak of a hierarchy of cultures. What is the point in comparing Spanish and Turkish literature in such a way, or Western and Asian architecture? Within Western culture too, questions of this type are nonsensical: Is Schopenhauer a better philosopher than Socrates? Should we see Stravinsky as superior to Schubert? What could statements of this kind mean? There are many domains of social life where questions about progress or hierarchy are meaningless. It therefore means little to say that Islamic culture is backward.

There is only one way to prevent criticism of ethnocentrism – which elevates specific traditions to the status of universal truths – from degenerating into a cultural relativism that rejects universality in the name of particular preferences. Anyone choosing to defend a civilizing mission is himself part of that mission; norms held up as an example to the world will inevitably backfire at some point on those who disseminate them. The civilizer must become civilized – that duty is unavoidable if we want to continue to defend universalism. It's unhelpful to speak of the superiority of Western civilization, since an open society relies on a capacity for critical self-assessment.

What we are eager to defend must be understood as a history of trial and error. Anyone hoping to impress upon others the importance of equal rights for men and women will do well to realize first of all that these are norms that came into being only after considerable resistance had been overcome. Precisely because they are such recent achievements, they must be protected against the hostility of those who wish to undo them.

No regime can any longer entrench itself behind its own borders. Even the most authoritarian governments feel forced to justify themselves on the basis of generally accepted norms, whether or not they repeatedly violate them. The effects of worldwide openness undoubtedly contribute to this. We live in what has been called an 'emotional democracy'. The decline of indifference towards injustice wherever it occurs in the world can certainly be seen as moral progress. Aloofness is increasingly difficult to sustain.

31. Timothy Garton Ash, *Free World*, p. 192

Nevertheless, the colonial past casts its shadow across every intervention. In our own day some speak with enthusiasm of 'democratic imperialism', which they say should be the guiding principle for activist politics around the world. It stands in contrast to the 'multicultural aloofness' that draws a quite different conclusion, namely that because of the abuses of the colonial period, Western values have largely lost their appeal. Whatever we may conclude about European domination, it's clear that the attitude we adopt towards the colonial period is of great significance for the way we act today.

The imperialism that regarded the dissemination of its own civilization as a mission violently broke through the walls of other cultures and brought them into contact with each other without their consent. This combination of power and principle has produced a guilty conscience, which reveals itself in the notion that it's impossible to pass judgment across cultural boundaries. An attitude of this kind means opting for detachment: Who are we to judge, let alone interfere? Samuel Huntington has been wrongly criticized for deriving an American imperialism from the 'clash of civilizations'. In fact he does the opposite. He rejects the claim that Western countries have a right to intervene outside their own cultural realms. He sees his clashing civilizations in the light of cultural relativism and his analysis amounts to an invitation to stand aloof from interaction between civilizations. Further clashes are exactly what he wishes to avoid.

Universalism and aloofness do not go together. This conclusion is far from innocuous. Many see the new interventionism – in Kosovo, Afghanistan and Iraq for example – as a continuation of the old colonialism by new means. People have quite rightly asked whether such a thing as 'democratic imperialism' is possible, or whether the use of force inevitably corrupts all moral intentions. A heedless rush to defend human rights everywhere can easily lead to a deepening of the gulf between 'the West and the Rest'.

Even those who advocate greater involvement in human rights issues elsewhere may well question the notion of humanitarian intervention, which ultimately amounts to warfare. Is the militarization of morality sensible, or is it a way of continuing colonial history by other means, with all the profound contradictions that involves? The idea that humanity must be placed above sovereignty – which is to say that third parties can intervene in a country in the name of human rights – has problematic consequences to say the least. Canadian essayist Michael Ignatieff puts it like this: 'Human rights is increasingly seen as the language of a moral imperialism just as ruthless and just as self-deceived as the colonial hubris of yesteryear.'³²

32. Michael Ignatieff, *Whose Universal Values?*, p. 13

What remains is the conclusion that universally valid norms must be defended in our own countries and abroad. This will be possible only once universalism has absorbed the experience of colonialism and digested it. All pertinent questions thrown up by cultural relativism should be taken into account, but to relinquish democratic impatience would be to betray the open society as an ideal. It would surely not be credible to swear loyalty to our own democracies and exhibit indifference to democracy elsewhere in the world. This universalism creates obligations. Plainly Western countries cannot withdraw from the modern world order, which they have created, whenever it suits them. There is no longer any way out of the colonial trap.

*These three paragraphs are taken from my book *Immigrant Nations*, that will be published in March 2011 (Polity Press). The first two are from Chapter I, the last one from Chapter VI. Taken together they give some idea of my approach to the question of immigration in an open society.

Comments on Scheffer

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How can anyone do justice in 10 minutes to a publicist such as Paul Scheffer who has been so influential in recent public debate in the Netherlands? By not losing any time!

What is the secret of Scheffer? He himself might think that his secret lies in his being right. That is very well possible, but doesn't explain his prominent role. Being right and being proved right are different things. In many ways he turned out to be right. In 2000 he pleaded for a historical museum, and for a parliamentary inquiry about integration. The latter came, and the former, well, who knows... Here I'm not interested in his being right, but in his public role. This fits into a NWO-project about the role of the political essay in public debate, which I'm working on with my colleague Jan de Roder.

Ok, so what's Scheffer's secret? His secret lies in the essays he published in the early years of this decade, in particular his famous essay *Het multiculturele drama*. And in his countless public appearances in the media afterwards. Scheffer's influence has to do with his reasonableness. Being right refers to the content of claims; being proved right has to do with how he argues. Take e.g. what he writes about cosmopolitanism. Scheffer is in favor of a reasonable form of cosmopolitanism. No total universalism, no unrestricted belief in the global village and networks without loyalty. But also no total relativism that makes people turn their back to other ways of living. So he will not say things like: 'Islamic culture is backwards!', or 'Western culture is superior!'. But at the same time: Islam is our business as well; and we should never give up our western values.

What is distinctive for his way of arguing? He singles out a middle-position which is created by denying more extreme positions. Take e.g. citizenship. Not the old (modernist) one where attention to work and education should suffice. No, we have to go for citizenship *plus*, but no so plus that citizenship is defined in ethnic terms. Something similar can be said about his views on tolerance, diversity, etc.

So we have his reasonableness, and his middle-position. But there is more. I see a recurrent pattern in his essays. The *first* element is the diagnose. We suffer from alienation, a feeling of loss. 'We', that is both migrants and 'autochthones'. Migrants don't feel at home here, hide in the alleged safety of their group, but the same holds for the majority as well. The conflict between the two groups is not a bad thing in itself. Conflicts socialize. The feeling of alienation must be recognized, and is understandable. Scheffer's empathy is large, indeed. Migration and integration are for Scheffer not isolated problems; they force us to self-analysis. That is the *second* element. All of the Netherlands seemed to be on the couch of Scheffer. The reasonableness of Scheffer reminds one of a therapist who listens attentively and who give wise pointers. He is not non-directive, as therapists tend to be: there

is always this middle-position to put people on the right track. The *third* element is the answer to the question how it is possible that other people don't seem to be aware of this reasonable middle-position. It is here that the old political elite shows up, the elite which failed so conspicuously according to Scheffer. Its not quite clear who are part of this political elite: it could be postmodernists, multiculturalists, left-wing PvdA'ers, actually all the PvdA'ers, the leftwing elite, the 'gedogers' (permitting the inadmissible), the confused cosmopoliticians. The problems of this old elite are interpreted in psychological terms: there are indecisive, dishonest, hesitant, naïve, suffer from what Scheffer calls a 'cultural deficit'. Such a sociologically and politically vague designation of the old elite is useful to create a catch all concept onto which everything that has gone wrong can be projected. If the parliamentary inquiry shows that the diagnosis 'the integration failed' is too simple, and that both left and right share the burden of responsibility, then Scheffer impatiently brushes aside the results. If Ian Buruma in his book about the murder of Theo van Gogh suggest that Scheffer himself like Fortuyn yearns for something which may never have existed in the first place, then Scheffer is angry. Paul Scheffer likes to be seen as the spokesman of a new political elite which is willing to subject itself to self-analysis, but is surely doesn't like to be put on the couch himself.

The constant lashing of the old elite brings Scheffer in the vicinity of the populists. Also for those who vote for the populists Scheffer feels a lot of empathy. 'From Wim to Pim' was the title of one of his essays. Yet, Scheffer is not a populist himself. He is far to reasonable for that. Just like his enemies it is also not quite clear who his friends are – that is the *fourth* element. Partiality is not part of his self-image or his therapeutic practice. When Buruma dared to place him in a group of rightwing publicists, he was not amused.

All in all I think that Paul Scheffer turned out to be the perfect midwife of the new society which is taking shape right now. In that society the old modernist dogma's are dismissed. People are not primarily individuals, but members of communities. Tolerance is ok, but so is loyalty: The Netherlands need loyalty more than anything. History is important again. Not to answer the quest for certainty, but to know who we were and are, so that we can tell migrants what they should be and do. I think that Scheffer's work has been important because of all the questions he raised and all the debates he engaged in. His political essays have been important and valuable for calibrating democracy again. His reasonableness also shows in his patience to explain again and again.

But, the repeatedly asked question 'Who are we?' has never been answered explicitly by Scheffer. That is the *last* element I want to point out. Just like with therapists questions are more important than answers. Does this explain some of the mild disappointment that accompanied the reception of his long awaited *Het land van aankomst*? Wasn't it about time to answer some of the pressing questions Scheffer has raised? You can refer to Huizinga time and again, but what is that darned *Dutch culture* now? What remains of this middle-position if you take away the context of the public debate? What worked there, in newspapers, on radio and tv, doesn't work so well in an academic context. The academic writers he refers to

in his book combine their empathy for the alienation both migrants and settled citizens with more specific answers to problems of integration, cosmopolitanism and citizenship. In *Het land van aankomst* Scheffer reverts to rather traditional concepts like the open society. His political values are not very different from those of the old elite he is criticizing. Equality, liberty, tolerance, what's new? So what is the secret of Paul Scheffer? I think he was the bad conscience of a political elite which was not so much *looking away* as struggling and for the most part *unsuccessfully dealing* with their loss of power in an open and insecure future of an audience democracy which is slowly taking the place of the old and familiar party democracy.



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Europe seen from the outside¹

Conceptual and Theoretical Framework

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Introduction

During the last decade, debates on the meaning of Europe have been prominent in various disciplines (Christiansen, Jørgensen, & Wiener, 2001; De Teyssier & Baudier, 2006; Malmberg & Stråth, 2002; Wilson & Millar, 2007). Especially with the enlargement of the European Union (EU) to 27 member states, discussions on what exactly Europe is and where it is going to are gaining importance (Stråth, 2006). However, perceptions of Europe are usually studied *from within* the EU. In contrast, perceptions of Europe from the viewpoint of non-EU member states and their citizens remain largely unexplored. The concept of Europe is now of interest not only for European societies, but also elsewhere in the world (Wilson & Millar, 2007). Human rights and democracy are central features for the EU, also in its international policies and in its migration and asylum policies. Within this paper we will present the conceptual framework of our *EUMAGINE* research project ‘*Europe seen from the outside*’, an FP7- research project funded by the EU, that aims to study the links between such outside perceptions on democracy and human rights of Europe and (the desire to) migrate to Europe.²

This project does deliberately not only aim to analyze these perceptions of migrants who already decided to move to Europe, but will include perceptions of non-migrants. For theoretical and methodological reasons, the project analyzes perceptions on human rights and democracy of potential migrants, i.e. migrants, but also the large number of people who do not – perhaps not yet – move. In this

1. See: www.eumagine.org

2. This quest for perspectives from outside the EU is addressed by topic 8.4. “Europe and the world” of the Seventh Framework Programme. In this broad theme, of particular interest is SSH-2009-4.2.2., on perspectives outside the EU on human rights and democracy. In the project, this specific subtopic will be placed within a broader research framework that addresses the impact of human rights and democracy perceptions of Europe in source countries on migration aspirations, decisions, and – eventually – subsequent migration behaviour.

way, the research disposes of an essential control group, namely the non-migrants. We likewise broaden the scope from perceptions on human rights and democracy in European destinations to perceptions on other possible destination areas. This enhances the understanding of the role and perception of Europe in the world. The innovative research design of this project would also enable to compare migration-related perceptions of Europe with perception of other major destination regions. Insight into the relative popularity of EU destination countries in comparison with other popular migration destinations – such as the U.S., Russia, Canada and Australia – is of particular importance in the light of recent EU migration policy objectives.

The ultimate goal of the project is to study the relation between perceptions of migrant and non-migrant individuals from source countries on human rights and democracy at the local, regional, national and international level on the one hand and migration aspirations and migration decision-making on the other. These perceptions, motivations and decisions are formed and changed within source countries. People form their perceptions and gain information about human rights and democracy from a range of different, specific local, national and international sources (Anderson, Regan, & Ostergard, 2002), implying that these perceptions, aspirations and decisions are socially and culturally embedded. This holds especially true for regions with a long tradition of out-migration, where migration has reached a certain own momentum through network and other affects and becomes self-sustaining (de Haas, 2008). We assume that the perceptions on human rights and democracy have an impact on the so-called ‘cultures of migration’, where migration becomes deeply rooted into people’s behavioral repertoires (Massey, 1998). This culture of emigration as such – operational through popular discourses, media discourses, cultural artifacts, social networks – weighs heavily on potential migrants’ perceptions, aspirations and behavior (Collyer, 2006; Pang, 2007). For this reason, we will operationalize the perceptions on human rights and democracy as socially and culturally constructed, influenced – among other things – by various discourses on and representations of Europe and migration in the regions of origin. The term ‘discourse’ will be approached in a broad sense, referring to representations, practices and performances through which meanings are produced and legitimized (Gregory, 2000).

Human rights and democracy in migratory movements

Democracy and human rights are core values of the EU. The focus on the role of perceptions on human rights and democracy in migration aspirations and decision-making fits in with (EU) policy as well as academic needs. We assume that migration aspirations, decisions and behaviour are linked at these perceptions. The implementation of effective and proactive migration and human rights policies, maintaining and stimulating national and international competitive economies, has gained high political priority throughout the world. Perceptions on Europe and

subsequent migration related motivations and behaviour are shaped within origin and/or transit regions. A thorough insight into the way these perceptions, motivations and behaviours are formed is therefore a prerequisite for an effective and proactive human rights and migration policy. Such an insight is ideally realized by means of a non-Eurocentric analysis within important source countries. So far, systematic empirical research on perceptions on human rights and democracy, and migratory aspirations from the viewpoint of potential migrants during this pre-migratory phase remains too limited (de Haas, 2007). Consequentially, the policy relevance of the project goes hand in hand with the academic added value. Various recent studies on international migration point at the importance of discourses and imaginations about migration and possible destination countries in generating and perpetuating migration aspirations and decisions. The discourses and imaginations related to democracy and human rights may focus at an individual (the specific rights of immigrants and asylum seekers) or at a more general level (human rights in a free marketplace and social welfare state characterized by the rule of law and democratic limited government). The role of perceptions on democracy and human rights and the link with migration motivation remains so far understudied (Boneva & Frieze, 2001). The extent to which policy with regard to rights of immigrants (e.g. limitation of procedural guarantees in matters of immigration or the right to family reunification), human rights in general and democratic government in the EU and its Member States may have an effective impact on immigration patterns, will depend on the said discourses and imaginations.

The transnational impact of human rights and democracy is undeniable and is the object of much contemporary scholarship with a predominantly institutional focus. Firstly, national constitutions and the concepts of rule of law, human rights and democracy embedded therein, function across borders. They form the framework for political and legal development at a regional level. Within the EU, they even take on the role of general principles of community law, binding upon the institutions and protecting the individual freedom and equality of those subject to EU law (Tsagourias, 2007). Conversely, they may also put limitations on the development of EU law, as has been the case of requirements of referenda or constitutional reform in different Member States prior to the adoption of new constitutive EU treaty law. Moreover, the transnational constitutional judicial dialogue, especially between higher courts, on issues of rule of law, including human rights and democracy, plays a multifaceted role in contemporary constitutionalism (McRudden, 2000). Secondly, regional and international law also increasingly acquire (semi-) constitutional functions (see e.g. Fassbender, 1997). The call for international dispute settlement with regard to human rights violations, be it in the context of human rights courts, monitoring bodies or international criminal courts continues to increase, as well as the use of these mechanisms to resolve both internal and international disputes. At the EU level, European law has increasingly taken on constitutional features with the ECJ acquiring a role comparable to that of national constitutional or supreme courts (Ackerman, 1997).

Within temporary scholarship, the attention for transnational human rights

and democracy focuses primarily on the institutional aspects and the appeal to institutional mechanisms by individuals. The effects of democracy and human rights in other domains, such as their role on migratory movements, remain largely unstudied (Caloz-Tschopp & Dasen, 2007; Battistella, 2005). Yet, the following aspects of democracy and human rights in the EU, and their conceptions, perceptions and the discourse thereon in source countries, may be of influence in the migratory process: free elections (including the passive and active political rights necessary thereto, like freedom of opinion, right to vote, right to be elected, freedom of political association, ...); parliamentary democracy; rule of law (limited government; separation of powers; independent and impartial judicial review); individual rights and freedoms; social, economic and cultural rights and freedoms (including the relevance of a free market space and social welfare state); recognition of multiculturalism.

We propose to use a definition of human rights that focuses on one's capability to act in such a way as to take control of one's life and realized one's fundamental purposes. This concept focuses on the agency of individuals and groups to change their life circumstances and to escape from disadvantaged positions. By looking at the actual capabilities of people to improve their wellbeing (and their comparative perceptions thereof in sending and receiving countries), it allows including a large set of variables affecting people's aspiration to migrate. Within a capabilities framework, migration is an integral part of human development for two reasons. On the one hand, people can only move if they have the capability to do so by having access to social, human and financial/material capital (de Haas 2009). On the other hand, if people increase their freedoms through expanding their social, economic and human capital this tends to coincide with increasing potential levels of mobility or aspirations to migrate. So, the act or the possibility of moving in itself can add to people's wellbeing. This is the intrinsic argument why mobility can also be defined a human right. The more instrumental reason is that the act of migrating – the move to a place offering more opportunities in terms of work, education, political rights, safety, health care – may also give people the capabilities to increase their social, economic, and political freedoms, and that the prospect of acquiring such capabilities often strongly motivates people to (aspire to) migrate (de Haas 2009).

The same approach of socially constructed conceptualization will be applied to both Europe and other possible destinations; we will not start from an *a priori* objectified and agreed conceptualization of what Europe is and then compare the perceptions of persons in relevant source countries. Europe and other destinations will be conceived as socially and discursively constructed locations, leaving space for respondents to elaborate freely their perceptions. Malmberg and Stråth (2002) argue that "Europe is an imaginary discursive construction, emerging out of nation state debates within the imaginary frame of a European identity". This holds equally true for other possible destination regions, since the majority of potential migrants never actually visited these places and usually possesses limited information on possible destination countries (Efonayi-Mäder, Chimienti, Dahinden, &

Piguet, 2001). Media discourses and discourses of returned migrants, friends and family abroad are important sources in creating perceptions and imaginations on the democracy and human rights situation of possible asylum and migration destinations (Koser & Pinkerton, 2004). This limited, second-hand information, often responding to locally emerging social and material needs, appeals to the perceptions of potential migrants of certain destinations. In this context, we will specifically explore the perceptions of persons in source countries on human rights and democracy, and analyze the link between these perceptions and migration aspirations / decision-making in particular.

The project explores the role that various types of discourses (media, politics, people and cultural artefacts) play in constructing 1) perceptions on human rights and democracy in Europe, 2) migration aspirations and 3) decisions of potential migrants, in not only regional, but national and international contexts as well. This interest in individual level processes such as perceptions, aspirations and decision-making is in line with trends in international migration studies (Massey, 1998). It was the New Economics of Migration (Stark, 1984) that first introduced the importance of the context in migration decision-making. A core assumption of the project is that human rights and democracy perceptions, aspirations and decisions are structured by various discourses, i.e. are culturally and socially embedded. Hence, the current project proposes a multidisciplinary approach, bringing together ideas and methods from law, human geography, political science, sociology, economics, anthropology, and psychology. In what follows, the rationale for the conceptual framework will be put forward, presenting a state-of-the-art by using concepts and research evidence from the various disciplines concerned. We will likewise indicate where and how our project goes beyond this state-of-the-art. Three major parts can be discerned in our conceptual framework for the specific theme of the impact of macro and meso level discourses on the construction of human rights and democracy perceptions, migration aspirations and migration decision-making: 1) *The impact of various types of discourses on perceptions*, 2) *The impact of perceptions on migration aspirations*, 3) *The relation between migratory and geographical perceptions, aspirations and migration decision-making*. As one can notice, the first part deals with perceptions, the second with motivation and the third with behaviour.

The impact of various types of discourses on perceptions

Perceptions have become very important in the context of today's international migration, in which an increasing number of people are exposed to the idea of migrating because of the spread of mass communication and transportation possibilities and due to the rise in facilitating migration institutions such as human smugglers, international recruitment offices and marriage bureaus (Carling, 2002). Furthermore, migration can no longer be viewed as a simple, linear trajectory from A to B. Pieke, Nyiyi, Thuno and Ceccagno (2004) have argued that we have to move beyond the mechanistic bipolar model, acknowledging the growing complexity of

the migration cycle, traditionally neatly divided into departure, incorporation and return. Because an increasing proportion of migrants engages in repetitive movements across national frontiers throughout their life cycle, they develop multiple attachments to various localities (Duany, 2002). This so-called 'Transnationalism' (Glick Schiller, Basch & Blanc-Szanton, 1992), relating 'source' and 'destination' regions into a single social field, blurs the territorial and linguistic boundaries between two places. These changing outlooks of today's international migration exert an important influence on potential migrants' migration related perceptions. And it is precisely this increasing complexity which twentieth century concepts and migration theories fail to grasp, together with micro level processes such as the role of perceptions, aspirations and motivation in migration decision-making. A satisfactory theoretical and methodological account of international migration should also consider the motivations, goals, values and aspirations of individuals (Boneva & Frieze, 2001; Massey, 1998), a desideratum which will be addressed by the project.

While scholars have engaged in promoting a greater understanding of the universal value of human right principles, less attention has been paid to examining how these rights become relevant to individuals and communities (Aguilar, 2008). The dynamics of human right perceptions on the local level and how they are interpreted or given meaning in different (non-Western) cultural contexts remains understudied (Carlson & Listhaug, 2007). Furthermore, the role of perceptions on human rights and democracy on migration aspirations and decisions in major emigration regions also has so far never been studied systematically. A recent body of research points at the importance of a 'culture of emigration' in perpetuating migration aspirations and decisions (e.g. Collyer, 2006; Pang, 2007; Theo, 2003).

When exploring the traditional theories of international migration in *Worlds in Motion* (Massey, Arango, Huog, Kouaouci, Peregrino & Taylor 1998), all but one theory explicitly focus on the prominent role of the context in stimulating out-migration. The Theory of Cumulative Causation argues that each act of migration changes the social context within which subsequent migration decisions are made, so that additional moving is more likely to occur, a process first introduced by Myrdal (1957) and reintroduced to the field by Massey (1990). The theory incorporates the impact of socio-cultural community level changes on individual level motivations and behaviors. We cannot assume various discourses to be unanimously positive about migration, and potential migrants to be passive receivers of these messages (Riccio, 2001). The Theory of Cumulative Causation is a promising concept in that it dedicates a substantial role to the context in which migration decisions are formed while it also stresses the importance of culture for analyzing migration decision-making. Unfortunately, this theory only incorporates past migration's accelerating effects, without conceptualizing the possibility of negative feedback-loops (de Haas 2008). Is it possible that in certain areas critical migration-related discourses create a migration undermining dynamic, or does emigration continues disregarding the omnipresence of negative reporting on migration? These are interesting questions based on actual observations (Mai, 2004; Riccio, 2005; Timmerman, 2006a; 2008; Timmerman, Vanderwaeren, & Crul, 2003),

which can not be explained by Cumulative Causation Theories but are longing for theoretically sound explanations.

Two types of imaginations will be incorporated in our research, which are generally approached as two different stages in migration decision-making: a general decision to move followed by a place-specific imagination at the second stage (De Jong, Warland & Root, 1998). For the first type, namely 'migratory imaginations', we introduce Mai's concept of a 'migratory project': "the term migratory project both encompasses and transcends physical displacement, as it designates the range of desired and desirable identities and lifestyles through which potential migrants *imagine* themselves" (2004:4). It is exactly this socially and culturally embedded migratory project that we will aim to grasp. For the place-specific imaginations, we will explore discourses on 'geographical imaginations', as introduced by Saïd (1978) and further explored by Gregory (1994). The concept of 'geographical imaginations' refers to the subjectivity of the human conception of locations, spaces, countries and the people inhabiting these physical places. In other words: people hold certain images of the world's geographical regions and of the people inhabiting these regions. There are frequently many differences between 'the imagined regions' and the 'real regions', differences fostering mythologies, utopian dreams, popular culture, selective perception and prejudices about places and people (Timmerman, 2000, 2006a, 2006b, 2008). Notwithstanding, 'geographical imaginations' are not fictitious, rather they are cultural constructions with real, material consequences. As such, this concept is very pertinent for the understanding of migration decision-making: imaginations of the qualities of certain places in the world, the people inhabiting these places and the existing social, political and economic possibilities characterizing these places significantly contributes to the decision to migrate and where to migrate (Gregory, 1994). In what follows, we present an overview of relevant literature, leading to the various hypothesized links between discourses and imagination in our conceptual model.

Popular discourses/social networks and imagination

Here we arrive at what Epstein & Gang (2006, 652) refer to as 'the influence of others' on the willingness to migrate and the locational choice of potential migrants. Popular discourses need to be understood as socially and culturally determined narratives and practices about migration, migrants and destinations within 'origin' and 'transit' regions. Discourses as defined within the framework of this research project include representations, practices and performances through which meanings are produced and legitimized (Gregory, 2000). Next to the influence of these more general popular discourses, migration related imaginations are also constructed with the informational input from social networks (Koser & Pinkerton, 2004). In international migration, social networks are typically composed of family and friends, community organizations and intermediaries such as labour recruiters and travel agents (Boyd, 1989). The impact of popular discourses on the continuation of migration can be situated within the Theory of Cumulative Causation (Massey, 1998) whereas Social Capital Theory attributes the endurance of in-

ternational migration to the functioning of interpersonal social networks between migrants in receiving countries and relatives in sending countries (Hugo, 1981; Taylor & Stark, 1991). The focus of the latter theory is on micro level behavioral factors that initiate and perpetuate international migration (Heering, van der Erf & van Wissen, 2004). In the project, these micro, meso and macro level influences of 'the other' will be taken into account, focusing specifically on the influences of popular discourses on human rights and democracy. Likewise, we will be attentive for possible countervailing effects of past migration, or how past migration experiences have dissuading effects on potential migrants, an aspect missing in the above mentioned theoretical frameworks.

Research evidence on the impact of popular discourses on human rights and democracy related imaginations on migration aspirations and decision-making is far from unambiguous. A substantial amount of academic publications report popular discourses to have an advertising impact on migration aspirations. For example, Theo (2003) and Pang (2007) demonstrate how the meaning of migration in popular discourses in China positively influences potential migrants' imagination. In Chinese popular and media discourses, migration is represented as an opportunity which each young ambitious person should seize. This leads to the general imagination of migration as an opportunity to improve one's livelihood and increase one's status in the own society (Theo, 2003; Pang, 2007). Also in other prominent emigration regions - such as the Tanger-Tétouan region in Morocco, the Louga and Diourbel regions in Senegal, the Afyon and Kayseri provinces in Turkey, and the Volyn, Lviv, Zakarpattya, Ivano-Frankivsk and Chernivtsi counties in Ukraine - these positive representations of migration and certain destinations are common (Collyer, 2006; de Haas, 2007; Düvell, 2007; Lesthaeghe, 2000; Riccio, 2001; Timmerman, 2006a; 2008). An important constituting factor of popular discourses is the narratives and practices of returning migrants. Often these migrants strengthen the veracity of media images, partly to impress, and partly to deny any elements of failure to their relatives and friends back home (Wood & King, 2001). The demonstrated successes of these migrants appear to stimulate popular imagination of the people staying at home, especially when it is characterized by ostentation (Appadurai, 1996; Riccio, 2005). Returning migrants regularly function as a reference group for other villagers (de Haas, 2007). Being a point of reference, migrants can become models to be imitated and a source of inspiration (Minghuan, 1999; Timmerman, 2006a; 2008). Riccio (2005) for instance demonstrates how migrants take up pioneering roles in creating new fashions. Serving as important sources for identity, these popular discourses create demanding expectations for those left behind, on the one hand. Yet, on the other hand, they also have advertising effects for migration and stimulate migration related imagination (Theo, 2003). In this respect, the formed perceptions on human rights and democracy in the source countries may stimulate out-migration in regions with a particular human rights situation.

Not all research findings agree with the above mentioned positive and promoting images as spread by popular discourses and point at the prevalence of contra-

dicting discourses. Mai (2004) for example demonstrates how the omnipresence of Italian television in Albania turned Italy into an attractive destination for migration in the past. However, because of an increased access to multiple sources of information and due to stories of disillusionment by returning migrants, today's migrants are changing their focus from Italy towards more distant and unknown places. This likewise reveals the dynamic and changing nature of discourses and the resulting imaginations over time, a finding also illustrated in the study of Riccio (2005). The overall success of migration in Senegal has brought along a shift in stereotypes. Whereas a migrant district was considered to be a ghetto in the past, today the inhabitants are talked about as idols and heroes. Timmerman (2000, 2006a; 2008) points at possible conflicting representations within one and the same discourse. In her studies on Turkish migration, Timmerman found that immigrants have a rather ambivalent status in their regions of origin. On the one hand, migrants are envied for their material successes, but on the other hand they are referred to as '*kultursus*' (people without culture). All these examples demonstrate that discourses are far more complex and internally divided than generally assumed. Just because of these contradicting research findings, the project aims to present a detailed and nuanced picture of popular discourses and meanings attached to human rights and democracy related topics, in order to theorize their influence on imagination, migration aspiration and eventually decisions. With this aim in mind, other relevant (social, economic) factors affecting migration will not be ignored so that their influence in the migrant decision making process can be accounted for.

The role of social networks in international migration has been widely studied (Gurak & Caces, 1992). Ritchey (1976) summarizes the role of social networks in migration processes in three hypotheses: the *affinity hypothesis*, the *facilitating hypothesis*, and the *information hypothesis*. In the project, we are particularly interested in the informational role of social networks, since information dissemination through social networks seems most likely to influence perceptions on human rights and democracy and imaginations of migration and destination regions. Among other sources of information, social networks seem to be the most trusted source by potential migrants (Koser & Pinkerton, 2004), a finding confirmed by Schoorl, Heering, Esveldt, Groenewold & Erf (2000). In this survey among Senegalese and Gambian migrants, family, and to lesser extent friends, were the main sources of information on the countries of destination. Paradoxically, this type of information cannot always be relied upon in terms of accuracy. There can be a tendency with migrants to overemphasize the positive aspects or to misrepresent their experiences (Efionayi-Mäder et al., 2001; Timmerman, 1999). Consequentially, potential migrants often possess limited and biased information on possible migration destinations. This limited, second-hand information, often responding to locally emerging social and material needs, appeals to the imagination. After all, a lack of information creates the space for idealization. It is precisely this role of information dissemination through social networks in the generation of 1) perceptions on human rights and democracy in Europe in relation with the local situ-

ation, 2) 'migratory imaginations' and 3) 'geographical' imaginations, that will be addressed in the project.

Besides the potential impact of social networks on imagination through information dissemination, participating in a network can influence imagination through what is called 'relative deprivation' (Stark, 1991). The core idea of this concept is that people do not appraise their properties in absolute terms, but rather in relative terms, i.e. in comparison with a reference group (Massey et al., 1998). As mentioned before, in major emigration regions this reference group is often composed of returning migrants or co-nationals who live overseas. People with family or acquaintances abroad are also more confronted with the limitations of immobility (Carling, 2002). In other words, persons who count migrant among their social network members will feel relatively more deprived from mobility than people not having friends or relatives in migration. Various authors find that this condition of deprivation – whether it is social, economic, political or mobility deprivation – stimulates imaginal processes (e.g. Carling, 2002; Theo, 2003; Mai, 2004). Besides popular discourses and social networks, there is one additional type of discourse that significantly shapes perceptions on human rights and democracy and imaginations on migration and on possible migration destinations, namely the perception of migration policy discourses.

Policy discourses and imagination

Following the moratorium on migration in 1973-1974, possibilities for migration to Europe have been gradually reduced by restrictive policies (Van Houtum & Pijpers, 2007). Various macro level studies – analyzing the relation between migration policies and migration streams - demonstrate that certain evolutions and aspects of migration policy are able to shape the nature and direction of migration flows (Efionayi-Mäder et al., 2001; Neumayer, 2004). Massey et al. (1998: 14) go as far as to say that "the state and its policies are central to explaining contemporary migration". In this regard, Carling (2002: 26) argues that the metaphor of a 'Fortress Europe' is misleading, because of its depiction of Europe as a "uniform, insurmountable wall". Instead, Carling reasons, European migration policy need to be compared to "a dense jungle with various paths, each associated with specific obstacles, costs and risks". International migration streams follow international policy developments, since migrants adjust their strategies and tailor their schemes to fit the prevailing rules and regulations. Despite this centrality of migration policies in explaining contemporary migration, theoretical approaches that integrate control policies in theoretical explanations of how migration streams are formed remain so far too restricted (Black, Collyer, Skeldon, & Waddington, 2006; Carling, 2002).

A topic gaining even less academic attention is the way in which human rights, democracy and migration policies are received and imagined about by potential migrants on a micro level. From a policy perspective, insight into potential migrants' reception of policy initiatives seems crucial. At the same time, it is essential to take into account the tension within some of these policy initiatives. On the one

hand, 'Europe' tries to run information campaigns discouraging people to migrate by informing them about the dangers and the economic difficulties it is confronted with. Yet, on the other hand, Europe also likes to portray itself as the beacon of prosperity, social justice and human rights. These policy objectives appear irreconcilable and to be going into opposite directions. The most important research gap surrounds the perception of information disseminated by various institutions in 'source' countries, such as destination countries' representative bodies and international migration institutions (e.g. IOM, OHCHR)³ (Koser & Pinkerton, 2004). For example, it is unclear to what extent and what kind of information on migration procedures is spread by embassies and consulates in the most important 'source' countries. What's more, it is hard to find any empirical evidence on the way informational and sensitizing campaigns on migration are received by potential migrants. Therefore, the project explicitly focuses on the way that policy discourses on human rights, democracy and migration impact on perceptions on human rights and democracy, 'migratory imaginations' and 'geographical imaginations'. Particularly in the light of recent EU migration policy priorities, aiming to increase development cooperation with migrants' countries of 'origin' – and more specifically, of launching informational campaigns on the possibilities and conditions for legal migration within those countries -- this insight becomes indispensable. Past research for example has demonstrated that formal mechanisms for disseminating information about policies are hardly existing or inadequate, and that information disseminated by formal institutions is generally not trusted. The implication of this is that migrants often arrive in destination countries without evidence based knowledge of migration policies (Koser & Pinkerton, 2004).

Individual level factors and imagination

Next to media discourses, popular discourses, information disseminated through social networks and policy discourses, we hypothesize several individual-level variables to influence 'migratory imaginations' and 'geographical imaginations'. In the research, gender will be treated as a core constituting factor in shaping perceptions on human rights and democracy and migration-related imaginations, aspirations and decisions. Authors such as Carlson & Listhaug (2007) as well as Matsuda, Harsel, Furusawa, Kim & Quarles (2001) have argued that perceptions on human rights and democracy are influenced by individual-level factors such as gender. Migration is also a gendered phenomenon, requiring more refined theoretical and analytical tools than sex as a dichotomous variable (Piper, 2005). Some authors attribute women's relative invisibility in migration research to the gender insensitivity of existing migration theories (Carling, 2005; Cranford, 2001). They argue that classic migration theories and frameworks are at best female aware rather than gender aware, continue to stress gender neutral explanatory variables and mechanisms for international migration, and often add sex as a dummy variable

3. IOM : International Organization for Migration; OHCHR: Office of the High Commissioner for Human Rights.

(Morokvasic, 1991). The “gender and migration” research tradition on the contrary treats migration as a gendered process, placing gender relations and hierarchies at the core of migration experiences. Since gender exerts a main influence in the pre-migration stage (Grieco & Boyd, 1998) and plays also a specific role in the context of human rights and democracy, the research in view will pay special attention to its interaction with migration-related imaginations, aspirations and decisions, and will explicitly incorporate gender into theory development. But also other individual level factors shape the nature of imaginations, aspirations and decisions. Mai (2004) for example describes the emergence of a new kind of (imaginary) subject in Albania, what he calls ‘migratory youth’. The omnipresence of Italian media in Albania consequentially weighs especially on the imagination of youngsters, who are longing for new kinds of subjectivity in times of major social changes. We will therefore explore the impact and processes surrounding significant individual-level variables - such as gender, age, participation in social networks, migration history, educational level and income level - in both the survey and the qualitative fieldwork.

The impact of perceptions on migration aspirations

According to Carling (2002: 13), aspirations to migrate can be analyzed at macro as well as micro levels. On a macro level, this author refers to the question of ‘why a large number of people wishes to emigrate’, and attributes constitutive power to the *emigration environment*. This emigration environment consists of the social, political and economic context on the one hand, as well as the nature of migration as a socially and culturally constructed project on the other hand. The latter refers to the discursively constructed meanings of migration. The micro level approach to aspirations raises the question of ‘who wants to migrate and who wants to stay’. Carling points at various individual-level factors that happen to influence migration related aspirations, such as gender, age, migration history and social status. Consequentially, the author distinguishes factors operating at and influencing aspirations on two distinctive levels and stresses the need for attention to both macro- and individual level influences (Carling, 2002). In the project, by moving through imaginations, we aim to combine these two approaches and also explore how macro (media discourses, policy discourses) and meso level phenomena (popular discourses) impact on individual level perceptions, imaginations and hence aspirations. So we hypothesize macro and meso level discourses in the emigration environment to influence aspirations indirectly through perceptions on human rights and democracy, ‘migratory imaginations’ and ‘geographical imaginations’, and this influence can be positive and/or negative.

In our conceptual model, we hypothesize perceptions on human rights and democracy and migratory and geographical imaginations to play a crucial role in shaping migratory aspirations. Whereas research on individual level processes of migrants - such as aspirations, motivations and imaginations - remains conceptu-

ally and methodologically too understudied in migration research (Boneva & Frieze, 2001; Chirkov, Vansteenkiste, Tao, & Lynch, 2007), this holds particularly true for the relation between imaginations and aspirations. Although imaginations and aspirations are clearly linked, we consider aspirations to be an essential intermediate phase between imaginations and migration decision-making. One can have images about migration or potential destinations, without really aspiring to leave or to migrate to these particular locations. While imaginations carry the basis for a motivation to migrate, aspirations refer to people's thoughts about migration as a possible strategy for themselves. Obviously, migratory and geographical aspirations need to be understood as a continuum, ranging from a vague wish to migrate or to move to a certain country to more concrete aspirations or intentions to leave. Whereas the majority of the population in many traditional emigration countries expresses a general willingness to leave their country, only a smaller proportion has concrete intentions to actually move (Drinkwater, 2002; Fassmann & Munz, 2002). In the project, we will operationalize these various gradations in aspirations through the in-depth interview and survey questions. Next to for example asking potential migrants about their general wish to migrate, questions on their specific initiatives and plans will be included (e.g. IOM, 1998; Collyer, 2006). Besides variations in the intensity of migration related aspirations, they can also vary according to the various migration strategies (e.g. family reunification, family formation, asylum, temporary work programs, or illegal entry). Imaginations and aspirations for these several migration strategies appear to vary and may depend on the human rights situation in the country of origin. This is for example demonstrated in the study of Krassinets & Tiuriukanova (2001), where highly educated Russians especially aspire for short time labour migration, since among this group migration is perceived as a dangerous and risky step, particularly for women. Therefore, imaginations and aspirations for these several modes of migration will be accounted for in the project.

Two types of aspirations will be explored: 1) the aspiration to migrate and to opt for particular modes of migration, and 2) the aspiration to move to certain destination regions and not to others. We hypothesize perceptions and imaginations to be positively related with aspirations. This means that when perceptions on human rights and democracy and imaginations and ideas towards out-migration and certain destination regions are positive, the likelihood to aspire, migrate and choose for these places augments. Inversely, when migration as a life project and certain potential destination regions are negatively perceived and imagined, the probability of moving and choosing for these places decreases.

The relation between migratory and geographical imaginations, aspirations and migration decision-making

Whereas vivid imaginations, promising expectations, and high aspirations have pushed people to emigrate (Minghuan, 1999; Theo, 2003), the link between per-

ceptions on human rights and democracy, imaginations, aspirations and migration decision-making is far from direct (Lu, 1999). In the current age of involuntary immobility it is necessary to include the vast majority of the world's population aspiring to migrate but missing the abilities to do so (Salt, 1997). While precedent authors point at the necessity of distinguishing between wishes or projects on the one hand and their realization on the other (e.g. Faist, 1997; Massey et al., 1998), Carling (2002) incorporates these two steps in an analytical framework which places the possibility of involuntary immobility at the centre of the migration process, namely the 'aspiration-ability' model. The conceptual distinction between aspirations and abilities permits to define three categories of potential migrants: 1) people who aspire to migrate and have the ability to do so ('migrants', e.g. pendulum migrants), 2) people aspiring to migrate but lacking the required abilities ('involuntary non-migrants', and 3) people not aspiring to migrate ('voluntary non-migrants'). Since perceptions, migratory and geographical imaginations and aspirations of people within these three categories are very likely to vary, they will be included into the project.

Our conceptual model builds further on this 'aspiration-ability' model, but incorporates the important constitutive impact of various discourses, and further of perceptions on human rights and democracy and migratory and geographical imaginations on aspirations to migrate, to aspire for certain modes of migration and aspiring to move to particular destinations. Empirical work on the relation between aspirations and migration decision-making seems to contradict conventional theories of migration decision-making, positing a straightforward, sequential link between residential satisfaction, mobility intentions and actual migration (Speare, 1974; Speare, Goldstein, & Frey, 1975). Migration decision-making needs to be understood as a very complex process on which a large range of factors at various levels simultaneously play (Krassinets & Tiuriukanova, 2001). The influence of some of these forces will be operationalized in the research, more particularly the individual level variables and several aspects in the *emigration environment* such as mass media, international and local migration policies, transnational networks and popular discourses. However, migration decisions appear to be influenced by various elements that cannot be included in this project, like geopolitical factors and trafficking activities (Efonayi-Mäder et al., 2001; Neumayer, 2004). All-embracing conclusions on the effects of all these forces on migration decisions, and on the relative role of perceptions on human rights and democracy, imaginations and aspirations among these factors fall therefore beyond the scope of the research. Since the proposed categories of 'migrants' and 'involuntary non-migrants' include those who already decided to migrate, we can explore how perceptions, imaginations and aspirations relate to decisions, and compare these persons' perceptions, imaginations and aspirations with those of they who deliberately choose to stay. Furthermore, within the former group, the subgroup of returning and pendulum migrants can provide interesting insights into the feedback-loops of migration decisions on perceptions, imaginations and aspirations. The relation with migration decisions can further be explored on an aggregate level, through the

method of region selection. By comparing perceptions on human rights and democracy, imaginations and aspirations in a relatively low emigration region with perceptions, imaginations and aspirations in a high emigration region, a high immigration region and a region with a specific human rights situation, we can gain insights on the relation between perceptions, imaginations, aspirations and migration decisions.

Because the study of migration decision-making raises substantial methodological and theoretical challenges, many academic researchers turn to the exploration of migration aspirations or intentions (e.g. IOM, 1998; European Commission, 2000; Epstein & Gang, 2006). Focusing on aspirations or plans to go abroad, and aspirations and plans for which country to go to - not actual decisions - clearly misses an important element, namely the difference between declared intentions and realized actions (Lu, 1999). However, data on migration-related aspirations can provide interesting results when we read them comparatively: they allow drawing conclusions on the relative popularity of certain modes of migration and of particular destination countries, an important objective of the research in view.

Conceptual framework

Attempts to migrate to Europe are preceded by the development of perceptions on human rights and democracy in Europe and in the home country, and aspirations to migrate. These aspirations could be very broad wishes for going to Europe or elsewhere, or more specific preferences in terms of destinations and modes of migration (e.g. through family reunification, family formation, temporary work programmes, asylum, or illegal entry). Migration-related perceptions and aspirations develop within a specific cultural, political-juridical and economic setting, which has been referred to as the emigration environment (Carling, 2002). The project is based on a specific analytical framework which has informed the project design (see Figure 1).

Ethnographic studies have demonstrated how migration aspirations are linked with socially and culturally constructed perceptions. These include ideas and meanings attached to the migration project, subjective images of one's current environment, and thoughts about potential destinations. While the Europe of the European Union is the principle focus of this project it will also explore how in the mind of residents of various emigration countries Europe compares with other major destination countries, notably the US, Russia, Australia and Canada. The project seeks to understand how perceptions on human rights and democracy are formed, and translate into aspirations and decisions to migrate to Europe or elsewhere. These processes are influenced by factors at three levels. *The macro level* includes the factors that are common to all potential migrants, such as national policies on emigration and immigration, the overall economic and political situation in the country, the mass media, and the human rights and democracy level. *The meso level* encompasses the factors in between the individual and the society

at large (Goss & Lindquist, 1995). Most important are the local and transnational networks through which people collect information and exchange ideas. Finally, *the micro level* concerns characteristics of individuals. Perceptions are shaped not only by the human rights conditions within a country, but also by individual-level factors such as gender and political allegiance (Carlson & Listhaug, 2007). Also the resulting aspirations to migrate are clearly influenced by gender, age, educational attainment, labour market situation, political-juridical status etc. An important force in the framework is the feedback-arrow, stressing the dynamic nature of migration-related perceptions and aspirations. Each act of migration has an impact on the context in which subsequent migration decision are made (Massey, 1998). Therefore, we will approach perceptions, aspirations and decisions as dynamic processes, open to changes over place and time. The individual characteristics as well as the meso- and macro-level factors affect the degree to which people with aspirations to migrate are able to go. There are substantial barriers, not least in relation to Europe's restrictive immigration policies, and literally millions of people have a dream to go to Europe that will never be fulfilled. Although the major focus of the project is on how and why perceptions and aspirations are formed, the specific project design permits to likewise include the link with migration decision-making.

Central assumptions

The core idea of the project is that macro and meso level discourses on human rights and democracy influence micro level perceptions on these themes in countries of origin and transit, which in turn influence migratory aspirations and decisions. This central theme embodies two large assumptions. In the first place, we suppose that these perceptions, aspirations and decisions are socially and culturally embedded, i.e. largely influenced by the context in which they are structured. In this environment, we particularly hypothesize that policy, media and popular discourses on human rights and democracy impact on the imagination of migration as a valuable life project ("migratory imaginations") and on the imagination about particular destination countries ("geographical imaginations"). Secondly, we expect that these perceptions and imaginations are positively related with migratory aspirations and migration decision-making. This means that when attitudes and ideas towards out-migration and certain destination regions are positive, the likelihood to aspire, migrate and choose for these places augments. Inversely, if migration as a life project and certain potential destination regions are negatively perceived, the probability of moving and choosing for these places decreases.

By dedicating a large influential role to potential migrants' perceptions in aspiring and deciding to migrate, we put large assumptions on migrants' individual choice and ability to effectively respond to their aspirations. We acknowledge that various phenomena in the migration environment can interfere with the direct relation between motivations and actual behaviour, such as social networks (De

Jong, Warland, & Root, 1998), economic resources (Carling, 2002), trafficking and other migration facilitating institutions (Kofman, Phizacklea, Raghuram, & Sales, 2000; Pang, 2007). Nevertheless, the research takes the agency of potential migrants as a starting point and dedicates considerable attention to processes taking place in the person and the direct environment of the migrant. This micro level approach breaks with macro-structural international migration theories (e.g. Segmented Labour Market Theory (Piore, 1979) and World System Theory (Wallerstein, 1974)), that propose migration to be the result of a “black box” of macro historical and structural conditions such as “globalization”, “population pressure”, “dual labour markets”, etc. In contrast, the current era in international migration research explicitly acknowledges migrants’ agency and individual choices (Collyer, 2006; de Haas, 2007). By also focusing on the identities, perceptions, motivations and actions of the actors inside this box, much about the migratory process can be revealed (de Haas, 2007; Krissman, 2005; Massey, 1998). However, the spotlight on micro level processes and individual decision-making does not mean a return to neo-classical economic theories and structures. The chosen perspective applies both agency and structure approaches because it supposes migrants to be rational-choice beings, comparing the relative costs and benefits of remaining in the area of origin or moving to various alternative destinations (Castles & Miller, 2003). In the research, we precisely question the assumed rationality and context-non-specificity of neo-classical theories by hypothesizing that perceptions on human rights and democracy and the emigration environment are prominent in migration decision-making.

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The Eumagine Research Project

Comments on Timmerman et al.

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In one of the more critical passages about Lolle Nauta's work in the introductory paper to this conference, it is mentioned that perhaps, Nauta's notion of the stranger stood too much in the service of the self-conception of the modern Western subject. It is also brought up that democratization and human rights in his conception are too often conceptualized as coming from the West, to then be exported or translated to the non-Western world.

The introductory text to the conference then proposes to take more seriously the symmetries between strangeness and familiarity, and the possibility of mutual learning processes on a global scale. It then proposes to focus on human rights and democracy.

I think the choice to focus on these two concepts is defensible, but it also needs more problematization than we have seen during the conference so far: both democracy and human rights are notions that have become thoroughly politicized in the course of the past decade, and we have to reflect on this politicization instead of proposing them as neutral focus points for a comparison and exchange in a global context. One doesn't have to claim that one is against human rights, like Slavoj Žižek, to see that the politicization of human rights needs reflection before being able to channel mutual global learning processes.

Another way to problematize the focus of the conference might be to complicate the 'familiarity' of human rights and democracy to Western democracies themselves. We could in any case scrutinize how the *appeals* to these notions, widely supported by most actors in the different fields related to Western-nonWestern relations, relate to *practices* both inside and outside the West by actors from Western democracies that do not so easily qualify as 'democratic' or respectful of human rights. Thus, we might specifically ask how Europe in many of its practices towards 'strangers' today might turn out to be rather strange to its 'imagined self', in as far as Europe defines itself as a continent of democracy and human rights. And that it is rather less strange to other regions than we tend to suggest in the reference to these concepts.

I think therefore that it was a nice choice from the organizers of this conference to invite a sociologist leading a large EU-funded research project that really takes seriously the idea of listening to what persons from non-western countries and cultures have to say about human rights and democracy in Europe.

Christiane Timmerman initiated this EuMAGINE research project called 'Europe seen from the outside'. This is a very largely set up research project funded

by the EU. Its basic aim is to study the 'links between perceptions of human rights and democracy in Europe by potential migrants living outside Europe, and the aspirations, decisions and actual behaviors of these persons to migrate to Europe'.

In line with the questions set out for the conference, I am going to put forward some broad questions about how reflecting on the EU-magine project might help to think through 'the dialectics of strangeness and familiarity' without taking 'Europe' as the primary and central referent.

The comments I then have are about two main features of your approach.

1. In your opening statement in the paper, you write that you will research perceptions of the EU from outside the EU, whereas the focus is usually on perceptions from the inside. You then turn to the method of researching how certain ideas about democracy and human rights in Europe could make potential migrants decide either to migrate to Europe or not to do so. My question here will concern *whose* motives and perceptions of Europe we will be able to research when taking this approach, and whose perhaps not. A question will be whether those that would be most effected by human rights regimes in Europe, its primary witnesses perhaps, could be reached via this method.

2. A second point I would like to focus on is the relation between your research on the one hand, and migration policies by diverse international and national organization within the EU on the other. The paper states that your research is useful in the light of recent EU migration policy objectives, and you state that 'the policy relevance of the project goes hand in hand with the academic added value.' My question will be whether, if we want to learn from perceptions of the EU from outside the EU, we might not gain from a little more distance to the policy-objectives themselves.

1. Now concerning the first point about *whose* perceptions of EU democracy and human rights regimes you are able to scrutinize with the research design specified. What category of migrants will you be able to interview if you concentrate on those persons for whom either migrating or not migrating is a matter of 'decision', preceded by aspirations and imaginaries. At the end of your paper, you state how important it is to look at migrants' agency in understanding the processes of migration instead of just on macro-historical and structural conditions, and I fully agree with that. Yet I am not sure that you make a happy translation of this insight when you focus so much on decision-making processes, even if you distance yourself from the conception of human agents as 'rational-choice beings, comparing the relative costs and benefits of remaining in the area of origin or moving to various alternative destinations.' Your methodology risks to remain burdened with a very specific interpretation of that agency in terms of rational choice and the rational comparison of various options. We could conceptualize the role of migrants' own agency and the local contexts without taking up this neoliberal conception

of the self. In any case, the focus on decision making seems to outrule specifically those categories of migrants whose perspective on European human rights regimes might well be valuable because they are the most dependent on them. The means and time to take decisions are not equally distributed, as Zygmunt Bauman nicely summarized in 1998:

‘those high up are satisfied that they travel through life by their heart’s desire....those ‘low down’ happen time and again to be thrown out from the site they would rather stay in...If they do not move, it is often the site that is pulled away from under their feet, so that it feels like being on the move anyway’. In *Globalization, the Human Consequences*, 1998, p. 86-87.

I don’t mean this as a question of why you chose this kind of group and not that one. I do think that the choice of focusing on persons able to engage in an evaluative process of where to go might introduce a fundamental bias into your ultimate research question into the EU seen from the ‘outside’. It excludes particularly those groups that might be experience closest what ‘Europe’s’ human rights regimes actually are, and where it has become a stranger to its imagined self at the point of democracy and human rights. The people it does include are those whose abilities in their home countries already partly determine with what parts of the EU human rights and democracy policies they will be confronted.

2. A second point is the relation between your research and EU-migration policies. You state, as said, that ‘the policy relevance of the project goes hand in hand with the academic added value.’ Now my question would be, if the policy *relevance* could also imply the possibility of a *critique* of certain policies.

You specify the policy relevance of the research by saying that a thorough insight ‘into the way these potential migrants’ perceptions, motivations and behaviors are formed is a prerequisite for an effective and proactive human rights and migration policy’. Now what is here the relation between the insight and the policy? What if the aims of policy-makers might not be the same from those of the potential migrants? I don’t mean this of course as an objection to the research done, and I know that we have to add these rather conformist phrases in order to get funding at all, but I would just like to know how you reflect on these questions.

Let me get more specific: In recent critical research into what is now called ‘the management of migration’, it has been noted that although practically all internationally operating agencies surrounding migration such as the IOM, ICMPD (International Centre for Migration Policy Development and Frontex state that migration is desirable and/or even a human right, and though they also present their work in dealing with migration in terms of policy and technicality, in *actuality* many of these organizations have little effective recourse to international law instruments regarding migration. The conventions on migration are underratified, and thus informal norms are being favored, which make it possible for national states to avoid commitment. By the appeal to human rights, power and conflicts

of interest are hidden from view. Moreover, while most of the International organizations are not talking in terms of control and restriction of migration any longer, but rather in terms of the organization and management of mobility in the service of the freedom of movement, the discourse of freedom here is often implicated in policy orientations toward more flexible but also more selective migration policies; in short, in the terms from Martin Geiger and Antoine Pécoud, migration management thus emerges as a kind of population control at the world level. Which is a significant modification of the stated ideal of freedom of movement as a human right.

How then is ‘insight into the perceptions and behaviors of the migrants that you want to produce’ going to deal with this field of tensions? You do mention these tensions, but then you seem to suggest that a better insight in the motives that migrants might have, together with better information about what they do actually know from international organizations and how they deal with this information, will help to reduce these tensions. My question would be if that perspective doesn’t evade too much the difficult political questions that might also have to be answered. For example, we would have to reflect on which insights into migrant deliberation might be in their own service, which insights might be in the service of policy objectives that might conflict with the migrants’ own interests, or perhaps, hopefully, which insights might be at the service of migrants while also serving human rights orientated actors in the complex terrain of ‘policy’. In any case, policy relevance and the stated conception and enhancement of mobility as a human right that you also subscribe to in your research do not seem to go automatically go hand in hand and I would like to know how you deal with these questions.



Paper for FORUM conference
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Inhabiting Other Spaces

Imperial Tourists and Abject Strangers in a Globalized World

Meyda Yeğenoğlu

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Migrancy and Abjection

The process of globalization have led many to talk about a trend where the world is now becoming a single, unified and homogeneous space, thus marking the beginning of a process in which difference is dissolved into sameness. On the other side of the debate, there are those who emphasize the impossibility of envisioning a unified global culture and point out that globalization is not an uncontested and non-contradictory space. By appealing to the proliferation of struggles, which revitalize difference, they draw our attention to a tendency towards cultural heterogeneity and the inescapable necessity of recognizing the alternative histories, traditions and cultures that have hitherto remained suppressed under the ruins of modernity.

Various ethnic and racial minorities, their traditions, memories, myths and symbols are now woven together in the increasingly dense web of metropolitan culture. In an attempt to understand how particularity and difference is engaged in this global culture, Stuart Hall (1991) argues against the notion of the global, which is capable of getting hold of, and neutralize everybody and everything and thus contain all marginality in a non-contradictory and uncontested space. Such an understanding, for Hall, is not accurate to capture the specificity of this de-centralized and de-centered form of globalization. With the enormous rate of migration, Hall suggests that the older unitary cultural formation has been broken down and it now signals the simultaneous valorization of the local and the global. Although not denying the homogenizing impact of this new cultural representation, Hall argues that it is a peculiar form of homogenization in that it simultaneously wants to absorb and recognize difference. In this, it does not obliterate difference but rather works in and through them. While holding globalization in process, the logic of the capital works through specificity. Although the growing global culture is now located in the West and speaks English, it is increasingly invaded by other languag-

es and accents. It is therefore, in Hall's account, forced to negotiate and incorporate difference that it formerly tried to overcome.

What characterizes the debate, which attempts to comprehend the complexity of the process of globalization, is a set of mutually exclusive binary oppositions: homogeneity vs. heterogeneity, unity vs. diversity, sameness vs. difference. Instead of trying to understand whether globalization signifies either of these trends, I would like to suggest that it might be more appropriate to characterize the current postcolonial condition as a tension signaling the crisis of the Enlightenment notion of a universal and unitary Subject.

Here I will attempt to chart the nature of the encounter between the hegemonic First World Subject and the Third World native in two different spatial contexts, that is, in the space of the Western metropolis and in the touristic space of the Third World. As I will try to show below, the two forms of encounter are fundamentally dissimilar in nature. The contrasting nature of these two forms of encounter needs to be seen as an effect of the ways in which borders are differently crossed by migrants and tourists. In examining these two spaces as instances of post-coloniality, I want to point to the different cultural forms and discourses that regulate these two different postcolonial spaces and the antithetical consequences they have on the way bodies and subjectivities of Third World natives and Westerners are lived and positioned. The question guiding this chapter is the following: how is one's mode of inhabiting a space altered when that space is populated by those who are deemed exterior to that space? In discussing this, I want to examine the different ways Third World natives and Western subjects manage the perceived invasion of a space that is regarded as originally their own. Behind this difference lies the global and post-colonial forces that structure the Third World and Western subject's relation to one other's space differently. The unequal conditions of border crossing by Third World migrants and Western tourists is the force-field that produces their different mode of inhabiting each other's space.

The political and cultural map of the contemporary First World metropolitan space today witnesses refugees, migrants, displaced persons and exiles as aftermath of the colonial and imperial relations. This new political map is now unsettling the secure ground upon which hegemonic subjectivity is based. What perceived characteristics of migrancy jeopardize this maintenance? As the sovereign status the hegemonic Subject anchored for it is now destabilized in the wake of claims for difference, new discursive formations are mobilized in an attempt to sustain it. The kind of response the migrant's presence trigger is a telling example of the hegemonic mode of inhabiting space.

As Henri Lefebvre (1991) suggests, spatiality is not simply mental space. Nor it is an "opaque" space that can be measured empirically. Since space is not a simple architectural or physical arrangement, but an imaginary and representational one, I suggest that the nature of the encounter between the native and the First World Subject needs to be understood in its unconscious dimensions. The subjective sense of space is certainly not independent of the relations that take place in any particular context. Space is always a social space and exists in a network of rela-

tions while simultaneously weaving and forming these relationships. Every spatial arrangement has the quality of bringing together, differentiating, distinguishing things and people as well as setting of borders that establish center and periphery. The drawing of borders implies the separation of inside from outside and concomitantly the positioning of subjects and objects in particular ways. In examining the different discursive patterns that participate in the constitution of subjective sense of space, my concern is to understand how these two spaces are experienced and how such experiences forge the limits of the subjectivities and bodies of its participants. My concern here is to re-read this post-colonial space that does not lend itself to the colonial imagery where the sovereign Self's relation to migrants is a relation of absolute Othering nor reduce it simply to a liberalist notion of demographic plurality. I suggest that the current post-colonial metropolitan space could best be explained as a contested zone which marks the emergence of ambiguous figures whose presence result in the interrogation of the very ground upon which imperial Western subjectivity has been construed. What begs questioning is the way in which migrancy leads to the eruption of such a crisis. Clearly what we are witnessing is not a happy plurality or the embracing of difference within this new space, for what is at issue is not the recognition of difference but the horror and threat triggered by the ambiguity and undecidability of migrancy.

Migrants and Western tourists cross borders under unequal conditions. It is this inequality of conditions that shape the disparities in their experience of spatiality. This in turn conditions the different ways in which their subjectivities are constituted in each other's space. In trying to understand these differences, my point of departure is the following question: what does the touristic space and Western city space signify for the migrant and for the hegemonic subject? In the first part, I want to discuss what migrancy signifies in the hegemonic discourse and the sense of space this entails for the Western subject. In the second part, I want to examine the prevailing discourse of ethnic tourism and discuss how these discourses condition the unique ways in which the touristic space is experienced and the kind of subjectivity and corporeality this engenders for the native.

The Abject Migrant

The Western Subject's desire to travel to and see the authentic Third World native and culture is particularly interesting given that it could have been much easier to see them around as they are also living nearby as migrants. But interestingly, while the proximate native signifies pollution, abjection and threatening dangerous zone that the First World Subject keeps away from, the far-away native becomes an object of fascination, pleasure and excitement. The voyeuristic desire of the Western tourist for the exotic other in its own authentic space becomes all the more striking when we think of all the spatial provisions that render the migrants' presence invisible in First World cities. When the native is in "our" space, he/she is an abject and a symbol of danger that "we" want to keep away. But the same native becomes

an object of desire and source of pleasure when she/he is distant from “us”. Why is this so? Is this reversal of desire telling us something about the sovereign status of the hegemonic subject and his/her ability or lack of control of its own space?

One of the characterizing features of the contemporary form of migrancy is that it signals the emergence of a supplementary abject zone which defies the old binary divisions of colonialism into outside and inside, city and village, center and periphery, East and West. The eruption of migrancy triggers new narratives of racial and cultural difference as well as real and imaginary arrangements in an attempt to cope with those figures that remain untranslatable and unrecoverable within the terms of hegemonic culture. In trying to understand why and how migrancy signifies abjection in the hegemonic language and the ways in which the hegemonic subject manages the destabilization of its unified sense of subjectivity in the face of the threat posed by the presence of migrants, I suggest deploying Julia Kristeva’s (1982) concept of abject with Zygmunt Bauman’s (1991) notion of the stranger together. They address, in their different ways, the horror and fear the sovereign subject experiences in response to those things that become unidentifiable as a result of transgressing borders, which otherwise are essential in maintaining social order as well as for the fictional unity of the subject.

Examining the nature of the subject’s relation with friends, enemies, and foreigners or strangers, Zygmunt Bauman (1991) suggests that the Other can be recognized in two different ways: either as a friend or as an enemy. Enemies are constructed as the negativity of the inside’s positivity; they are what friends are not and therefore violate the friend’s homeliness. The enemy or friend is associated with a set of opposites such as good vs. evil, proper vs. improper, right vs. wrong. It is this opposition which lies at the foundation of all sorts of sociality. However, the foreigner or stranger, unlike the enemy who is antagonistic, constitutes a threat in another sense: she/he is not simply as-not-yet unclassified, but is unclassifiable in principle and thus challenges the very opposition itself. Dealing with a stranger is not like dealing with an enemy as he/she unmasks the artificiality of the division by inhabiting a gray area.¹ The stranger is not an enemy, but still not exactly a friend, despite that she/he might demand responsibility. Neither distant nor close, the stranger or foreigner brings difference and otherness into proximity that can only be tolerated in a distance. Refusing the distinction between us and them, standing between enemy and friend, she/he blurs the boundaries between inside and outside, first and third worlds, and collapses the social system of reference by creating spatial confusion and ambiguity. But how can we explain why this ambiguous or an indeterminate stranger threatens sociality? Does the breaking out of difference within one’s own space have anything to do with the dismantling of hegemonic frontiers and the destabilization of hegemonic subjectivity? Does such destabilization of hegemonic subjectivity imply a complete dissolution of its

1. Here one cannot help but remember Derrida’s description of the undecidables which are characterized by a neither nor but ‘both’ structure. Their potency stems from the fact that they paralyze and disturb the harmonious order of opposites by exposing the fragile nature of divisions.

authority and control? In the Western metropolis, the foreigner's presence is perceived as pervasive and threatening, thus kept separate in other zones, other neighborhoods. How can we further understand this hegemonic constitution in crisis? I believe Kristeva's concept of the abject will be helpful here.

Julia Kristeva (1982) suggests that the constitution of unified subjectivity requires the expulsion of those things that are deemed unclean, improper and disorderly. This requires the monitoring of ambiguous matters that pass through the bodily orifices and the construction of the inside and outside of the body and the spaces between self and other. The delineation and separation of the clean and the proper is the very condition of the constitution of subjectivity. Kristeva (1982) calls the part of the subject that it attempts to expel abject and abjection refers to the subject's attempt to distinguish itself from its repressed and unspeakable condition. Those things that disturb the unity of the subject, system and order provoke abjection. It is by disavowing part of itself that the subject can gain a stable self and can take up a symbolic position as a social and speaking subject. However, the abject remains undecidably inside and outside and signifies the impossibility of clear-cut borders that demarcate the clean and the unclean, order and disorder, subject and object. It provides a threshold between what is inside and outside the body. "We may call it a border; abjection is above all ambiguity. Because, while releasing a hold, it does not radically cut off the subject from what threatens it (sic) it- on the contrary, abjection acknowledges it to be in perpetual danger" (9). Thus what is expelled from the subject's corporeal boundaries can never be completely annihilated as it continues to linger around the subject and thereby brings its illusory unity into peril. The subject's recognition of the impossibility of excluding these menacing elements in an ultimate fashion provokes the sensation of abjection. Thus abject is an inassimilable alien, a threatening otherness; it is the excluded middle that cannot be recuperated within the polarized binary pairs.

Although Kristeva's location in the Eurocentric history of theory production might not have permitted her to talk about abjection in terms of cultural difference, I believe we can deploy her concept of abjection to understand the symbolic status of cultural difference in the postcolonial space and the horror and fear with which the hegemonic First World subject responds to the presence of Third World migrants in the Western metropolitan space. By bringing the formerly distanced and remote Otherness into territorial nearness, migrancy unveils the dubiousness of the secure ground upon which the sovereign subject has constructed it. Those that cross the border, by being impossible to classify, reveal the subject's indebtedness to what it excludes and this is where their menace comes from. The symbolic economy of post-coloniality, of which the stereotyping of the migrant as abject is one instance, signals a re-arrangement of the parameters that constitute the sovereign subject. The return of the natives from colonial territories is perhaps reminding us in a rather powerful way the impossibility of their full annihilation.

The stranger functions as the epitome of dirt and abjection as it defies efforts of maintaining order. Migrants are people who do not fit to the cognitive, moral and spatial map of the Western metropolis. They are those who are literally displaced

or rather misplaced (their displacement signifies misplacement). What makes migrants polluting and therefore threatening is their transgression of borders. By doing so, they not only threaten an orderly life, life that sets inside and outside, but also by threatening to invade the other side of the border, they threaten the mastery of the subject's control over its own space. Migrants' crossing of borders signifies their mobile character, which implies an ever-ending possibility of transgression. It is this mobility which constitutes the real threat. What makes this ambivalent and mobile character threatening can be made sense of by looking at the features of those things that are deemed *slimy*, as Bauman also notes by quoting Sartre. Let me give the same quotation from Sartre (1956):

Only at the very moment when I believe that I possess it, behold by a curious reversal, it possess me If an object which I hold in my hands is solid, I can let go when I please; its inertia symbolizes for me my total power Yet there is the slimy reversing the terms; ... I open my hands, I want to let go off the slimy and it sticks to me, it draws me, it sucks at me I am no longer the master in arresting the process of appropriation In one sense it is like the supreme docility of the possessed, the fidelity of a dog who gives himself even when one does not want him any longer, and in another sense there is underneath this docility a surreptitious appropriation of the possessor by the possessed.

If I dive into the water, if I plunge into it, if I let myself sink in it, I experience no discomfort, for I do not have any fear whatsoever that I may dissolve in it; I remain a solid in its liquidity. If I sink in the slimy, I feel that I am going to be lost in it. To touch the slimy is to risk being dissolved in sliminess (608-610).

What turns migrant into a threatening abject is its perceived slimy nature: its ambivalent, neither/nor position not only unsettles the opposition that maintain a secure ground for the sovereign status of the Subject, but it also signifies that the Western Subject has now become less capable of controlling its own space. This does not mean, however, that the Other is conceived as slimy under all circumstances, as the perception of certain things as slimy is a consequence of the subject's inability to hold its mastery and power. The fear of the migrant as slimy needs to be seen as a reflection of the powerlessness of the Western Subject itself. It signifies the loss of full control of the subject over its fictional unity and space.

At the risk of appearing to contradict with what I have suggested above, I would like to suggest that migrancy constitutes a threat not because it is unfamiliar or strange but precisely because it is familiar. To clarify what I mean with this apparently paradoxical statement, I would like to invoke Sigmund Freud's essay on the uncanny.

Sigmund Freud (1995) tells us that the word *unheimlich/uncanny* refers to that class of things that are frightening. It is the opposite of *heimlich/canny*, friendly, familiar, native or homely. In Greek it refers to strangeness or foreignness. It is the name for everything that ought to have remained secret and hidden, but has come to light. That which is obscure, inaccessible to knowledge is at the same time

something that is threatening and dangerous. Freud tells us that, among instances of frightening things there must be one class in which the frightening element can be shown to be something that is repressed but which returns. This class of frightening things would then constitute the uncanny. Thus, uncanny is in fact nothing new or alien. On the contrary, it is something that is very much familiar and old, but has been alienated from mind through a process of repression. This is why, Freud argues that the meaning of canny has been extended into its opposite, to uncanny. To put it in other words, canny and uncanny do not refer to different sets of objects. Something is uncanny precisely because it is familiar but has come to surface, has unconcealed itself and thereby attains an uncanny character. The prefix “un” is the token of repression. As an example of how once familiar and homely can turn into unhomely and frightening, Freud gives the mother’s genitals. It is an uncanny place. However, it is the home of all human beings, a place where each one of us lived in the beginning. As Luce Irigaray (1985) demonstrates, subjectivity in phallogocentric order entails a denial of the repression and forgetting this originary place. It is this denial that Freud refers to with the prefix “un.” Therefore, uncanny is something, which is secretly familiar, which has undergone repression but has returned from it.

If we follow Freud’s analysis of the uncanny, it is possible to suggest that migrant is not something that is unfamiliar or alien. Rather, it is precisely because it is familiar and known and should have remained concealed and hidden but has returned that turns it into a threatening element. By coming back it reveals the very process of its repression, the dirty colonial violence, the homely and familiar womb where the West has nourished itself and secured its identity. But this very dependency and indebtedness of the Western colonial Subject on its repressed and excluded other had to remain invisible to ensure the integrity of its being.

Touristic Space and the Nostalgia for the Lost Origin

I now want turn back to the question of why the same Other, when it is in its own space, is an object of desire. What does this difference tell us about the Western subject’s ability to maintain control and power in the space of the native? And what kind of bodily and subjective transformation does the unique space of tourism entail for the native? Before I discuss this, I want to make a detour through the discourse of tourism particularly by focusing on its obsession with authenticity and the kind of nostalgia it is based upon. It is this discourse which conditions both the sovereign status of the Western subject and the nature of the transformation the native undergoes in this space.

The specific features of the touristic space and the particular transformation the native undergoes in his or her encounter with the First World tourist is structured and conditioned by a particular temporality upon which the discourse of ethnic tourism is based. ‘Authenticity’ is one of the key temporalizing tropes the discourse of ethnic tourism deploys. I am referring here to a European temporal

rhetoric which operates by “pushing the other back in time”, as formulated by Johannes Fabian (1983). If the idea of Western progress is made possible, on the level of embodied subjectivity, by the Westerner’s affective constitution as sovereign subject, the latter cannot be dissociated from a certain sense of nostalgia, aptly called “imperialist nostalgia” by Renato Rosaldo (1989). I suggest that the touristic space conceived as an affective “border zone” (Bruner 1996) or “contact zone” (Rosaldo, 1989) is a space where we can most effectively analyze the terms and consequences of this sovereign affect.

But what is the authentic which the Westerner is in search of? Contrary to what is implied by the discourse of ethnic tourism, the authentic is never just there but is prepared, set up, constructed by the native. Taking a break from their everyday routines, the natives make a special effort to display themselves, their souvenirs, food and culture to the First World tourist. Given the entirely capitalistic nature of tourism, they are clearly aware of the tourist’s desire for themselves as the exotic and primitive; in many places tourism is their main source of income. Or else, they are inserted into spaces where they clearly become tokens of authenticity. I will not deal here with the economic and class determinations of tourism, for instance the question of to what extent and in what ways the native tourist industry is complicit with Western global consumerism. I would like to emphasize that one of the major productions of tourist industry is the production of locality and authenticity as a set or stage, an entirely fantasmatic space. It is the combination of capitalistic economy and Western imaginary about the authentic native which is the force operating behind this sometimes quite amazing theatrical creativity. However, the cultural forms that are invented or created for the tourist space may in time become part of the native culture and social life, and what is regarded as inauthentic tourist culture may begin to penetrate into the so-called authentic cultural forms, rendering the distinction between the two problematic.

If the sense of nostalgic affect that I have mentioned above can be considered as postmodern, it is so in the sense of a consequence of modernity. Since modernity is understood as the historical loss of organic totality and authenticity, it is often constructed, along the lines of the above temporal rhetoric, in opposition to the traditional. Traditional, primitive and exotic cultures are presumed to be innocent of the ills, alienation and corruption of modern culture. In this discourse of nostalgic yearning, tourism, especially ethnic tourism, becomes a journey towards the uncorrupted, pure origins of human civilization. The discourse of preserving tradition in the face of the threat of corruption by modernity, that is, the imaginary fantasy of ethnic tourism is sustained by and sustains the desire to experience authenticity and otherness, which is at the same time a desire to have an original, natural and pure experience outside all corruption. But traditions are always invented and re-constructed; they are neither authentic nor simply artificial, but are in a process of continual definition and re-definition by emerging needs and necessities. The paradox of preserving tradition is precisely that it results in its transformation and reconstruction. But perhaps a more important paradox is hidden here: as Renato Rosaldo (1989) draws our attention, the nostalgic search for the authentic is in fact

a search for those things that the Western subject himself has destroyed, so that the desire for authenticity is indeed his claim for innocence, i.e. his way of maintaining the repression of a violent colonial history. Rosaldo calls such disavowal “imperialist nostalgia.” Various modes of this nostalgic affect can be observed in the missionaries’ search for the true primitive as well as the practice of benevolent anthropology, i.e. what James Clifford (1986) called the “salvage paradigm.” The anthropologist’s desire to record the traditional culture before it vanishes is also marked by a similar nostalgic investment. Anthropologists use the notion of “vanishing primitive” to criticize the destructive effects of imperialism and colonial regimes. According to Clifford, the “lost object” is in fact nothing other than a rhetorical construct. Such a construct legitimizes a certain representational practice, that is, the “salvage ethnography.” With the help of this construction, the Other that is lost in space and time is salvaged or recovered in the text. What Clifford problematizes here is the scientific and moral authority such a rhetorical construct supplies the anthropologist with and the way it positions the anthropologist as the figure of authority who records, interprets and more importantly as the indisputable witness of the authentic form of a culture.

This imperial-nostalgic affect is part of touristic space, which also constitutes the native in an embodied, affective way. In other words, despite its pragmatic and instrumental aspect, the native’s desire can not be reduced to a mere manipulation of Western desire for economic benefit. Indeed it is such economic determination which contributes to the affective transformation he/she undergoes before the tourist gaze. What is then the effect of the tourist gaze upon the native? The answer to this question might be found in the local, authentic set-up prepared by the tourism industry. In a way, the whole native space becomes an object-scene for the demanding and consuming tourist gaze. As part of the scene, the locals undergo a veritable transformation of becoming-native, which I would like to describe by referring to Roger Caillois’s (1984) notion of mimicry. Since I want to emphasize the way the natives become one with space, losing their singularities and their distance to their own culture, I should first make an observation on how our sense of self is embodied in relation to space.

To be able to think of the subject as an embodied being, we first of all need to criticize the Cartesian understanding of the subject, which identifies it with its consciousness. One important way to challenge the Cartesian understanding of the subject is to conceptualize the subject as an embodied being. This requires first of all criticizing the conceptual framework which sets the body and mind in a dichotomous relation with each other. To be able to offer a better understanding of the nature of the subject’s relation with other subjects as well as its positioning within the natural and social world, we need an understanding of the constitution of subjectivity in corporeal terms. This would enable us to conceptualize the subject as a material being. Positing the embodied nature of subjectivity at the same time implies an attempt to understand its positioning in time and space. The subject’s perception of itself is always an embodied perception and this inevitably involves establishing relations with objects and other subjects in space.

In his theory of the subject, Jacques Lacan draws our attention to the complex dialectic between the imaginary and space. For Lacan, our sense of self is first and foremost corporeal. The acquisition of the image of body is achieved when the little infant is faced with a unified image of himself/herself in the mirror during a period of life when his/her behavior is still characterized by lack of motor co-ordination and hence bodily fragmentation on the level of affects. This very special kind of image, which constitutes the basis of our imaginary autonomy, has a number of characteristics: the subject's image of itself is external to self, it positions the real and imaginary space in a continuum as it duplicates the external environment, and lastly, it is a fantasmatic image, a point of identification which puts the subject in rivalry with itself. What is important for our purpose here is Lacan's insistence that, for co-ordination to take place, the body experienced as natural object in external space must find a representation in the psychic and conceptual space. The imaginary body is the basis of ego, and there is no possibility of placing the self and surrounding objects in space and time without it. In other words, for Lacan, notions of time and space, the subject-object distinction and the behavioral command and co-ordination in everyday life is impossible for the subject without an imaginary, psychic map of its body. This Cartesian subjective constitution, theorized by Lacan, clearly applies for the Western tourist. Within the fantasmatic touristic space, the locality becomes a "service" that is delivered, a "sight" that is seen, and food that is enjoyed, everything under the order of the tourist subject.

Now I would like to argue that the production of this Cartesian tourist gaze, i.e. the embodiment of tourism industry, requires a fantasmatic authentic nativity and produces a fantasmatic, homogenous object of culture. In his interesting research on the mimetic behavior of insects, Roger Caillois (1984) argues that mimesis does not have any survival value because the mimetic insect cannot avoid being recognized as most predators rely on smell rather than on vision. For Caillois, insect mimesis implies a collapse of the distinction between organism and environment or inside and outside. The environment, no longer distinct from the organism, becomes an active part of its identity. This is however, a psychotic reaction to environment, in which the subject can not locate itself as a separate being in space. Captured, absorbed and devoured by the space, the psychotic can not take up a position as a singular "I". For Caillois, psychosis is the human analogue of mimesis in the insect world. As he puts it:

I know where I am, but I do not feel as though I am at the spot where I find myself. To these dispossessed souls, space seems to be a devouring force. Space pursues them, encircles them in a gigantic phagocytosis. It ends by replacing them. Then the body separates itself from thought, the individual breaks the boundary of his skin and occupies the other side of his senses. He tries to look at himself from any point whatever in space. He feels himself becoming space, dark space where things cannot be put. He is similar, not similar to something, but just similar. And he invents spaces of which he is the 'convulsive possession' (30).

In the case of psychosis, the unification or the merging of the I and the body fails and the psychotic becomes incapable of positioning himself/herself where it is supposed to be and starts looking at himself/herself from the positions others look at him: "The primacy of one's own perspective is replaced by the gaze of another for whom the subject is merely a point in space and not the focal point around which an ordered space is organized" (Grosz 1995, 90) In short, it gets absorbed by the space and the distinction between itself and other beings in space becomes blurred. This process of *depersonalization by assimilation in space* implies that the subject gives up the right to have a perspective. As my singular perspective is replaced by the other's gaze, I am no longer an "I", capable of being the central point around which I organize my space; instead I become like any other point in space. Let us remember at this point how the discourse of tourism operates by the promise of an authentic experience or the promise of regeneration, "a trip that you'll remember for the rest of your life." The impact of this desire for native authenticity is complex. First, as I have emphasized above, the tourist industry reshapes the native culture by a necessarily selective process of becoming-authentic and traditional. The staging of culture requires a highly selective process which depends on a complex combination of economic as well as ideological imperatives, needs and demands. When we ask the question of what dictates what and how much is going to be selected, we often find images and stereotypes taken from the given cultural stock of historically embedded colonial and neo-colonial ideologies, i.e. what should be called the Western imaginary of the other, whose fundamental drive is, to emphasize again, search for a pure and authentic experience. But, secondly, and more importantly, this transformation is not limited with the content of culture, intervention to its reproduction systems or the commodification of its elements. Tourism industry operates as an important factor in reshaping the native's sense of selfhood and subjectivity, hence his/her relationship to his/her own culture and space by its protocols and its imaginary. This impact on the native subjectivity is profound.

Like the objects and performances created for tourists, the native itself is also transformed into an authentic object to be gazed at. The native who refashions and recreates itself to respond to the Western touristic imaginary is like the mimetic insect; it loses the distinction between itself and space, and is depersonalized by being assimilated in the touristic space. This implies that the native gives up his/her right to have a perspective; he/she becomes merely a point in space and despite he/she owns the space, the world is not actually centered around his/her perspective. It is the tourist gaze which becomes the organizing and assimilating gaze. If the condition of having a perspective on space is the condition of a coherent identity, the native loses his/her identity in this process. The touristic space devours or overwhelms the native's identity. The paradox here is that the staging of an authentic identity results in a loss of identity. Surely this will not be seen as a loss of identity if we take identity as a cultural content, a certain kind of belief, norm, value or ritual. In such a case, we would be content with observing that certain elements of culture are reproduced and commodified by highly selective capitalistic and in-

dustrial procedures and standards. However, if we approach to identity not as an element of content but rather as a relationship in a differential space of forces, i.e. as a relationship with power on the one hand and space on the other, then we can see that the simulation of native identity in terms of authenticity is a discursive annihilation of the differential space of power which produces it. This is then not a simple cultural reproduction, not a mere change in cultural content, but actually a production of identity as a radical re-shaping of the way people are related to their local cultural worlds: while on the one hand depersonalization and annihilation of differences within culture imply that the native loses his/her perspective on his/her cultural world, his/her right to difference within culture, on the other hand, beyond a simple homogenization this might imply that he/she now gains another, cynical kind of difference which does not contradict with this loss of perspective.

The representation of the migrant as strange, filthy, dangerous, abject or slimy can be seen as a defense mechanism the sovereign metropolitan subject develops when the boundaries fail and post-colonial migrants breach frontiers. In this defense against the threat of psychosis, the sense of being invaded is projected onto the migrant. It is the aggressive defense of a space perceived as violated by an intruder or invader. This is however an ambivalent constitution of sovereignty in crisis; when the other gets too close, the sovereign affective constitution cannot be smoothly maintained. Tourism, especially ethnic tourism, would then be one of the ways of regaining this sovereign affect, a way somewhat different from the straight racist and aggressive feelings towards the postcolonial other in the metropolis. Global, Western or Third World tourism industries are indeed quite aware of this opportunity. Nevertheless their call for enjoyment or for authentic experience depends on the same imperialist cultural stock of stereotypes and is careful to maintain, indeed to refresh, the same sovereign, imperial affective constitution. Rather than getting peoples closer to each other, or having them converse across differences, as is sometimes claimed, their real effect is a profound loss of identity under the guise of culturalization.

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Inhabiting our spaces: Navigating strangers on uneven global roads

Comments on Yeğenoğlu

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Meyda Yeğenoğlu reflects on the psychological configuration at work in dealing with strangers (drawing on Freud, Kristeva and Lacan), of which she traces two different, and apparently opposed, types. She refers these two types to two 'exemplary situations', a concept I here insert, once proposed by Lolle Nauta (1985). These two exemplary situations concern specific spatial embeddings: first, the Western city, and second, Western tourism to exotic spaces. These spaces elicit seemingly oppositional psychic answers, which are, as Yeğenoğlu argues, at once interdependent, or – alternatively – each other's mirrors. In the first space, the stranger tends to be an 'abject'. In the second space, the stranger is an object of desire, or, a character in a play which stages 'authenticity' as a phantasma mutually produced by native and tourist.

Yeğenoğlu thus presents the central notions of *abjection* on the one hand and *nostalgia* on the other as contrasts, but contrasts in the sense of the two sides of the same coin. The touristic search for authenticity is a search for an unpolluted past, lost by colonialism, by the tourist's own politics, culture, economy. The suture between this nostalgic quest and abjection comes about as tourism's dealings with 'the Other' form a way of regaining a sense of sovereignty over the Other that was lost in the tourist's encounters with strangers in his Western city. Tourism then reshapes the native in a way that destroys his or her difference. This reveals a troubling dialectic between 'here' and 'there', which certainly describes much tourist practice. The stranger eventually inhabits the realm of the uncanny, standing for the return of the repressed.

The sketched picture of tourists indeed strikes home. I myself have encountered many who were traveling in this spirit: eager for the experience of the 'authenticity' of the foreign places, simultaneously fearful of these very spaces and their inhabitants, also when no bad experience whatsoever had occurred, all this combined with an eagerness for talking about those spaces and inhabitants as very unusual and alien indeed, while feeling a need to stick together as a group rather than meeting with the local inhabitants.

I agree, then, with and recognise many aspects of the paper. However, I also want to share some worries about understanding the contemporary answers to strangers by way of the proposed distinctions. Hence several critical questions and reflections.

What does such a bifocal reconstruction of the psychological answers to strangers by Westerns reveal to us about the actual practices of recognition, *vis-à-vis* strangers, in our current societies? To what extent are the categorisations by psychology or psychoanalysis useful for social insights? Social crisis surely has its psychic life, and it is indeed tempting to see the present rise of populist anti-immigration and anti-strangers discourse in terms of a kind of collective psychosis, as a creepy ‘will to expell’. The famous researches in the 40’s of the 20th century by the Frankfurt School into the ‘authoritarian personality’ also enlisted psychoanalysis for their neomarxist sociological and political explanations of the unexpected rise of fascist populism. They did so precisely because they found existing conceptualisations in social-theoretical terms lacking in explanatory power. The Frankfurt School ‘extrapolated’ such a psychoanalytical reading from a vast amount of interviews, and a range of sociological categorisations ensuing from these. And it remains very instructive to read their work and see the similarities in what people then thought about Jews, and now about Moslems.

Nevertheless, to enlist psychoanalytical categories such as ‘the abject’ may be too much of a shortcut to social fear. We have had one recent illustration of precisely such a view in the Netherlands. Last month the Indonesian ambassador said in *Het Financieele Dagblad* (the Dutch variety of the *Financial Times*) about the voters for the Dutch populist party led by Geert Wilders (PVV) that “they perhaps suffer from psychosis”¹. He had to subsequently apologise, saying that he had better refrained from that qualification of the Dutch PVV-voters. Apart from the diplomatic considerations that probably motivated the apology, I think that apology was correct. I think it correct because I’m not that sure that recent politics *can* be approached in terms of personality formation.

Of course, psychoanalysis is far from being silent on social dynamics. Lacan taught us, with even greater insistence than Freud, that psychological dynamics arise within socio-linguistic contexts. According to Lacan we indeed, as Yeğenoğlu writes, develop our subjectivity in a spatial setting – commuting between the mirror and the mother (in a bit irreverent summary). But Lacan also reflects that we do not develop it by way of an individual monologue, between the ears: we are destined to employ a language that is already there, being there as an ‘*Autre*’ – a complex of narratives and symbolics which we encounter and which are to remain outside subjective control. Psychoanalysis thus approaches the psyche as clearly embedded in the social.

Still, psychoanalysis is also a speculative theory, suggesting one overall model for how to think about the psyche. I think that we may want to pause before understanding the current problematic of the stranger in terms of a Kristevian ‘abject’. Kristeva uses the term ‘abject’ as juxtaposed to ‘object’ – which is the regular psychoanalytic category against which the subject is to delineate itself as an ego. The

1. Alexander Weissink, Interview ambassadeur, *Het Financieele Dagblad*, 23 September 2010.

other as object is already a problematic issue – but it is an always present, unavoidable factor in psychic development. The object is necessary for psychic development, while at once the cause of what psychoanalysis – arguing against cartesian terms like ‘rationality’, ‘normality’, completed adaptation –dubbed the ‘neurotic’ state, which is the normal state of psychic affairs. The ‘abject’, now, is a state of affairs gone very wrong, one in which the *negotiation* with the object is renounced and the *negation* of the object has taken its place. Being an object may be annoying, being an abject is life-threatening – whether in physical or social-symbolic senses.

While a certain part of the populist voters perhaps hesitates between objectifying and negating their ‘others’, I’d like to believe that the majority most of all objectifies. But I may suffer here from denial myself, and less subjective hesitations are called for. Abjection, while a psychological term, is profoundly linked to social contexts, and very different social contexts. Eruptions of aggression and expulsion arise in very dissimilar circumstances: between long-time neighbours in former Yugoslavia, or during the Second World War; between new neighbours in Western European cities; between complete strangers in countless contexts. These situations may be badly explained in mere psychological terms; we will rather, or at least in addition, need explanations in terms of political manipulations of economic resentments, ethnic fantasies, frustrated desires for recognition instigated while unremitted by a competitive market ideology, and other such usual suspects.

Metropolitan immigrants and imperial tourist desires for authenticity in safe places are striking and revealing markers for the imaginary lives that strangers live within the responses they receive. But these are also *merely two metaphors* in the practices of negotiating with strangers in globalised circumstances. They tend to introduce again that type of ‘exclusive binary opposition’ which Yeğenoğlu claims to want to avoid.

The situation of course is that the stranger, as Georg Simmel wrote a good 100 years ago, is here to stay. To inhabit ‘our’ space *implies* to inhabit another, another’s, space as well. Other space *has* become our space: it is the normal, and, hence, neurotic space. Tourists and strangers, then, may be not that easily opposed, and may not offer the exhaustive or even generally apposite terms of description. Travel nowadays goes two ways, or rather, many ways. There are many practices which fall under the rubric of travel, or of negotiations with strangers. Let me list some examples, with telling contrasts for effect.

- Immigrants in western cities travelling either physically or virtually back to their own version of authentic identity, next to Amsterdam-born Moroccan kids practicing an again different version of authenticity in their school rooms;
- ‘Domestic servants in South India taking packaged tours to Kashmir’, to borrow an example from Arjun Appadurai (1996, 7), or one could choose from the many different examples of the tourist gaze provided by John Urry (2002).
- Tourists expecting to meet some noble savages for temporary relaxation, next to business travellers avoiding any such contact by staying safely in the Hilton hotel.
- Illegal residents obliged to remain outside any such negotiating practice, next

to the documented residents or asylum seekers applying for a university study in a host country.

– Prostitutes (perhaps *the* feminised metaphor of the stranger) – in many guises: the ‘regular prostitute’, as in ‘the fallen girl with the golden heart’ (recent upgrade by Julia Roberts in *Pretty Woman*), or the free sexual entrepreneur in an Amsterdam privately owned brothel, or the host of women victim of human traffic and working, for instance, a few streets from our present venue in this very city.

And so on, and so forth. Who of them is the ‘real’ stranger – or the real tourist for that matter? And what can psychoanalysis tell us about these diversified practices?

Nowadays, probably the most striking embodiment of a space which is *really* ‘other’, which parades as *the* last resort of the hegemonic Western subject, is the gated community, which, I would indeed say ‘psychotically’, claims a ‘native homogeneity’ which can only be a nostalgic phantasma. The afore mentioned Hilton hotel is another manifestation of such ‘other’ space – likewise a total *avoidance* of contact and negotiation. And to enlist history: it has taught us that the regular anti-Semite may easily be someone who never met any Jew.

We may well be caught forever in that vexing as well as pertinent theoretical choice between blaming the subject and blaming the discourse. If the time of discourse is not ours (Foucault 1972, 211), I take this to mean that it is a time of history, of politics, of institutions and narratives bigger than life, bigger than ‘us’. In that same vein, I’d rather avoid reducing such complex practices of ‘surviving the other’ to merely two exemplars, however attractive the analytical clarity and convincing our proper experiences with them may be. Both the tourist and the stranger appear to exist in too many forms to be susceptible to one contrast – whether sociologically or psychologically.

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Apostasy, Freedom of Religion and Human Rights of a Muslim

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The right to freedom of religion is upheld in the Universal Declaration of Human Rights (UDHR) in article 18, and this formulation has been used, almost verbatim, as the basis of articles in other binding international and regional instruments. The right to freedom of religion has two important elements: freedom to maintain or to change a religion or belief and freedom to manifest or display one's religion or belief. This is enshrined in the 1976 International Covenant on Civil and Political Rights (ICCPR) in article 18(1):

Everyone shall have the right to freedom of thought, conscience and religion.
This right shall include freedom to have or to adopt a religion or belief of his choice.¹

Despite the importance of freedom of religion today, this freedom has been problematic in all three Abrahamic traditions: Judaism, Christianity and Islam. In their formative period, all three traditions saw the renunciation of faith by their followers (apostasy) as an apocalyptic manifestation of social and religious disorder.

As the Jewish people, the Church and the *ummah* achieved legal and political power, apostasy was declared a public offense punishable by law.² While Judaism and Christianity have moved away from the earlier understandings of apostasy, Muslims are still having a vigorous debate on the relevance of apostasy laws in the modern period. This Muslim emphasis on the need to maintain apostasy rules forms one of the most difficult forms of 'strangeness' of Muslims as seen by non-Muslims in the West.

This paper aims at providing an overview of the apostasy law as developed in fiqh, how the idea of apostasy and its punishment developed, and how Muslims in the modern period are questioning the death penalty associated with apostasy and ar-

1. International Covenant on Civil and Political Rights, opened for signature 16 December 1966, 999 UNTS 171 art 19 (entered into force 23 March 1976) ('ICCPR'), art 18. <<http://www2.ohchr.org/english/law/ccpr.htm>>. Accessed 29 March 2010.

2. Mircea Eliade, ed. *The Encyclopedia of Religion* (New York: Macmillan, 1987), s.v. "Apostasy", by H.G. Kippenberg.

going for religious freedom. It also shows how many Muslims are attempting to move beyond this premodern restriction on freedom of religion to a position that brings them in line with contemporary understandings and expectations of this important right.

The notion of apostasy

In premodern Islamic law, apostasy is understood to mean reverting from the religion of Islam to unbelief, by denying the existence of God or the attributes of God; or denying one of the fundamentals of religion, for instance, that there are five obligatory prayers (salat) in a day; or worshipping an idol.³ Apostasy is materialized by expressions of unbelief,⁴ specified as words implying unbelief, deeds implying unbelief or, according to Shafi'i school, the mere intention of unbelief.⁴ The word-leading to apostasy can be either explicit, such as solemnly renouncing Islam, or implicit, such as utterances incompatible with the theological consensus (ijma') or with the universally recognised articles of faith.⁵

Although it may seem that there are very clear ways that a Muslim may become an apostate, there is in fact much fluidity in Muslim juristic and theological thought about what constitutes apostasy. Much depends on the school of thought a Muslim belongs to. Some scholars would not easily label another Muslim an apostate, unless the person has declared himself so or done something that the majority of Muslims in general would consider to have taken the person out of the fold of Islam, such as cursing God or the Prophet. Other schools of thought may readily label another Muslim an apostate for the smallest thing. A large number of so-called 'apostasy lists' (that detail how a Muslim may become an apostate) exists today, which have been developed by different Muslim sects, groups and trends. Naturally, there is no agreement on the legitimacy of these lists but, they can always be used to label one's opponents 'apostates'.

Who can commit apostasy and what are the consequences

With regard to the perpetrator of apostasy specific qualifications have been laid down in premodern Islamic law to define who can commit apostasy. It should be only out of free will (ikhtiyar), by a person at an adult age (bulugh), being compos mentis ('aql). Both men and women can become apostates.⁶ There is also unani-

3. Abu Muhammad Ali b. Ahmad b. Sa'id ibn Hazm, *Al-Muhalla*, ed. Ahmad Muhammad Shakir, vol. 11, Cairo: Maktabat Dar al-Turath, n.d, pp. 408-16.

4. Rudolph Peters and Gert J. J. De Vries, 'Apostasy in Islam' (1976-1977) 17(1/4) *Die Welt des Islams*, New Series, 1, 3.

5. Peters and De Vries, 'Apostasy in Islam' 1, 3.

6. Saeed and Saeed, *Freedom*, 52.

mous agreement among Muslim jurists that the apostasy of a minor who does not comprehend the meaning of apostasy is not valid.⁷

The consequences of apostasy are severe. While death as the punishment for apostasy has fallen into disuse to a large extent in much of the Muslim world, in the sphere of civil law the rules concerning the apostate are still being applied in a number of countries.⁸ Restrictions exist in relation to what the apostate can or cannot do even in relation to his/her property. As far as the marriage is concerned, upon the apostasy of one or both partners, the marriage contract immediately expires without any need for judicial intervention.⁹ This dissolution is considered *faskh*, or nullification, rather than *talaq*, or repudiation.¹⁰ For example, in 1996, the Egyptian Court of Cassation ruled that the writings of the Egyptian Muslim scholar, Nasr Hamid Abu Zayd, on Islam constituted an act of apostasy. Being declared an apostate by the court resulted in Abu Zayd's marriage being declared void.¹¹ If the apostate repents, a new marriage is to be contracted. As for any children born before the parents' apostasy, they are considered Muslim and cannot be allowed to follow their parents in their apostasy.¹² If the apostate dies as an apostate, according to the majority of jurists their property is regarded as 'spoils of war'.¹³ The apostate lacks the capacity to inherit, even from those whose co-religionist he has become. If the apostate readopts the faith, then all his rights are restored.¹⁴

Penalty for apostasy: Death

In pre-modern Islamic law, there is general agreement among the jurists that the punishment for apostasy is death (*qatl*), and that the implementation of this penalty is obligatory on Muslims.¹⁵ This is often justified on the basis of some hadith and rarely on Qur'anic texts. Consensus is often claimed for this punishment. This is largely based on the hadith, 'Whoever changes his religion, kill him.'¹⁶ Other textual evidence is also cited to support the view that it is obligatory on Muslims to impose the death penalty on apostates.¹⁷ Given that in matters like this, one should

7. Saeed and Saeed, *Freedom*, 52. (Citing Kasani, *Bada 'i al-Sana' i fi Tartib al-Shara' i*, 7: 134; Ibn Qudama, *Al-Mughni*, 8:134.)

8. Peters and De Vries, 'Apostasy in Islam' 1, 2.

9. Subasi, 'The Apostasy Question', 1, 3.

10. Peters and De Vries, 'Apostasy in Islam' 1, 8.

11. Maurits S. Berger, 'Apostasy and Public Policy in Contemporary Egypt: An Evaluation of Recent Cases from Egypt's Highest Courts' (2003) 25 *Human Rights Quarterly* 720, 720.

12. Saeed and Saeed, *Freedom*, 53. (Citing Kasani, *Bada 'i al-Sana' i fi Tartib al-Shara' i*, 7: 139; Ibn Qudama, *Al-Mughni*, 8:137.)

13. Saeed and Saeed, *Freedom*, 53.

14. Subasi, 'The Apostasy Question', 1, 3.

15. Saeed and Saeed, *Freedom*, 51. (Citing Sarakhsi, *Al-Mabsut*, 10:98)

16. Saeed and Saeed, *Freedom*, 51. (Citing Sarakhsi, *Al-Mabsut*, 10:98)

17. Saeed and Saeed, *Freedom*, 51.

perhaps be looking at the Qur'an and what it has to say about the death penalty, we will explore the Qur'anic texts on the punishment of apostasy.

The Qur'an appears to be silent on the death penalty

The Qur'an deals with apostasy in several verses: for example, Qur'an 4:90, 5:59, 16:108. None of these verses expressly stipulates the penalty for apostasy in this life, but they all condemn the apostate in very harsh and unequivocal terms.¹⁸ Moreover, verses like Qur'an 2:218 and 3:86-97 clearly envisage a natural death for the apostate.¹⁹ Despite this, a number of modern Muslim thinkers have attempted to justify the death penalty for apostasy using Qur'anic texts. However, S. A. Rahman, in his monograph *The Punishment of Apostasy in Islam*, draws attention to the fact that the Qur'an is silent on the question of death as the punishment for apostasy, despite the subject of apostasy occurring no less than twenty times in the Holy Book.²⁰ Selim el-Awa, who discusses the issue of apostasy at length, agrees and cites the fact that the Qur'an is completely silent on the death penalty for apostasy, and that the evidence in the traditions of the Prophet is open to interpretation.²¹ Mahmud Shaltut, a key figure of twentieth century Islamic thought, analyses the relevant evidence in the Qur'an and draws the conclusion that apostasy carries no temporal penalty. In his view, the Qur'an speaks only of punishment in the hereafter.²²

The following Qur'anic passage seems to offer a strong argument against the death penalty for apostasy:

Those who believe, then disbelieve, then believe again, then disbelieve and then increase in their disbelief -God will never forgive them nor guide them to the path.
(4:137)

The text would hardly entertain the prospect of repeated belief and disbelief if death were to be the prescribed punishment for the initial act.²³

Hadith as the basis of capital punishment for apostasy

Instead of relying on Qur'anic verses, the punishment of apostasy in Islamic law is largely based on the traditions of the Prophet,²⁴ the second primary source of Islam-

18. Subasi, 'The Apostasy Question', 1, 2. (Citing S.M. Zwemer, *The Law of Apostasy in Islam* (London, 1924).)

19. Peters and De Vries, 'Apostasy in Islam' 1, 14.

20. Mohammad Hashim Kamali, *Freedom of Expression in Islam*. (1997) Islamic Text Society: UK, p ? (from Chapter IX. Freedom of Religion)

21. Kamali, *Freedom of Expression in Islam* (Citing El-Awa, *Punishment*, p. 55.)

22. Kamali, *Freedom of Expression in Islam* (Citing Shaltut, *al-Islam 'Aqidah wa-Shari'ah*, pp. 292-93; *al-Samara'i, Ahkam al-Murtadd fi al-Shari'ah al-Islamiyyah*, p. 114)

23. Kamali, *Freedom of Expression in Islam*

24. Subasi, 'The Apostasy Question', 1, 2.

ic law. Perhaps the most important hadith, cited in support of the death penalty is 'Whoever changes his religion, kill him'²⁵ This hadith is a solitary hadith. Although it is cited by prominent figures like Bukhari, and therefore for Sunni Muslims it should be considered 'authentic',²⁶ Rahman finds some weakness in its transmission (isnad) and therefore questions its use as important textual evidence.²⁷

How should this hadith be interpreted? According to Selim el-Awa, the hadith which proclaims 'whoever renounces his religion shall be killed', is a general ('amm) command which is in need of specification (takhsis). In its general form, it would apply equally to cases that manifestly fall outside its intention, as it would render this same punishment not only to Muslims but also to Christians who convert to Judaism, and vice versa.²⁸ Only a minority of Muslim jurists believe that this hadith refers to the change of absolutely any religion.²⁹

Given the general nature of this hadith, pre-modern Muslim jurists have allowed exceptions. In line with these exceptions, the following people cannot be executed: the hypocrite (munafiq) who outwardly professes Islam; one who commits apostasy while in a state of insanity or drunkenness; a minor or a woman (according to Hanafi jurists) who becomes an apostate; and anyone who professes Islam under duress, and then becomes an apostate. As an extension of these exemptions, a number of Muslim scholars of the modern period also argue that the apostate who simply changes their religion without engaging in 'war-like activities' against the Muslim community cannot be executed. According to them, the apostate to be executed is the one who commits 'treason', not the one who simply changes faith.³⁰

In making this hadith more specific, recourse is often made to other hadith. According to one such hadith, the person to be executed is one 'who reverts from Islam to unbelief.'³¹ According to another, it is he 'who repudiates his religion and separates himself from the [Muslim] community' (al-tarik al-islam al-mufariq li al-jama'ah).³²

In a related hadith this meaning is emphasized:

The Prophet, peace be upon him, said: 'The blood of a Muslim who confesses that there is no god but Allah and that I am the messenger of Allah, cannot be shed except in three cases: a life for life; a married person who commits illegal

25. Saeed and Saeed, *Freedom*, 58. (Citing Muhammad b. 'Ali b. Muhammad al-Shawkani, *Nayl al-Awtar*, vol. 7, Beirut: Dar al-Kutub al-'Ilmiyyah, n.d., p.191; Qastallani, *Irshad al-Sari li Sharh Sahih al-Bukhari*, 14:396)

26. Saeed and Saeed, *Freedom*, 59.

27. Kamali, *Freedom of Expression in Islam*

28. Kamali, *Freedom of Expression in Islam*

29. Saeed and Saeed, *Freedom*, 59. (Citing Shawkani, *Nayl al-Awtar*, 7:193.)

30. Saeed and Saeed, *Freedom*, 59.

31. Saeed and Saeed, *Freedom*, 59. (Citing Bayhaqi, *Kitab al-Sunan al-Kubra*, 8:194)

32. Saeed and Saeed, *Freedom*, 59. (Citing Bayhaqi, *Kitab al-Sunan al-Kubra*, 8:195).

sexual intercourse; and the one who turns renegade from Islam (apostate) *and leaves the community of Muslims* [author's emphasis].³³

Several versions of this hadith make a clear connection between apostasy and fighting against the Muslim community. A number of scholars also discuss the case of apostates along with that of those who take up arms against Muslims (muharibun). This points to a strong connection between the punishment mentioned in the hadith and the reference to alienation from the Muslim community, and to rebelling and fighting against the community. This suggests that the punishment of death is meant for those who repudiate Islam, join the enemy and struggle to inflict harm upon the Muslim community and Islam, through fighting, for example. Thus the issue of apostasy could be said to be more of a political issue than a religious one.³⁴

This interpretation of the hadith 'Whoever changes his religion, kill him' as not declaring the death penalty for simple apostasy (that is, apostasy that is not accompanied by war-like activities against the Muslim community) is also supported by the Hanafi school's position on women apostates. According to the Hanafis, the justification for execution of the apostate is that the person is likely to join the enemy and fight against Muslims. According to this view, it is the socio-political consequences of apostasy that justify so severe a punishment. The Hanafis argue that, as women generally do not engage in such fighting, they should not be executed.³⁵ If we follow this Hanafi logic, the application of the hadith is to be restricted to a person who changes religion and then acts seditiously by siding with the enemy and threatening the Muslim community.³⁶ This is again supported by the fact that the Prophet never put anyone to death for apostasy alone. Indeed, there were cases when certain individuals apostatised after professing Islam, yet the Prophet did not even penalize them, let alone condemn them to death. Affirmative evidence on this point is found in the following incident, which appears in the hadith compilations of al-Bukhari and Muslim:

A Bedouin came to the Holy Prophet and pledged his allegiance to him, professing Islam. The next day he came back, ill with fever and said, 'Return my pledge to me,' but the Prophet refused thrice. Then the Prophet said: Medina is like a bellows which rejects its dross and recognizes its pure. ³⁷

33. Saeed and Saeed, Freedom, 59. (Citing Bukhari, Sahih al-Bukhari: The Translation of the Meanings of Sahih al-Bukhari, Arabic-English trans. Muhammad Muhsin Khan, rev. edn, Ankara: Hilal Yayinlari, 1976, p.1012.)

34. Saeed and Saeed, Freedom, 60.

35. Saeed and Saeed, Freedom, 61. (Citing Sarakhsi, Al-Mabsut, 10:109.)

36. Saeed and Saeed, Freedom, 61. (Citing Bayhaqi, Kitab al-Sunan al-Kubra, 8:168-9.)

37. Kamali, Freedom of Expression in Islam (Citing Al-Bukhari, Jawahir Sahih al-Bukhari, p. 150, Ha-

This was a clear case of apostasy, in which the Prophet made no reference to any punishment at all, and the Bedouin, despite his persistent renunciation of Islam was left to go unharmed.³⁸

The Prophet did not appear to have treated apostasy as a proscribed offense (hadd), but, on the contrary, pardoned many individuals who had embraced Islam, then renounced it, and then embraced it again. Included among these was Abd Allah ibn Abi Sarh, the foster brother of Uthman ibn Affan, and one-time scribe of the Prophet, whom the Prophet forgave when Uthman interceded on his behalf. Other cases included that of al-Harith ibn Suwayd 'and a group of people from Mecca' who embraced Islam, renounced it afterwards, and then re-embraced it. Their lives too were spared.

In sum, Selim el-Awa elaborates that the death penalty in the hadith is not designed for apostasy per se but for high treason, or hirabah, that is, when apostasy is accompanied by hostility and rebellion against the community and its legitimate leadership.³⁹

Death penalty as 'normal' for offences against the 'community' or 'state' in early pre-modern Muslim contexts

The rules concerning apostasy of a Muslim originated in a society that was entirely dominated by one religion, Islam. Its political structure and laws were, at least in theory, exclusively based on the Qur'an and Traditions of the Prophet Muhammad. In this ambience it was natural that giving up one's religion also meant being disloyal to the state and the society. Therefore the apostate was considered to be a danger that should be eliminated.⁴⁰

Apostasy and the use of the death penalty already existed in Arabia well before the coming of Islam. Early Jewish law, for example, prescribed death as a punishment for committing the offence of apostasy. In the medieval period, apostasy and heresy also attracted the death penalty in Christianity. Through its conquests and contacts with Judaism and Christianity, early Islam found itself amid adherents of religions that had adopted the concept of apostasy and punished it with death. These circumstances paved the way for Muslim jurists to construct Islamic laws on apostasy.⁴¹

In early Islam, several forms of punishment were imposed for political or religious reasons, some of which were sanctioned by the religion while others were not. Capital punishment by the state for political offences began to occur soon after

38. Kamali, *Freedom of Expression in Islam* (Citing Cf. El-Awa, *Punishment*, p. 54.)

39. Kamali, *Freedom of Expression in Islam* .

40. Peters and De Vries, 'Apostasy in Islam' 1, 24.

41. Saeed and Saeed, *Freedom*, 69.

the time of the 'rightly guided caliphs' (Rashidun), that is, during the Umayyad period.⁴² The caliphate of Mu'awiya, in the seventh century CE appears to have initiated such politically motivated punishment. Mu'awiya faced substantial opposition in Iraq, where a large number of Arab Muslims migrated from Arabia, settling in Kufa and Basra. Many settlers came from nomadic backgrounds and had strong tribal affiliations. The spirit of resisting what they considered to be the dubious central authority in Damascus led many in Iraq continually to challenge the caliph and his governors. In order to prevent insurrection in Iraq, the caliph gave the governor of Iraq, Ziyad b. Abihi (d. 673), full authority to suppress dissent. This involved brutal force, executions, crucifixions and general control of all those suspected of political agitation. These same policies were followed later by al-Hajjaj b. Yusuf (d.714) , governor of Iraq, during the reign of Abd al-Malik b. Marwan.

During this period, the seventh and eighth centuries CE, Muslim jurists were developing the scholarly discipline of Islamic law (fiqh). Given that, in the post-Rashidun environment, capital punishment was imposed with such ease, particularly in relation to offences against the state, this political climate must have influenced the scholarly field, despite efforts by the jurists to limit the impact of this environment in the intellectual domain.⁴³

Those raised and schooled in such an environment would find it extremely difficult to divorce themselves from the cultural and socio-political realities of the day. Capital punishment was widely used and for a variety of reasons. Jurists of the first/seventh to the third/ninth centuries considered punishment and death for apostasy within the ethos of their time. How they read early Islamic history, as well as Qur'anic and prophetic texts perceived to be in support of capital punishment, can therefore be understood as natural, logical and relevant for their day⁴⁴

Defending religious freedom: Muslim views

In the modern period, restrictions on religious freedom have come under new scrutiny. Muslim thinkers, jurists and scholars have begun to re-examine these restrictions and argue for a notion of freedom of religion that, from their point of view, is more in line with the teachings of the Qur'an and Prophet Muhammad.

Even though the issue of apostasy is still a great concern in Muslim-majority states, there are some changes taking place towards greater religious freedom. The majority of Muslim states are choosing not to implement the death penalty for apostasy, resisting the pre-modern legal position that this offense should be temporally pun-

42. Saeed and Saeed, Freedom, 66.

43. Saeed and Saeed, Freedom, 67.

44. Saeed and Saeed, Freedom, 67-68 .

ished by death. It is true that the death penalty is staunchly defended by some Muslims, but it is also opposed with equal strength by an increasingly vocal group of Muslims, which includes some prominent Muslim thinkers and even Political Islamists. Thus it seems that, with the exception of certain militants, ultraconservatives and extremists, a large number of Muslims are moving away from the notion of an enforced religion to that of a personal covenant between an individual and God. This perspective appears to be actually closer to the Qur'anic idea of noncoercion in matters of faith and religion.

There is also an increasing amount of scholarship that is questioning the basis of apostasy laws. A number of modern Muslim thinkers have attempted to reinterpret the texts associated with apostasy, demonstrating that there is no Qur'anic basis for the death penalty. In their view, the death penalty in the practice of the Prophet was a result of apostasy being akin to the political act of high treason, rather than simply a change of faith. These authors argue that freedom of religion, including the freedom to change and renounce religions, is a fundamental principle of Islam for all – Muslims and non-Muslims alike. This Muslim questioning of apostasy is only relatively recent – beginning in the late 19th and early 20th centuries. In the 20th century, even a number of leading Political Islamists have added their voices to the call for rethinking the law on apostasy. Although there is now a significant tide turning against the classical position on apostasy and its punishment, there are still many scholars, particularly of a traditionalist persuasion, that remain committed to the pre-modern legal position, and many of these continue to be influential in Muslim majority states.

Observations about Apostasy and Modern Muslim thinking:

Back to the Qur'anic conception of religious freedom?

In the Qur'an there is a strong notion of freedom of religion, which stands in contrast to the conception of a restricted form of religious freedom that has been perpetuated in classical Islamic law. The Qur'an emphasises that adherents to other religions should be respected and interacted with peacefully; that no one should be forced to embrace Islam; and that each person has the capacity to choose their belief system in this life. The Qur'an not only recognised the diversity of religious traditions, institutions and values among the people to whom the Prophet was sent, but also acknowledged that these belief systems were important to the people who practiced them.⁴⁵

The Qur'an also rejected forced conversions, as emphasised in the well known verse, 'There shall be no coercion in matters of faith...'⁴⁶ Although some early Mus-

45. Qur'an 6:108.

46. Qur'an 2:256.

lim scholars interpreted this verse as only applying to Christians and Jews – the ‘People of the Book’ – if they paid the jizyah tax,⁴⁷ a great number of Qur’anic verses emphasise that no one should be forced even to believe in God. As other Muslim scholars have emphasised, coercion goes against the nature of Islam, which addresses an individual’s own conviction.⁴⁸

Indeed, there is a strong theme of personal responsibility that runs through the Qur’an. Each person is given the capacity to discern right from wrong, and it is a personal decision as to which belief system, if any, a person chooses to follow. According to the Qur’an, God’s plan for humankind is not that everyone should follow the same path.⁴⁹ The Prophet’s task was only to explain to people the difference between right and wrong; people then had the choice of whether or not to follow God’s path. The Qur’an holds that every person will be asked about their actions on the Day of Judgement, and individuals will ultimately bear the responsibility for that choice in the afterlife.

This principle applies equally to Muslims who choose to leave Islam. A number of verses in the Qur’an refer to the serious consequences of rejecting Islam and committing apostasy. For example, the Qur’an says:

Behold, as for those who come to believe, and then deny the truth, and again come to believe, and again deny the truth, and thereafter grow stubborn in their denial of the truth – God will not forgive them, nor will He guide them in any way. Announce to such hypocrites that grievous suffering awaits them.⁵⁰

This verse and others, along with other scholarship,⁵¹ indicate that it is God’s prerogative to assign punishment to those Muslims who commit apostasy, not of the Muslim community or the state. Thus, the Qur’an upholds that Muslims have the same freedom of conscience and personal responsibility that non-Muslims have.

Apostasy laws are contrary to international law

The international community recognises that freedom of religion is a fundamental human right, a ‘universal feature of human existence that inheres in the inquisitive, reflective, essentially moral character of every human being, everywhere.’⁵² The Universal Declaration of Human Rights and the International Covenants on Human Rights proclaim the principles of non-discrimination and equality before

47. Isma‘il b. Umar Ibn Kathir, *Tafsir al-Qur’an al ‘Azim*, vol. 1, Beirut: Dar al-Ma‘rifah, 1987, p. 318.

48. For example, Sayyid Qutb, *Fi Zilal al-Qur’an*, vol. 1, Cairo: Dar al-Shuruq, 1996, p.291.

49. Qur’an 16:9.

50. Qur’an 2:217.

51. Awa, ‘Jara‘im al-Hudud wa ‘Uqubatuha’, p. 17.

52. *Fundamental Human Rights and Religious Apostasy* (2007) Speech given by Justice Michael Kirby; The Griffith Lecture, Queensland Conservatorium, Griffith University, 21 December 2007. Available < <http://webdiary.com.au/cms/?q=node/2185> >

the law and the right to freedom of thought, conscience, religion and belief.⁵³ According to article 3 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief:

Discrimination between human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants on Human Rights, and as an obstacle to friendly and peaceful relations between nations.⁵⁴

The right to freedom of religion necessarily includes the ability to change one's religion.⁵⁵ Apostasy laws, which penalise Muslims for leaving Islam or changing their religion stand in contrast to the religious freedom envisioned and enshrined in these texts.

Apostasy laws are contrary to modern expectations of freedom

Apostasy laws stand in contrast to the generally individualist traditions of liberal social values of today.⁵⁶ The notion of individual freedom is a key aspect of modern thinking and values. According to Pope Benedict (writing in his former role as Cardinal), “The era we call modern times” “has been determined from the beginning by the theme of freedom.”⁵⁷ The modern quest for freedom is closely connected to the exaltation of the worth and dignity of the human person, another defining feature of modern culture. With the rise of modernity, they have come to assume a new importance and new prominence.⁵⁸ Apostasy laws take away an individual's freedom to choose their religious beliefs based on their own conscience and choice.

The basic notion that an individual has freedom to choose has also been a cornerstone of political philosophy of the modern world. Early political philosophers such as John Stuart Mill and renown economists such as Adam Smith have advo-

53. Preamble, Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981)

54. Article 3, Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981)

55. Fundamental Human Rights and Religious Apostasy (2007) Speech given by Justice Michael Kirby; The Griffith Lecture, Queensland Conservatorium, Griffith University, 21 December 2007. Available < <http://webdiary.com.au/cms/?q=node/2185>>

56. Fundamental Human Rights and Religious Apostasy (2007) Speech given by Justice Michael Kirby; The Griffith Lecture, Queensland Conservatorium, Griffith University, 21 December 2007. Available < <http://webdiary.com.au/cms/?q=node/2185>>

57. Kenneth L. Grasso, 'Christianity, Enlightenment Liberalism, and the Quest for Freedom' (2006) 48(4) *Modern Age*, 301-311. (citing Truth and Tolerance, trans. Henry Taylor (San Francisco, 2004), 236.)

58. Kenneth L. Grasso, 'Christianity, Enlightenment Liberalism, and the Quest for Freedom' (2006) 48(4) *Modern Age*, 301-311.

cated this approach to political and economic life, in which the advancement of one's own interests also helps others.⁵⁹

Apostasy laws do not recognize religious pluralism, which is a reality in most of today's societies

Religions have conflicting truth claims, and yet many claim to represent the only and absolute truth. This is an irreconcilable situation when it comes to state policy.⁶⁰ In a society made up of multiple religions, a state cannot distinguish between religions when it comes to policy or legislation, without leaving itself open to accusations of inequality or discrimination. Apostasy laws treat Muslims disfavorably because they are a deterrent for Muslims who wish to leave Islam or convert to another religion. On the other hand, adherents of other faiths can embrace Islam without the fear of penalty or disadvantage.

Apostasy laws are contrary to the idea that faith is essentially a matter of personal belief and should be taken up and practiced in the private sphere.

Many states, particularly in the West, in which Muslims live, are generally liberal democracies. The liberal state is based upon principles of government that have no necessary connection to a "supreme power" or god. The liberal state emerged against the idea of theocracy, standing in defence of individual liberty and autonomy and private property. All liberals value highly the importance of personal spheres of privacy, realms in which people can interact freely and develop their personal lives.

The role of government in a well-ordered liberal democracy must therefore include the protection of an environment in which religion can be exercised in a free ⁶¹ manner.

59. Gregory Chase, 'Religious Freedom and Economic Prosperity' (2005). Available <<http://www.all-business.com/management/3586631-1.html>>

60. An argument based on that of Justin Aquino in 'Why Religious Freedom Requires Secularism' <<http://ezinearticles.com/?Why-Religious-Freedom-Requires-Secularism&id=3477019>>

61. Lucas A. Swaine, 'Liberal Governance and Religious Free Exercise' 96(38) *Journal of Church & State*, 595-620.

Comments on Saeed

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Saeed touches on a very intriguing issue in Islam namely that of apostasy. Apostasy is indeed one of the sensitive issues that play a central role in the debate about Islam and its encounter with what is generally referred to as secular modernity. Saeed provides a detailed analysis of how in classical and contemporary theological texts and by Muslim thinkers apostasy is treated and interpreted. He first discusses what apostasy implies, what the consequences are, and how it has been applied in different eras. He not only analyzes theological law, but also how in the core Islamic sources, Quran and Hadith apostasy is dealt with. At the end of the article Saeed argues that the classical understanding of apostasy in which the apostate faces death penalty is untenable in what he calls 'modern times'.

I am not a theologian and although I have some knowledge of Islamic theology, it is very hard for me to judge the adequacy of the theological analysis Saeed offers us. What I want to do, however, is to touch upon some issues that are very relevant in dealing with apostasy, but that also bear relevance for a more general discussion on religion and modernity.

First, although Saeed refers to 'Muslims' and to society on several places in the article and although he periodizes and historicizes apostasy somewhat, the whole analysis misses a thorough rooting in historical, political and societal contexts. Taking on Talal Asad's notion of Islam (and all religions for that matter) as a discursive tradition that is firmly connected to historically situated acting human beings and concrete circumstances, apostasy remains an empty theological concept. If we want to understand how Muslims deal with apostasy, what they do with it, and how the concept is interpreted, appropriated and applied in different societal settings and circumstances, we cannot simply refer to theological sources as if they speak for themselves. Somewhere in his text Saeed refers to the function of apostasy punishment in small scale societies as a means to keep community together because the apostate by defecting from Islam, defects from community. But for the rest Saeed limits himself to rather general statements such as "the majority of Muslims".

Saeed makes a somewhat strange distinction between pre-modern and modern (I will come to that in a while), but he nowhere connects this apparent transition to actual societal transformations. It is not very clear to me when, why and how according to Saeed "modern Muslim thinkers" started to question the basis of apostasy laws. We need to understand for example how apostasy is authorized by Islamic leadership in certain periods of history and how it has been made into a motivational tool. The answer to these questions is in my view of crucial importance because only through the historical embeddedness and the genealogy of the concept we can understand the ways in which abstract concepts becomes active social forces that 'do' something.

Let me give one example from the Netherlands. A couple of years ago in the turmoil about Islam in the aftermath of 9/11 and subsequent events, a young man, Ehsan Jami, of Islamic background founded a committee for the defense of ex-Muslims. The committee was meant to give a statement about the in his eyes extreme measurements in Islam against apostasy. Jami made use of the tense situation in combination with his 'inside knowledge' to criticize 'the' Islam. Within a few weeks Jami became a well-known figure who appeared in the media on a very regular basis. Jami was supported by a number of people who also appear in the media to criticize Islam. For a couple of months this was one among numerous hypes about Islam in the Netherlands. Jami claimed he was threatened by Muslims because of his claims.

Whether that is true or not, we do not know, but it is also not very relevant for the discussion about apostasy. It is easy to simply refer to the Islamic sources to 'prove' his claim, but this is not sufficient. We should approach apostasy as a social practice. Leaving Islam is widespread both in the so-called Islamic world, and among Muslims in the Western world. According to estimations more than 65% of the people with an Islamic background in Europe gradually leave Islam by practicing Islam less and less. This is an interesting development that should be studied through the analysis of the circumstances in which this occurs. It is something that hardly attracts the attention. This is of course something different than converting to another religion, or denouncing Islam in public.

In addition, the way in which the Jami case was mediatized is typical for the present-day so-called Islam debate. The globalization of modern media has made Islam a public affair by definition. In my view, Jami's case must be analyzed in the much broader context of the present controversies around Islam rather than as a case of apostasy as such. The controversies between defenders of the right to leave Islam and those who claim that apostates should be punished severely are a fundamentally modern phenomenon.

This brings me to Saeed's use of the terms modern and pre-modern. Apparently Saeed refers to modernity in a common-sense understanding of it as Western liberal secularism, in which religion is only a private individual conviction. At the end of his paper he speaks about "generally individualist traditions" and "generally liberal democracies". As we know from the abundance of literature on modernity this is an utterly problematic concept. Not only is modernity an inherently ambiguous reality in terms of its consequences for those confronted with it, but it also theoretically problematic. As Geschiere and others have argued definitions of modernity often invoke a kind of internal balance, clarity and closure.

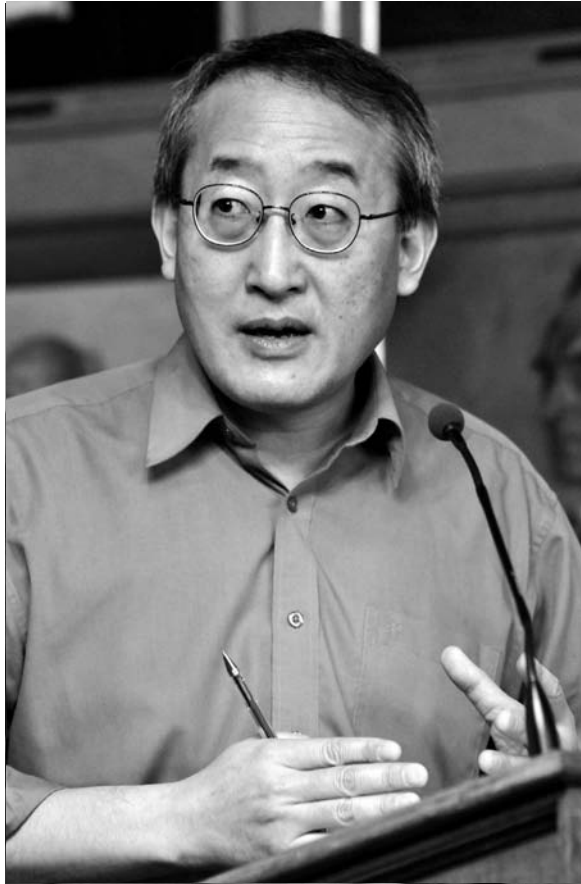
Saeed treats measures against apostasy as something that resides in a pre-modern understanding of Islam as an absolute truth. Modern liberal society, according to him, is based on recognition of a pluriformity of truths. In this way does Saeed not only relegate certain forms of religious reasoning and practice to a pre-modern time, he also makes a very sharp distinction between the religious and the non-religious realm.

However, strict and totalitarian understandings of religion are not a pre-mod-

ern residue from the past, but fundamentally modern phenomena. The aims of movements such as the Taliban can only be understood under modern global conditions. And the assumption that modern society is secular and modern government is neutral by definition has been convincingly refuted by an abundance of research in recent years.

Even more important is the fact that the claim to absolute truth and the sanctions on abandonment are certainly not typical for religions as Saeed seems to argue. Michel Foucault has shown how modern institution building in society depends on regimes of truth that do not differ fundamentally from religious reasoning. Community building is also a typically modern phenomenon that may take on different shapes, but that also rest on the assumption that boundaries should be drawn.

We can come up with all kinds of formal and informal settings in which abandonment is a serious problem that should be avoided at all costs. Saeed thus presents a rather caricatured picture of modern society consisting of independent individuals.



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Lessons for global human rights movement

The response of South Korean human rights movement to the North Korean situation

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Introduction

South Korea is often said to have achieved a rare combination of industrialization and democratization among developing countries in a short period of time (Park *et al.*, 2008). In this process one cannot underestimate the role of the pro-democracy human rights movement in the democratization and political development of the country (Lee, 2010b). Although the legitimacy, visibility, and moral fortitude of the human rights movement in South Korea were thus largely undisputed, the movement has recently been scrutinized for its perceived lack of interest with regard to the growing concern about human rights situation in North Korea (Han, 2006; Huh, 2005; 2008; Jhe, 2009; Lee, 2007). What made the traditional human rights movement reluctant to engage with the North Korean human rights issue? How could such a committed and passionate champion of human rights in domestic arena have been so seemingly reticent towards the suffering of its neighbors? This is a rather perplexing question prompting a point-blank question: Why on earth did they apparently sleep? Several explanations based on structural, institutional, ideational, and psychological premises are divided into the manifest and the latent categories, and are critically examined. A complementary explanatory framework pitting “given familiarity” against “learned familiarity” is proposed. The possibility of a “post-universal, participatory universalism” is discussed as a way of enriching the global human rights dialogue for our skeptical age.

Case history

Contrary to the public perception, the problem of human rights in North Korea is not a new phenomenon. Even at the height of international attention towards the

South Korea's then military rule in the 1980s, there was already considerable parallel concern about North Korea's human rights record and the repressive nature of its political regime (Cumings, 1986). The current wave of human rights concern in North Korea, however, dates back to the early 1990s when the communist country lost strategic relations of direct aid and trade subsidies with the former USSR and China. The sudden economic hardship was met with record-breaking floods in the mid-1990s, and the situation further deteriorated by years of severe drought which has since left hundreds of thousands of people died of hunger and malnutrition.¹ According to the World Food Programme at least 8.7 million people were predicted to be in dire need of food assistance for the 2008/9 marketing year, and the malnourished as a proportion of total population stood at 33 per cent with the infant mortality rate of 42 per 1000 live birth (WFP, 2010).

In addition to the food insecurity there is a plethora of human rights concern.² Although the outsider's access to accurate information inside North Korea is notoriously limited it is generally agreed by international community that wide-ranging human rights abuses do occur on a regular basis. News of repression of civil liberties such as freedom of the press, freedom of religion, freedom of expression, freedom of movement, rights of the disabled, and minority rights has consistently surfaced. Draconian measures concerning law and order are said to have placed strict constraints on people; these include the harsh prison regime, public executions, torture, internment camps for political prisoners, and reeducation camps (Youn, 2005). Those who left the country seeking for food have suffered from arbitrary arrest by the Chinese police, human trafficking, prostitution, forced labor, and fraud by profit-seeking middlemen. When these 'economic refugees' are repatriated they are often subject to harsh punishment. The international abduction of foreigners – particularly Japanese citizens – has also become a source of diplomatic tension. In addition, concern over the working conditions of North Korean workers employed overseas and especially in the Kaesong Industrial Complex has also been raised (HRW, 2006).

The United Nations has condemned North Korea for its breach of human rights every year since 2003.³ The latest resolution of the General Assembly's Third Com-

1. The accurate statistics is hard to establish. The North Korean government estimated 220,000 famine-related deaths in the period of 1995-8 <<http://users.erols.com/mwhite28/warstatz.htm>> (Access: 29 June 2010). A Buddhist charity Good Friends proposed that up to 3.5 million people may have perished of starvation between 1995 and 1999 <<http://news.bbc.co.uk/2/hi/asia-pacific/433641.stm>> (Access: 29 June 2010).

2. Korea Institute for National Unification (KINU) has published a series of annual *White Paper on Human Rights in North Korea* both in Korean and English since 1996. See KINU website: <http://www.kinu.or.kr/report/report_03_01.jsp?page=3&field=&text=&order=&dir=&mode=list&bid=DAT A04&ses=&category=>> (Access: 15 July 2010). For a comprehensive one-volume monograph on the subject see Kie-Duck Park and Sang-Jin Han (2007). For basic official data see the United Nation's OHCHR site: <<http://www.ohchr.org/EN/countries/AsiaRegion/Pages/KPIIndex.aspx>> (Access: 12 August 2010).

3. The UN initiatives took place through the former Human Rights Commission in 2003, 2004, 2005, or the Human Rights Council in 2008, or the General Assembly in 2005, 2006, 2007, 2008, 2009.

mittee in November 2009 expressed extreme concern at the “persistence of continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights” and “all-pervasive and severe restrictions” on fundamental freedom of citizens (United Nations General Assembly, 2009a). In its submission to the UN Universal Periodic Review in 2009 Amnesty International identified as a matter of grave concern some examples of human rights violations including torture and ill-treatment, forced labor in prison camps, death penalty, denial of right to food, restrictions on the right to freedom of movement, abductions and forced disappearance, etc. (AI, 2009). The United States responded to the situation by legislating a North Korean Human Rights Act, and Japan also passed a law on North Korean human rights with special reference to Japanese abductees.⁴ The European Union castigated in its *Annual Report on Human Rights 2008* that countries like North Korea’s “authoritarian and repressive regimes are holding on to power with no regard for human rights.” (Council of the European Union, 2008). A group of human rights NGOs reminded the European Union of the fact that the severity of the situation was such that “there is not a single publicly known dissident or activist living in North Korea” (HRW et al., 2010). A Freedom House report insisted that the phenomena of repression linked to the political prison camp system of North Korea is “clear and massive crimes against humanity as now defined in law” (Hawk, 2007: 5). The same organization also placed North Korea in the lowest possible “Not Free” category in terms of both political rights and civil liberties (Freedom House, 2010). According to Worldwide Press Freedom Index, North Korea was ranked as the 174th country in the world in terms of direct and indirect sources of pressure against the free press (Reporters Without Borders, 2009). As late as July 2010 European Parliament adopted a resolution on North Korea and called on the government to “abolish the death penalty and end to the ongoing grave, widespread and systematic human rights violations, public executions and extra-judicial executions.” (European Parliament, 2010). Perhaps the most scathing criticism on the cause of the abuse – with the suggestion for possible solution – has come from none other than the official UN Special Rapporteur on human rights situation of North Korea: “... those at the top seek to survive at the expense and to the detriment of the majority of the population, and are behind the environment leading to these transgressions, with entrenched impunity. It is thus important that the challenge of human rights in the country be addressed more from the angle of how to... enable more people’s participation in relation to an omnipotent State and those who personify it.” (Report of the Special Rapporteur, 2009: 2).⁵ Thus the indictment of international community on North Korean hu-

4. The full title of the U.S. law is “An act to promote human rights and freedom in the Democratic People’s Republic of Korea, and for other purposes” of 2004 which was reauthorized in 2008 (*U.S.A. North Korean Human Rights Act 2004*). The full title of the latter is “Act on Measures for Resolving the Abduction Issue and Other Human Rights Infringements Committed by the North Korean Authorities” of 2006 which was revised in 2007.

5. Vitit Muntarbhorn, the first U.N. Special Rapporteur on North Korean human rights, served from 2004 to 2010, and was replaced by Marzuki Darusman in June 2010.

man rights situation seems to be almost unanimously negative, though opinions differ in emphasis, prescription and prognosis.

Usual response of North Korea to the international criticism is based on the assertion that the talk of human rights is an ideologically motivated provocation and illegitimate interference, and that North Korea has no human rights problem because its socialist system based on *juche* (self-reliance) ideology serves the interests of its people faithfully (Choi, 2002). For example, a diplomatic representative of North Korea is reported to have described the UN General Assembly's draft resolution of his country as "full of fabrications" and "nothing more than the product of a political conspiracy by hostile forces" (United Nations General Assembly, 2009b). But it should be pointed out that North Korea is a party to a number of international human rights treaties some of which were actually ratified or acceded in the early 2000s at the time when North Korea vigorously denounced the outside criticism.⁶ This kind of seemingly inconsistent behavior and absolute refusal to acknowledge its 'abysmal' human rights record has created a longstanding standoff between the North Korean government and human rights movement across the world.

Conspicuously absent from the latter movement, however, is the traditional human rights movement of South Korea which is consisted of both civil society organizations such as human rights NGOs, lawyers' advocacy groups, humanitarian societies, peace movement, and certain official bodies including the national human rights institution. Apart from a small number of organizations, the movement as a whole is often perceived to be less straightforward about the North Korean problem, or reluctant to raise voice on the human rights situation in North Korea. For example, the traditional human rights movement usually sided with the South Korean government's repeated abstention from or non-participation to discussions of North Korean human rights situation in the United Nations. But the movement turned critical towards the government when the latter supported the UN General Assembly Resolution on North Korea after the North's nuclear test in 2006. The human rights movement not only took a dim view of the enactment of the North Korean Human Rights Act in the U.S. but also it vehemently opposed the similar domestic bill proposed by the conservative politicians of South Korea. In addition its criticism towards an international conference on North Korean human rights was extended even to the report of the UN Special Rapporteur on North Korea. The movement's skeptical position reached a new height when the conservative government of Lee Myung-Bak has taken initiatives to sponsor and support the UN draft resolution on North Korea since 2008.

6. North Korea is a party to the following human rights treaties: the International Covenant on Economic, Social and Cultural Rights (1981); the International Covenant on Civil and Political Rights (1981); the International Convention on the Prevention and Punishment of Crimes Against International Protected Persons (1982); the Convention on the Prevention and Punishment of the Crime of Genocide (1989); the Convention on the Rights of the Child (1990); the Convention on the Elimination of All Forms of Discrimination against Women (2001); the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (2001); and the International Convention Against the Taking of Hostages (2001). North Korea also submitted some of its periodic reports for the treaties as late as 2003.

As a result of this, the traditional human rights movement, alongside the governments of Kim Dae-Jung (1998-2003) and Roh Moo-Hyun (2003-8), has often been accused by those who want tougher action against North Korea for their general tendency of acquiescence on the issue. As such, the human rights movement has been variously disparaged by its detractors as a 'one-eyed spokesperson of the North Korean regime' or 'useful idiots for the communist North.' This is a very serious allegation given the fact that the South Korean human rights movement was an important driving force for the pro-democracy movement during the authoritarian period and has been at the forefront of struggle for fundamental freedom and human dignity throughout the recent history of South Korea (Cho, 2002; 2006; Lee, 2010b). Moreover, the human rights movement and civil society in general have exerted significant influence on South Korean politics since the democratization watershed in 1987 (Kalinowsky, 2009; Kim, 2001). This then leads to a rather perplexing question: How can we reconcile the movement's passionate and unquestionable records of human rights advocacy with its attitude to the North Korean issue? Perhaps the first step to answer this question would be to understand the argument and justifications put forward by the movement itself.

Looking for clues

Before we go on to describe the answer in any detail it may be necessary to provide some background information over the controversy surrounding the North Korean question. First of all, no other political problem in South Korea in recent times has proved as ideologically charged an issue as the North Korean human rights. Since the early 2000s the North Korean human rights issue has descended into a prolonged political battle in the country which split the whole range of public opinion into the two diametrically opposing camps, making rational assessment of and practical approach to the question extremely difficult, if not impossible. According to Kim (2005; 2006b) there are three main areas of contention over the issue of human rights in North Korea between the traditional human rights movement and the new advocacy movement: first, a debate over primacy either of human rights or of sovereignty; second, a debate over priority of civil rights *versus* priority of the right to life; and third, a debate over the relevance of individual human rights *versus* the significance of the right to peace.

Most non-Koreans, it seems, fail to grasp the deep schism that the North Korean human rights debate has caused among the country's politics in the last decade. The question has become a *politicized and politicizing* issue in an equal measure, and has been even more complicated by the fervent missionary zeal of some South Korean Christians for proselytizing North Korean economic migrants, unscrupulous 'humanitarian' intermediaries seeking financial gains, and the proliferation of gruesome abuse allegations by North Korean defectors (not necessarily externally verifiable). In a highly acrimonious environment like this the traditional human rights community found little room for maneuver, hence its essentially reactive

and defensive posture. As a result the human rights movement found itself treading a fine line between countering the conservatives' offensive on the one hand and presenting practical and feasible alternatives on the other (see Suh, 2007). Furthermore, the North Korean human rights question was unprecedented in the sense that the views of the traditional civil society movement and those of South Korean governments were very much in line with each other until the new conservative government came to power. Civil society actors were actively sought after and consulted for their advice by the Kim Dae-Jung and Roh Moo-Hyun governments whose tenure was marked by the surge of a 'governance' model of ruling between government and civil society (Cho, 2009). The National Human Rights Institution's refusal to directly engage with the North Korean question in the same period, despite the repeated demand of its critics, could also be understood against this backdrop.⁷ Finally, it should be pointed out that the voice of traditional human rights movement was not a homogenous one, a major difference to that of the conservatives who were more or less coalesced together in raising vociferous demand over the issue.

Structural Explanation

A structural explanation in a narrow sense refers to the causal model where people's choice is determined within what is called 'material landscape' which denotes the patterns in material conditions such as wealth, power and geography (Parsons, 2007: 49-65). There are two broadly definable strands within the traditional human rights movement which shares the structural-material explanatory claims on the human rights situation in North Korea.

The most widely recognized among these is the claim that the essence of human rights problem in North Korea boils down to a shortage of food which severely impedes North Koreans' 'right to life.' According to this view the main cause of human rights abuse in North Korea rests not on the repression of North Korean regime but on hardship created by the famine. This leads to the emphasis on the provision of humanitarian assistance on a short-term basis and the support for self-sustenance and social development on a long-term basis. The South Korean human rights movement has conceptualized this position as the 'social rights-centered' approach under which every effort should be taken to help improve the situation, including the right to food, right to health⁸ and right to subsistence. The latter is emphasized as follows: "The idea of the right to subsistence appeals strongly in

7. There has been a clear shift in policy direction in regard to the North Korean human rights issue within the national human rights institution since the conservatives came to power in 2008. The Human Rights Commission now places great emphasis on the issue and is actively seeking ways to address it, predictably drawing criticism from the traditional human rights circle.

8. According to an Amnesty research based on interviews with more than forty North Koreans now living abroad, most of whom left the country between 2004 and 2009, the health care system of North Korea is in a state of virtual collapse (AI, 2010). Somewhat confusingly the report was immediately rebutted by the World Health Organization <<http://www.bbc.co.uk/news/world-asia-pacific-10665964>> (Access: 17 July 2010).

East Asia, particularly in China and Korea (South and North) because of its deep roots in the society and cultures.” (Han, 2007b: 258). The shortage of food is said to have been caused mainly by exogenous factors such as the trade sanction of the United States, collapse of the socialist bloc and natural disasters, rather than by any domestic factors.⁹ The U.S.’s policy of containment and sanction is believed to have been motivated by ‘human rights imperialism.’ As a result, strict sanctions or outside pressure are seen to be simply counter-productive, since the North Korean regime has repeatedly demonstrated that it is willing to sacrifice its own people in order not to succumb to ‘flunkeyism’, an absolute anathema to its *juche* ideology. Compared to this position, hard-line human rights advocates of the South tend to identify the North Korean regime as the single most serious source of human rights violations (Korean Bar Association, 2006). The logical extension of this opinion leads to the view that the ultimate solution to the problem should be the ‘regime change’ in North Korea (Hong, 2006; Kim, 2008). However, the traditional human rights activists counter that the external coercive intervention runs the risk of further worsening the already precarious situation and that changes must come from within for which the contribution of outsiders should be limited to the building of favorable environment for change.

Another structural explanation takes a geostrategic position whereby the prospect of war must be deterred under any circumstances because the armed conflict will no doubt result in massive human cost on both sides, depriving all Koreans – in the South as well as North – of the very foundation for their human rights protection. Since the second war in the Korean Peninsula will amount to the utmost destruction of human rights, goes the logic, the prevention of war and the resultant settlement of peace system should be regarded as the ultimate measure for human rights protection for all Koreans. In this analysis not only is the peace settlement a crucial means to human rights protection but the avoidance of war itself comprises what is called the ‘right to peaceful existence.’ For this right to be attained the removal of unnecessary provocation and potential source of tension in the Peninsula must be a part and parcel of any thinking in human rights promotion for *both* North and South Koreans. Therefore measures such as humanitarian intervention by military means should never be contemplated, let alone attempted. The corollary of this position is the emergence of a peace discourse as the possible alternative to the so-called ‘human rights-first’ argument of conservative advocates. Making and maintaining peace in Korea as well as in East Asia are understood to be an attempt to create the ‘structural condition’ necessary for clearing the ground for the improvement of human rights in North Korea. According to those who subscribed to this view a normalization of relationship based on an equal sovereignty

9. There is a small number of groups within the traditional human rights movement which have taken a cautious ‘middle way’ whereby endogenous as well as exogenous factors are held responsible for the North Korean situation. Among these groups are Good Friends, Sarangbang Group for Human Rights, People’s Solidarity for Participatory Democracy, Peace Network, National Council of Churches in Korea (KNCC), and Christian Ethics Movement.

principle between the North and South Korea, between North Korea and the United States, and between North Korea and Japan must be included in any longstanding solution to the problem.

Both variants of structural explanation share some common characteristics. They tend to prioritize among apparently competing values and define peace and human well-being in a specific sense whereby an absence of war is treated as a fundamentally important starting point for further progress of the situation. In their analysis human rights closely resemble the objective of human security as “to safeguard the vital core of all human lives *from critical pervasive threats*, in a way that is consistent with long-term human fulfillment.” (Alkire, 2003: 2; emphasis added). Therefore human security and peace are, according to this view, often advocated to be something which is pre-required to secure the full protection of human rights. This argument is enhanced by exigent consideration that North Korea is a *de facto* ‘failed state’ in terms of highly destabilizing potential to the regional as well as inter-Korean stability and security.¹⁰

Institutional Explanation

According to the institutional explanation, institutions refer to the man-made organizations and rules, laws, treaties and standards, as well as enduring patterns of behaviors and formal organizational shape. The institutional claim is premised on the assumption that people function according to their position within organizations and rules, and the ‘path-dependent’ process (Parsons, 2007: 12). It is well known that the official pro-engagement policies of both Kim Dae-Jung and Roh Moo-Hyun relied on the belief that once an institutional framework for peace and prosperity is in place a whole new set of bilateral relations are likely to flourish with irreversible outcome which will in turn produce a strong incentive for peaceful reunification in the future. Thus such a policy – commonly known as the “sunshine policy”¹¹ – must have been envisaged as a long-term strategic goal, in addition to the day-to-day operational agenda.

Traditional human rights movement in South Korea considered the engagement policy as an important first step towards the realization of peace settlement that the movement had advocated for a long time. Official agenda of the sunshine policy included such humanitarian concerns as family reunion, and food and agricultural assistance, technology transfer, incentives for South Korean investment

10. According to the *Failed States Index Scores 2010*, North Korea belongs to the highest ‘alert’ category which includes, for example, Somalia, Sudan, Democratic Republic of the Congo, Iraq and Afghanistan <http://www.fundforpeace.org/web/index.php?option=com_content&task=view&id=452&Itemid=900> (Access: 2 August 2010).

11. The Roh Moo-Hyun administration inherited and further deepened Kim Dae-Jung’s sunshine policy under the rubric of “Peace and Prosperity.” The incumbent Lee Myung-Bak administration’s North Korea policy is officially titled “Mutual Benefits and Common Prosperity.” The new policy, which is widely seen to be less enthusiastic about engagement, insists that compared to the policy of the predecessor its process and methods will be “pragmatic and based on the firm principle of the *denuclearization of North Korea*.” (KINU, 2008: 40, emphasis added).

for North Korean industry which was culminated in the establishment of Kaesong Industrial Complex. The human rights community generally took a positive view of these measures though they raised some concerns about the possible adverse effects the influx of southern capital to the North could have caused, and the working conditions of northern workers in the Kaesong Complex.¹² It was also hoped that such a committed engagement policy would likely to yield a stable ‘diplomatic’ link with the North which had eluded South Koreans for so long. It is particularly notable that military dialogue was also included in the overall institutional framework of the policy which, to peace and human rights movement, was a significant gesture towards building a comprehensive ‘peace system’ in the Peninsula.

It should also be pointed out that the traditional human rights movement’s endorsement of and broader participation to the engagement-oriented North Korea policy was driven both by civil society’s active interest and by the practical steering guidelines of the sunshine policy itself. One of the guiding pillars of the official policy encouraged the broadening of exchanges and engagement at people’s and civil society level (Moon, 2000). The official enlisting of civil society in the process led to the proliferation of high-profile activities of humanitarian NGOs for North Korea.¹³ Over the years these groups have remained an important civil society arm of the engagement process and played an unofficial executioner’s role of the sunshine policy in the humanitarian area. In other words the human rights and humanitarian movement not only supported the official engagement policy but also became its indispensable component. The fact that humanitarian groups generally consider the new conservative government’s North Korean policy to be much more restricted and much less cooperative could be understood against this historical background.¹⁴

The institutional explanation of the human rights community is closely intertwined with the above structural explanatory claims in that the former has offered an implementing leverage to the latter. The institutional claims encouraged to establish a durable framework through which further inter-Korean cooperation could develop, but stopped short of engaging with international community to find ways

12. The concern was also raised by the United States either on the grounds of low wages and indirect payment method (Lefkowitz, 2006), or from a wider free trade perspective (Nanto and Manyin, 2008).

13. For example, at the time of writing, some fifty-six humanitarian groups are registered with the umbrella organization the Korea NGO Council for Cooperation with North Korea (KNCCCK) which was formed in 1999 <<http://www.knccck.or.kr/>> (Access: 1 August 2010). Please note that the views of humanitarian groups with regard to the North Korean human rights are varied. It may be accurate to state that they generally project themselves to be above the fray of human rights controversy. But on the whole humanitarian NGOs are more likely to take a lenient, or at least non-politicized, position on the human rights issue.

14. The government embargo on much of humanitarian assistance to North Korea in the wake of the latter’s missile launch in April 2009 precipitated humanitarian NGOs’ public outcry. See the KNCCCK’s “Open Letter to the Unification Minister” on 25 March 2010 <http://www.knccck.or.kr/board.php?var=view&code=sub_0301&category1=&category2=&page=1&number=15&keyfield=&key=&ey=> (Access: 25 July 2010).

to improve human rights situation in North Korea. This kind of limited institutionalization may have been derived from South Korean government's (and to some extent the human rights movement's) evolutionary hypothesis that the sunshine policy-induced liberalization will produce some kind of democratic windows of opportunity within North Korea.¹⁵ This line of reasoning is all too apparent from the remark by Kim Dae-Jung, the very architect of the sunshine policy: "The truth of history is unambiguous. Reform and liberalization will lead to the economic development which in turn leads to the emergence of the middle class. And those from the middle class will invariably demand more political participation and democracy... No matter how repressive a regime may be, it just cannot ignore this kind of pressure... Likewise, North Korea will change if it is on the reform and liberalization track... This must be the surest way to transform a communist regime..." (Kim, 2007, my translation). This justification seems to embrace the middle class-based argument for political stability, social modernization and more democracy (see Easterly, 2001; Lipset, 1964). Freedom, particularly in the context of North Korea, according to this logic, will be derived from the spillover process of economic prosperity, not from the coercive imposition of freedom (Smith, 2007: 329-330).

Ideational Explanation

Ideational claims are based on the belief that people act as a result of ideas, norms, values and practices. Proponents of ideational explanation see these thought-based tendencies as created by certain historical groups of people (Parsons, 2007: 12). Nowhere is the ideational explanation more salient than the enduring power of nationalist sentiment present in the controversy surrounding the North Korean human rights issue (see Roshwald, 2006).

Perhaps the most widely mentioned word in the North-South Korean relations in the last decade is the term '*minjok*' (the nation). When the term is used with the prefix '*han*', as in '*han-minjok*', it signifies a boundless affective bondage which exists among those who identify themselves as part of the entire Korean ethnic nation. Unsurprisingly this nationalist consciousness was reaffirmed, in a rather grandiose tone, in the first clause of the historic Inter-Korean Joint Declaration between the South's Kim Dae-Jung and the North's Kim Jong-Il on 15 June 2000: "North and South Korea have agreed to solve the task of our reunification in a way that can be handled cooperatively and independently *between ourselves* ('*uri-minjok*') who are the master custodian of our nation." (my translation; emphasis added) It is no wonder, therefore, that the explicitly nationalist expression, no matter how benign and well-meaning it may be, has been adopted, exalted and reproduced time and again in the parlance of a whole array of interactions between the North

15. Behind the logic of the engagement policy lay a conviction that civil society and pro-democracy groups would gradually take root in the North as the impact of the sunshine policy started to spread. The absence of such forces inside North Korea is said to be a major difference compared, for example, to Apartheid South Africa or Burma (See Feffer, 2003).

and South, including in the humanitarian and human rights circle.¹⁶ Some point out that the struggle for pro-democracy and human rights in South Korea itself was historically filtered through the lens of nationalist aspiration and sentiment (Feffer, 2003). The intellectual rationale behind the reassertion and reawakening of the '*minjok*' identity involves the tacit agreement that North and South Korea constitute a community of inseparable destiny which shares common history, language, belief, blood and geography. Since the nation was divided for no fault of its own, its reunification is often seen by the supporters of nationalist idea to be the most desirable goal for everyone in the Peninsula. Since there is a considerable number of people subscribed to '*minjok*' ideology on both sides of political spectrum, it is not uncommon in South Korean politics to talk about 'left-wing nationalist' as well as 'right-wing nationalist.' This was indeed the case with those progressive human rights activists involved in the North Korean human rights debate. In what way, then, was the nationalist idea made influential in relation to the human rights movement's attitude to the North Korean human rights issue?

First of all it was suggested that the divided reality of the nation was one of the most serious original sources of human rights abuse in both South and North Korea. It is argued therefore that in order to rectify the situation the 'right to self-determination' should hold sway over all other considerations and it should trump all other rights at least for the time being. The working manifestation of the right to self-determination in the North Korean context was said to be the 'right to sovereignty' which was then interpreted as either over and above the 'bourgeois' individual rights or a precondition to the protection of human rights of all North Koreans. This was followed by the argument that even if there were some instances of human rights violation in North Korea, the problem would be eventually resolved as the North-South relations improved with gradual decrease in tension. In any case these kinds of problems should be dealt 'between ourselves' without seeking outside involvement. To place the human rights issue at the center of the North-South relations was seen to be erecting an unhelpful barrier to the reconciliation of two Koreas and a sort of affront to the 'between ourselves' principle. Implicit in this line of argument was the thinking that the attainment of human rights through external intervention would be less valuable and even dangerous in the long term. It was also held that there was no such thing as impartial and well-meaning human rights intervention from outside. Under this view those South Koreans who raised the North Korean human rights issue were often regarded as ideological reactionaries trying to reoccupy the political center stage in the post-cold war period by way of producing and disseminating dubious information on North Korean human rights. Needless to say those followers of nationalist idea within the tradi-

16. There are many humanitarian and human rights organizations whose title bears such descriptions as '*minjok*', 'our', 'together', 'community', and 'reunification'. For example, over twenty per cent of all member groups affiliated with the Korea NGO Council for Cooperation with North Korea use such descriptions in their title one way or another <<http://www.kncc.or.kr/>> (Access: 2 August 2010).

tional human rights movement were more likely than others to take a conciliatory approach with regard to North Korean human rights. As in a mirror image, those hard-line nationalists in the conservative circle were more likely than others to take a confrontational 'regime change' approach to solve the human rights problem in North Korea. In addition, the nationalist idea was loosely connected with and undergirded by a sort of anti-Americanism (Feffer, 2003: 117). Some of the pro-peace/democracy/unification – usually referred to as 'progressives' – were seen to be anti-American in their political outlook (Kang, 2005). Although not human rights movement *per se* they exerted significant influence on the human rights debate and shared "the views (e.g., Koreans are all 'one people,' North Korea is not an enemy, etc.) of those who do... Many of these groups believe that the ultimate key to peace and unification – as well as to ending the U.S. military presence and 'unequal' U.S.-R.O.K. relationship – is fostering North-South reconciliation and ending the division of the peninsula." (Levin and Han, 2002: 80). There is no doubt that the sentiment was made aggravated by the U.S.'s perceived hypocritical attitude to international human rights (Moravcsik, 2005: 197). The anti-American sentiment was also enhanced by some genuine concern over the motivation and possible repercussions of the American foreign policy (Kim, 2006a; Koh, 2005).¹⁷

These explanations based on structural, institutional and ideational frameworks share a common ground in that they are more or less 'manifest' explanatory claims which are fairly clearly stated and vigorously defended by the traditional human rights activists themselves. Therefore a closer comparative look at these explanations with what actually happened should reveal their achievements and limitations. It is undeniable that the human rights and humanitarian movement was among the first in South Korea to have highlighted, through the structural explanation, the hardship of North Koreans who were reduced to desperate existence searching for means for survival. Largely due to the efforts of the traditional human rights/humanitarian movement, such relatively new concepts as 'right to food', 'right to survival', and 'right to subsistence' – i.e. economic and social rights – have become part of everyday language for South Koreans. Moreover it was the traditional human rights movement which stressed the importance of identifying the accurate factual information and working out practical solutions. This was starkly contrasted with the position of some conservatives who called for a 'swift and resolute' action, the effect of which was unpredictable and potentially disruptive. The traditional human rights movement justified its position, through the institutional analysis, in a situation where such blunt dichotomy as '*Peojugi*' (mindless humanitarian largesse) *versus* 'true human rights' was repeatedly propagated by the hard-line human rights advocates. When framed as such, supporting humanitarianism

17. The former assistant Secretary of State for democracy and human rights under the Clinton Administration described the American foreign policy toward North Korea during the George W. Bush presidency as follows: "America's 'hard power' alternative – disarming North Korea militarily – raises such a threat to the people of South Korea and the nearly forty thousand U.S. troops stationed there as to be effectively unusable." (Koh, 2005: 123).

and long-term engagement were almost synonymous with ‘aiding and abetting’ human rights abuses in the North. Perhaps this sort of unjustified generalization was the hardest part the traditional human rights movement had to overcome in the face of hostile conservatives and some segment of the public. Nonetheless the traditional human rights movement helped clarify the situation, through ideational and other claims, and managed to remind the public of the dubious credentials of some, if not all, North Korean human rights groups. Indeed the latter did not play any significant role during the pro-democracy struggle, and did not usually lend support to the standard repertoire of domestic human rights issues such as abolishing the National Security Law and/or death penalty, widening civil liberties, and supporting minority rights, etc. Therefore it was largely through the traditional human rights movement’s efforts that the ideological nature of some of the North Korean human rights activism became clearer. The conservative movement was then revealed as an unconventional case of a single-issue mobilization, occupying a limited, very narrow, and idiosyncratic territory within the full horizon of human rights activism.

Having said that, the traditional human rights movement’s explanatory claims are not without problems. For example, structural explanation does not seem to address the question of why socio-economic rights should not be pursued at the same time as civil and political rights. Nowhere is this question more baffling than in the case of the traditional human rights movement which has always advocated the principle of the ‘indivisibility’ of human rights. Moreover, the explanation does not seem to have gone so far as to ask what *kind* of peace it is promoting. Even if we accept that ‘peace and prosperity’ is the priceless imperative for volatile places like Korean Peninsula and that realization of human rights would come about as a peace dividend, it does not necessarily guarantee the protection of human rights for North Koreans in itself, especially if the human rights concern is somehow glossed over by the mere talk of ‘peace.’ It may be argued that the traditional human rights movement, in addition to calling for peace, should have also asked about the *nature* of peace rather than just embracing *any* peace. The same is true with the institutional explanation. While it is a standard assumption that an institutional framework devised to facilitate economic and social openness is likely to produce more favorable conditions for political liberalization and inclusive human rights, there is a growing number of contra arguments that development and democracy may not always progress hand in hand (de Mesquita and Downs, 2005; Lin, 2001). And in terms of the ideational explanation, the traditional human rights movement seemed to have uncritically accepted the nationalist ideology which may imply some sort of ‘historical determinism’ (Parsons, 2007: 13). The weakness of the nationalist’s exclusionary logic becomes even more obvious when one considers the increasingly multicultural composition and characteristics of South Korean society (Han, 2007a).

On a more practical level one wonders why the traditional human rights movement did not put forward a more principled position where both humanitarian campaign *and* human rights advocacy are woven into a coherent single narra-

tive. As a (conservative) activist deplored: “Why did the traditional human rights movement not pursue ‘bread and human rights’ at the same time?” (Suh, 2005)¹⁸ Furthermore would it not be a selfish egoism for South Koreans to enjoy ‘peace’ thanks to the seeming stability, which may actually be founded on unseen sacrifice of North Koreans? Also problematic is the fact that the traditional human rights movement not only was a victim of the sensational dichotomous analysis, but it also did allow itself to be perceived as an active producer of such a discourse, i.e. peace *versus* human rights, humanitarian assistance *versus* regime change, socio-economic rights *versus* civil-political rights, etc. One cannot rule out the possibility that by adopting such a simplistic argument the traditional human rights movement inadvertently allowed the whole affair to degenerate from an essentially policy-oriented practical debate into an ideologically charged polemical battle over the meaning of human rights itself. Finally, the claim that human rights could be treated as a secondary consideration in order to maintain the primary objective of engagement with North Korea may be understandable from the South Korean official point of view, but it is hardly a justifiable one for human rights activists and civil society groups who are not official policy makers themselves. Therefore it is indeed ironic that a human rights movement with such high-profile credentials should have been perceived as having a certain reticent attitude, if not total silence, towards the North Korean question. It is in this juncture that we need to go beyond the ‘manifest’ explanatory claims and look for less visible but perhaps equally important clues on a deeper level as a second-step explanation.

Broadening the explanatory horizon

Contrary to the ‘manifest’ explanations in the above there are some other explanations which are rarely articulated or merely alluded to. Within this ‘latent’ explanatory framework are the psychological claims of ‘foundational’ nature, and the transformational claims of ‘conceptual-practical’ nature. Although different in approach the psychological as well as transformational explanations may be indispensable for grasping the full contour of our question.

Psychological explanation

A psychological explanatory claim is a sort of ‘foundational’ framework in the sense that other types of explanatory claims are built upon it. The psychological frame-

18. Partly in response to this kind of criticism one prominent progressive intellectual recently conceded as follows: “... to claim that providing those in need with basic means for subsistence amounts to human rights violation is preposterous. However, certain public action calling for the improvement of human rights in the North *on top of* the humanitarian aid... should be carefully considered... on a case-by-case basis... thus the accusation that the previous engagement policy lacked human rights commitment bears some truth in it...” (Paik, 2010: 82-83. My translation, original emphasis).

work the South Korean human rights movement has seemingly relied on may be the one that reflects the influence of social and historical factors on the collective psyche of the nation in general and of the social movement in particular. “Socio-historical psychology construes all psychological phenomena as dependent upon social experience.” (Ratner, 1993: 503). Commentators have identified a certain national psychological trauma and the victimization feeling of Koreans – owing to colonial experience and imposed coercive division of the nation – as an underlying cause for the tendency to see political affairs through a distinctively nationalist prism (Feffer, 2003: 17; 21). In addition, for a more immediate practical reason, a deep-seated aversion to total loss on Korean peninsula seemed to have played a significant role in putting the political stability of the peninsula at the center of all considerations. The possible instability and its consequent disruption of North Korean society evoked among many South Koreans an image of flood of refugees and desperate boat people, and stoked fear of a more militant successor regime in the North than the current one. This fear factor on a psychological level was augmented by a realist policy prediction: “a North Korean collapse into revolution would be a humanitarian disaster at best; a grave security threat to the region at worst.” (Larry Robinson, 1999; quoted in Feffer, 2003: 116). The worry has acquired much more heightened immediacy after the North’s nuclear test in 2006: “Anything that sparked fears of ‘loose nukes’... could quickly make the Korean peninsula *the most dangerous place on earth.*” (*The Economist*, 2010; emphasis added). In addition, on a comparative psychological level East Asians’ way of thinking is said to be geared to a nuanced approach to situation, reliance on context and background knowledge, and dialectic middle way, as compared to that of Westerners who are said to have certain tendency toward categorization, focus on salient feature, formal logic, and the law of noncontradiction (Nisbett, 2003). When applied to the South Korean human rights movement this tendency helped it adopt a more ‘holistic’ way of solution for the North Korean problem rather than a precisely targeted ‘surgical’ treatment. Lastly, it may be the case that a certain ‘denial’ mechanism has prevented the South Korean human rights movement from recognizing the seriousness of the situation. Locked into a grey area of ‘knowing’ and ‘not knowing’ at the same time (Cohen, 2001), the traditional movement may have (un)intentionally avoided reality on the ground and chosen to stick to the internally circulated views among themselves. This controversial tendency seemed to have been particularly noticeable in the earlier phase of the crisis when (small) sections of the movement refused to acknowledge the reports of North Korean human rights situation altogether, the position of which has left an inexcusable blemish on the moral credentials of the South Korean human rights movement.

Although hard to pinpoint, explanation based on the psychological claims is still significant because it points to “the hard-wired dispositions that people have ‘before’ (analytically, not chronologically) they are set down in structural, institutional, and/or ideational settings.” (Parsons, 2007: 136). The psychological explanation also helps understand the apparently ‘irrational’ behavioral pattern and tendency of the actor, which cannot simply be reduced to other explanatory claims

– structural, institutional, or ideational. However, there are still instances where psychological as well as other explanatory claims find difficult to effectively deal with. For example, why did the traditional human rights movement sometimes emphasize and act upon the ‘standard’ human rights principle (such as in the pro-democracy struggle), but sometimes not (such as in the North Korean case)? On what grounds did the traditional human rights movement justify its shifting mode of action? Has the movement maintained and observed a coherent set of human rights idea at all, regardless of different situations? What if the movement had a subtly different idea of human rights than the standard notion of international human rights in the first place?

Transformational explanation

Another way of presenting the latent explanation is through what may be termed a ‘transformational’ approach. The approach holds that an exogenous idea tends to undergo a process of ‘transformation’ when transplanted on an alien soil, and that the resultant new idea emerged from the process suits the changed environment. Seen through this perspective the (Western) human rights idea that the South Korean human rights movement believed they fully internalized and practiced may have actually been modified and adapted into the local reality through the long transmission process. The consequence of this transformation is a slightly different version of human rights – the one that owes as much to Korean history and experience as to the so-called ‘universal’ notion of human rights. It is debatable whether the human rights movement actors are conscious about the transformed nature of ‘their’ human rights idea, but it is undeniable that the North Korean question triggered a larger theoretical debate about human rights and highlighted the transformational character of the human rights idea adopted by the human rights movement.

The transformation is in fact a compromise to reduce the tension between the ‘given familiarity’ and the ‘learned familiarity’, both of which carry significant weight in the contemporary Korean human rights movement.¹⁹ The former is created by an affective bondage derived from the shared sense of community (the ‘nationalist’ human rights ideal), while the latter is absorbed through an intentional will to practice the modern ‘universal’ value and norms (the international human rights standard). When these two differing ‘familiarities’ interacted with each other a certain accommodative type, instead of mutual exclusion, emerged in the Korean context. As Bell explained: “[T]he main hallmarks of liberal democracy – human rights, democracy... – have been substantially modified during the course of transmission to East Asian societies that have not been shaped by liberalism... If human rights... are to take root and produce beneficial outcomes in East Asia, they must be adjusted to contemporary East Asian political and economic realities...”

19. I have taken the cue from Lolle Nauta’s acclaimed idea of ‘strangeness’ and ‘familiarity’ <<http://www.forum.nl/Portals/Strangers/pdf/Position-paper-FORUM-conference.pdf>> (Access: 5 August 2010).

(Bell, 2006: 9). On a more fundamental level this point may be further understood as the 'hybrid nature of the common human condition' whereby each civilization (and individual) tends to proceed to pursue its own version of 'modernist' project (Lee, 2010a).

It must be remembered, however, that the outcome of this adjustment *à la* Korean style is the familiarity of a third kind – 'transformed familiarity'. It should also be pointed out that this kind of (unintentionally) transformed human rights idea is neither something that is close to the 'Asian value'-type human rights (Zakaria, 1994), nor the one that unconditionally reproduces the 'standard' practice of international human rights. In particular, the human rights idea created on the basis of transformed familiarity is distinguished from the one predicated on cultural relativism in that the former does not aim for an ontologically distinctive concept of human rights. In fact the idea of human rights on transformed familiarity in Korea aims to preserve and practice the essence of the international human rights standard, but at the same time to exercise maximum flexibility when employing *means* to achieve human rights objectives. It is this *flexible duality* of human rights practice that characterized the South Korean human rights movement's response to the North Korean question. And it is this flexible practice that has so often been mistaken as a 'distorted' principle of human rights – a source of much confusion and criticism. As a result the movement has had to constantly walk on the tight rope in terms of deciding when, on what grounds, and under what conditions the practice of flexibility could be safely exercised without sacrificing the substantive contents of the 'universal' human rights principle.

More reflection on 'transformational' claims

The traditional human rights movement in South Korea has been at the forefront of democratization and human rights advocacy in domestic and increasingly in international arena. On domestic front it has contributed to debates over the vast array of injustices and discrimination issues including gender inequality, truth and reconciliation, migrant workers, conscientious objectors, sexual minorities, Japanese 'comfort women', death penalty, refugees, the homeless, domestic violence, torture, IT asymmetry, etc. The movement was also firmly behind the creation of the national human rights institution. On international level it has taken part in various global solidarity activities such as anti-neoliberal protests, the East Timor case, the Burma democratization campaign, the Tibet freedom initiative, to name a mere few. Moreover, the movement has always rejected the argument put forward by those who support the culturally-specific notion of human rights. For example, Kim Dae-Jung, the undisputed progenitor of the 'sunshine' policy which the Korean human rights movement supported, strongly defended democracy and human rights against those who argued for a culturally particularistic notion of human rights: "Asia should lose no time in firmly establishing democracy and strengthening human rights. The biggest obstacle is not its cultural heritage but the resist-

ance of authoritarian rulers and their apologists.” (Kim, 1994: 194). By extension it would be safely stated that the traditional human rights movement in South Korea has been an exemplary case of the international norm-respecting human rights movement. However, as explained in the above, the idea of human rights that the movement has always wholeheartedly embraced contained in its core a certain contradictory tendency which allows the movement unusually large room for maneuver, but at the same time creates intractable tension with regard to the normative principle. This has led to the bifurcation of human rights practice at the level in particular of implementation.

On the one hand, the South Korean human rights movement utilized ‘standard tactics’ – heavy reliance on legal instruments and conventional political channel, civil society advocacy with various protest ‘repertoire’, and enlisting international solidarity – when the situation was target-specific, closed, determinate with defined objectives. So it is no surprise that the movement’s action was at its most effective in a conventional sense during the period of pro-democracy struggle whose context was bounded and controllable, and whose objectives were clear and specific, i.e. democratization. Under such circumstances, therefore, a sort of *bas relief* approach which highlights the human rights issue at the forefront of all concern was considered to be proper and appropriate. However, the *bas relief* approach is not without its limit: its rational-legal orientation tends to proceed along the deductive-logical line at the expense of larger contextual considerations. In addition, it tends to assume that in order to achieve the human rights objective the literal language of human rights must be used as a rule of thumb.

On the other hand, the alternative approach the South Korean human rights movement adopted in cases like the North Korean problem may be termed a *sunken relief* implementation method. The *sunken relief* approach was deemed to be appropriate in such complex situations as North Korea where human rights problem was inextricably embedded in regional security concern, de-nuclearization process, geopolitical rivalry, unfinished nation-building task, and not least material deprivation. Under these multi-dimensional circumstances the supporters of a *sunken relief* approach emphasized the importance of non-legalistic, historically contingent, more context-based problem solving, and relied heavily on comprehensive economic and political forces. They also suggested that the language and standard method of human rights should be used selectively and discreetly, and sometimes never be used if and when necessary.

The implication of the *sunken relief* approach of human rights is three-fold. First and foremost the approach resembles that of human security: since human security focuses on feasibility it “may not necessarily prioritise all human rights equally, and in practice different institutions that respect or promote human security will legitimately prioritise and address only certain rights and freedoms.” (Alkire, 2003: 7). Furthermore, the *sunken relief* approach seems to be more conducive to preventive (or ‘ex-ante’) strategies: “[F]uture human rights abuses can be prevented only by investing resources to change the structural conditions (both material and ideational) underpinning them.” (Cardenas, 2007: 135). This consideration certainly

formed a basis of the traditional human rights movement's logic of 'structural' and 'institutional' explanations, hence its support for the engagement policy. Finally, the approach endorses an 'ethic of responsibility' (*Verantwortungsethik*) rather than an 'ethic of conviction' (*Gesinnungsethik*). A vernacular legal expert acknowledges that whilst the advocates of the ethic of conviction would be prepared for stringent legal, political and international measures against North Korea, those of the ethic of responsibility would ask for the 'arduous and prudent' consideration of overall aspects including the possible disastrous consequences of certain actions (Chung, 2009; see also Verstraeten, 1995). The predictable negative fallout of resolute actions such as harsh sanctions or military humanitarian intervention based on the 'ethic of conviction', according to the author, would far outweigh the result of the action based on the 'ethic of responsibility'. It is argued therefore that actions founded on the 'ethic of responsibility' are preferred no matter how deficient they may be in terms of the standard criteria of international human rights.

In brief, the traditional human rights movement in South Korea views the *bas relief* and *sunken relief* approaches as two practical sides of the one same principle, not as something mutually antagonistic. Perhaps this position could be described as a pro-universalist at the conceptual level, but a particularist at the practical level – seemingly contradictory but inherently not incommensurable. Related to this, the 'contradiction' of the South Korean human rights movement can be understood as at least in part compatible with larger patterns of Korean history and culture (see Feffer, 2003: 89). But even if we accept this explanation as a way of justifying the kind of practical measure the traditional human rights movement employed, we may still wonder how this discrepancy can be accommodated within the general scheme of logic. Nisbett aptly responds to this dilemma with an informed opinion: "... in the East Asian view, the law of noncontradiction applies only to the realm of concepts and abstractions. The rejection of conclusions because they seem formally contradictory can be mistaken, because concepts are merely reflections of things and it can sometimes be *more sensible to admit that an apparent contradiction exists* than to insist that either one state of affairs or its opposite is the true one." (Nisbett, 2003: 177, emphasis added). Indeed nowhere was this strategic flexibility of the traditional human rights movement in South Korea more evidently demonstrated than in the case of the North Korean question.

Concluding remarks

The appropriateness of the above explanation – latent as well as manifest – on why the South Korean human rights movement took the less-than-active position towards North Korea cannot be separated from the real consequence of the movement's action in promoting human rights in North Korea. But it would be premature to obtain a final balance sheet at this stage. The reason for this includes the difficulty in identifying the actual progress of human rights record within North Korea and the relatively short period of time the engagement policy was imple-

mented. But the most challenging aspect in assessing the impact stems from the fact that the experimental nature of the action preferred by the traditional human rights movement makes it very hard to establish a substantial causal link between action and result, compared to the directly correlative action – preferred by the new human rights movement – based on the codified criteria and the usual promotional method for human rights. It goes without saying that the traditional human rights movement was not without its share of mis-steps. True, the South Korean human rights movement sometimes presented crude, premature, and tactless arguments. True, it would have been intellectually much more defensible and transparent had the South Korean human rights movement both supported the engagement policy *and* taken a more principled critical stance towards the North Korean regime. True, the movement should have played a bridging role between the South Korean government's official policy and the international human rights movement, rather than broadly aligning itself with the government. But it might be argued that their position was a strategically more prudent and feasible, if flawed, option after all (Feffer, 2007: 107-110).

Having said all these it should be emphasized that one thing is unambiguously clear: the conservatives' hard-line policy towards North Korea and the subsequent sinking of a South Korean naval warship in the spring of 2010 have eventually brought the two Koreas into the brink of a war, destabilizing the environment for peaceful coexistence and eliminating what slim chance there remained for the possible progress of human rights in the North. Furthermore, it is perhaps ironic that as the inter-Korean relation is hitting the lowest point in years, the South Korean demand for the improvement of human rights situation in the North sounds increasingly hollow, reflecting the virtual disappearance of a useful leverage on the part of South Korea to influence on the North Korea's human rights policy. Therefore one can only imagine the consequence of this undesirable development in terms of human cost within the secretive country.

The action (or inaction) of the South Korean human rights movement towards the North Korean problem is an interesting case study in the arena of human rights advocacy in itself, but it could also hold some important lessons for the future development of global human rights movement. Firstly, the case lends support to the understanding that human rights are a constantly constructible ideal/practice based on structural-political conditions. There is no doubt that human rights must be founded on the principle of human dignity and equal worth, but this principle does not necessarily mean that human rights are a crystallized and permanent touchstone against which every real action is guided and measured. That there is a set of internationally recognized human rights standards should not obscure the fact that in spite of the existence of established norms there is indeed room for re-interpreting and reformulating the concept, the objective and, above all, the means of achieving human rights for each generation and for each context. Thus international human rights should be treated as something in the permanent making, which are "not fixed or immutable but are a product of struggle, debate, and social interest." (Frieden et al. 2010: 417).

Secondly, viewed under this light, one must not hastily accept the assumption that the idea of human rights necessitates or even dictates a rigid and uniform set of 'universal' actions, and that the actions should employ a predominantly rational-legal means regardless of different circumstances and contexts. This kind of unilateral assumption seems to have been historically derived from both the imperial motives for domination and the enlightenment obsession with an idea of a linear progress (Wallerstein, 2006). Any departure from the 'universal' action model, goes the logic, might be labeled as 'particularist' or 'un-human rights'. Nevertheless, the particularity of some sort will always be present even within a generally universalist scheme, as we have seen in the case of the transformation of the human rights idea in Korea as a result of the encounter between 'given familiarity' and 'learned familiarity'. This may be an inevitable part of 'universal' human condition, for "[a] world of human action that was not very general – perhaps where groups of people invented fairly unique institutional or ideational arenas – would not necessarily be one where chaos reigned, causal dynamics did not operate, and nothing could be explained in a fairly rigorous way." (Parsons, 2007: 5). The same sentiment is also echoed in the context of a debate over the universalizability of human rights: "Participants in the overlapping consensus [of universal human rights] deserve a sympathetic hearing when they present serious reasoned arguments justifying limited deviations from international norms." (Donnelly, 2007: 300). An acceptable degree of 'limited deviations' is of course a matter of debate, but it seems that the example of the South Korean human rights movement – a staunch universalist in principle and a flexible particularist in practice – is an interesting test case in this debate.

Thirdly, it should be emphasized that any move to promote human rights is necessarily determined within a specific socio-historical matrix which is both enabling and delimiting. The case of the South Korean human rights movement with regard to the North Korean question is a perfect example of how even the most devoted and principled actors cannot help but take into account and manoeuvre within a specific socio-historical context. In this respect we need to pay more attention to a macro-structural condition on which the foundation for human rights can be meaningfully laid. We also need to recognize that in an extraordinary context (such as in the North Korean case) a single-minded pursuit of human rights can sometimes even be a source of human insecurity, as argued in the following scathing comment: "In the era of neoliberal world human rights legal framework may be part of global insecurity problem and, therefore, human security advocates should move above and beyond this legalistic approach to get at the underlying sources of inequality and violence which are the root causes of insecurity." (Thomas, 2001: 168).

Last but not least, the global human rights movement should attempt to learn from the real experiences of human rights advocacy around the world – particularly the multi-dimensional challenges faced by the local activists – and to establish a 'complex solidarity' at different levels. Certainly there is abundance of 'case study' type information, but the accumulated knowledge and insight gleaned from

the reality often are not taken seriously enough: they may be given a polite hearing and even a heartfelt salute from time to time, but are rarely invited to challenge the dominant human rights paradigm itself of how to achieve the human rights goal in this ultimately diverse world: it might indeed be “a task of heroic complexity” (Cowen, 2001: 81). We may need to start the process of ‘re-universalizing’ human rights. By ‘re-universalizing’ I mean the reconstruction of human rights notion on the basis of various different experiences of local human rights movements around the world. If the post-war move to establish international human rights mechanism was the first-wave universalizing attempt on the basis of top-down, deductive imposition of certain international norms, now is high time we started systematically collecting, observing and reflecting from the real practices of human rights movements across the world. This kind of second-wave universalizing attempt may constitute a heuristic and inductive stage, allowing divergent experimentation and trial/error, which is in turn fed into the ever evolving circuit of the human rights idea. There is an increasing sign of resignation over the realizability of human rights these days where the idealism for universal human rights seems to give way to a new era of isolationism and realism (Kurlantzick, 2010). It is argued that any attempt to overcome the present skepticism should start from a radical rethinking about *how* to achieve the ‘universal’ ideal of human rights. Thus the case of the South Korean human rights movement would be a useful reference study in our search for a unity – achieved through the post-universal, participatory human rights²⁰ – within the myriad diversity in the contemporary world.

20. There are a number of suggestions for essentially the same aspiration including, *inter alia*, ‘universal universalism’ (Wallerstein, 2006), ‘a truly international human rights regime’ (Bell, 2000), ‘an unforced consensus on human rights’ (Taylor, 1996), and ‘relative universalism’ (Donnelly, 2007).

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Comments on CHO

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Eight years ago, in 2002, Prof. Hyo-Je CHO published a critical review of the role of the human rights movements in South Korea. These movements include both civil society organizations and official bodies. His review reveals that these human right movements have been of great importance in South Korea, both in the 1980s and 1990s to fight gross violations in South Korea of civil and political rights during the military regimes, and in the late 1990s and early 2000s to help putting democracy and human rights high on the political agenda when President (and Peace Noble Price Winner) Kim Dae Jung carried out his “sunshine policy”. In the present paper, Prof. Hyo-Je CHO tries to answer the question why the human rights movement in South Korea – which he calls a committed and passionate champion of human rights - seems hardly be involved in debates and activities with regard to the human rights situation in North Korea. He accentuates that human rights objectives and political targets are entangled, and that many people think that too much emphasis on universal human rights may be contra-productive in negotiations about important political issues like peace and re-unification.

Central in the first part of Hyo-Je CHO’s paper are the following issues:

1. During the last decades, famines have been amongst the most serious problems in North Korea. It is open to question to which extent these famines are due to policies by the North-Korean regime or rather to exogenous factors, like the collapse of the Soviet - Union, natural disasters and international trade sanctions. In the discussions about famines in North-Korea, the notions of self-reliance and ‘right to subsistence’, play a central role. These notions are deeply rooted in the history and culture of Korea and of many other East Asian countries. It is felt by many people that such values, sometimes called Asian values, with its emphasis on co-operation and collective responsibility, are more important than individual universal human rights. These arguments are not only often raised in Asia, but in Africa as well, not in the last place by authoritarian regimes which want to defend their powerful position and feel threatened by pleas for democracy and human rights.
2. Since North-Korea carried out its nuclear tests in 2006, many people believe that war between North- and South Korea must be prevented at all costs. They claim therefore that peace is of much higher priority than individual human rights. In the same vein, re-unification of both Korea’s is by many people seen as a pre-condition to be fulfilled before peace between North- and South- Korea can be attained and changes in the political climate of North- Korea can be realized.

The claim that in a specific social and cultural context first pre-conditions have to be satisfied before universal individual human rights can be at stake, is all over the world heard. Economic growth and development, especially of an economic middle class, are often mentioned as examples of such pre-conditions to be fulfilled. Only a strong economic middle class will lead to processes of participation in political decision making and social democratic changes. To a certain extent such claims may be justified, but, as is well known, they can also be used to impede introducing political and civil rights or economic and social rights.

Taking the discussion on these issues as a starting point, in the second part of his paper Prof. Hyo-Je CHO focuses on the relation between universally valid human rights and locally specific conditions. He discusses a so-called 'transformational approach', in which "an exogenous idea tends to undergo a process of transformation when transplanted on an alien soil". This would finally result into a slightly different version of human rights- the one that "owes as much to Korean history and experience as to the so-called 'universal' notion of human rights". Reading such sentences and imagining 'slightly different human rights' for local conditions, implying 'slightly different human rights' for Korea, South-East Asia, Africa, or Europe, I am getting nervous. For me the universal nature of human rights, how debatable and controversial the interpretation of various articles of the Universal Declaration of Human Rights may be, is a precious good and determines to a large extent the strength of the Declaration. Hyo-Je CHO refers in his paper often to the fact that the universally human rights are seen by many people as a produce of the West. He makes reference to the distinction made at this conference between 'strangeness' and 'familiarity', where 'strangeness' (which he prefers to call 'learned familiarity') refers to the perception of universal human rights by local people and 'familiarity' to specific local conditions.

Honestly, I am a bit confused about Prof. Hyo-Je CHO's views: on one hand he emphasizes that the human rights movements in South Korea have always rejected the culturally specific notion of human rights. He quotes even Kim Dae-Jung, who stated: "Asia should lose no time in firmly establishing democracy and strengthening human rights. The biggest obstacle is not its cultural heritage but the resistance of authoritarian rulers and their apologists". On the other hand, his paper accumulates in a fervent plea of 're-universalizing' human rights and to start a process of reconstructing human rights notions on the basis of various different experiences of local human rights movements around the world.

I doubt whether such a re-construction of the universal human rights notions will be very useful. And I don't think that the existence of 'familiar' Asian values require such a re-construction. 'Familiar' locally specific cultural and social values, and specific political and economic conditions play a key role, as soon as processes of implementation of human rights come in. Then political realities like peace or re-unification may get priority, as is illustrated by Prof. Hyo-Je CHO, and also Asian values like collective self-reliance and subsistence may determine the processes of implementation of human rights. That the existing notions of human

rights are almost universally accepted, at least as a moral standard, is such a valuable asset, that I prefer efforts to implement them to efforts of 'transforming' them into other universally accepted ones.

Prof. Hyo-Je CHO's paper is not only of interest for readers in Korea, but also for people worldwide, who are concerned about the destination of the population of the Stalinist North Korea with its labour camps for political prisoners and the total lack of openness and transparency. The author does not formulate suggestions how politicians and human rights movements can deal with the extremely complex humanitarian situation in North-Korea. That is fair enough. The paper is and perhaps cannot be more than a contribution to a better understanding of the complex nature of the North-Korean human rights situation and may help human rights movements, politicians and academicians, not only in Korea, but also internationally, to think of more convincing reactions than isolating North-Korea or calling it a rogue state. Whatever future reactions will be, it is very likely that they will be only effective, if they will be the result of joint commitments by Korea and the international community. I am happy that Prof. Hyo-Je CHO's paper figured in this international conference on human rights.



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‘Minority Rights’: A Majority Problem?

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The third-rate mind is only happy when it is thinking with the majority. The second-rate mind is only happy when it is thinking with the minority. The first-rate mind is only happy when it is thinking. – A. A. Milne

Of supremacy and satire

At the end of a joint mission in West Africa Lolle Nauta gave me a humoristic curio of a ‘native’ policeman dressed up in French colonial outfit, with topee (pith helmet) and all. Such West African ‘colon’ (colonial) statues provide a mild illustration of the dialectics of strangeness and familiarity.

Indeed, these wooden carvings of people in colonial posture and attire -Europeans as well as Africans- were originally made by African craftsmen for just indigenous use, making fun of life and work in a white-dominated world. In that local context these ‘colons’ had no commercial value. But toward the end of French colonial rule this changed completely, when those originally exhibited as strangers, familiarised with their replicaes and actually commissioned such portraits of themselves in their colonial outfits (Steiner 1994: 148). In arts literature such a phenomenon is known as “object alteration”; Nauta might have spoken of “identity alteration”: the stranger familiarising himself with the alien guise in which he had been portrayed.

Notably, then, the commercialisation of these satirical images of white supremacy did not transform the actual power relations between the colonial agents and the local population, but rather underscored these. It is, indeed, such power relations that stand central to the normative analysis in this paper. These will be examined in the light of democracy and human rights, with a focus on discrimination and/or exclusion of collectivities through abuse of dominant public-political positions.

Of minorities and minarets

On 29 November, 2009, Switzerland accepted a people's initiative to amend Article 72 of its constitution (on Church and State) with a third section:

The construction of minarets is prohibited.

This decision resulted not only in ongoing debate within the country itself, but also in an international outburst of indignation, not least in countries in which freedom of religion is categorically more problematic than in the pricey republic of the conjurors. The Islamic Republic of Iran, for example, summoned the Swiss ambassador to account for the Islam-inimical decision of his people. The dominant feeling within Europe was one of astonishment: this had happened in a country with an impressive political history of peaceful coexistence between people of different cultures and creeds; a state based upon a decentralised system of government; a constitution embodying fundamental rights, including both equality before the law and freedom of religion and conscience; and a fair record of international human rights compliance. Stunningly, all such observations had also been made in the debate in both houses of the national parliament in Bern, where the people's initiative had to be validated before it could be put to the popular vote.

Although the ban was immediately challenged in the European Court of Human Rights in Strasbourg, the socio-cultural background of the decision, its actual content and its international status, are not the major concern here. Above all, the change of the Swiss constitution may be seen as illustrative of the contemporary human rights problematique, not only from a substantive perspective, but also with regard to certain procedural aspects.

The decision was taken with a turnout of 53% and a majority of 57.5 %. Hence, the initiative passed even though less than one third of the electorate had actually voted in its favour; yet, such were the rules of the game. The point is that, in the Swiss system of public-political decision-making, assurances against the popular whim are not sought in qualified majorities – such as the two-thirds majority in the second parliamentary reading of a proposal for constitutional change required in The Netherlands – but in the authority of the federal assembly to validate or invalidate an initiative that had secured the requisite number of more than 100,000 signatures.

When a people's initiative meets the formal requirements, the federal assembly has to discuss two proposals from its governing council: one on validation and one on endorsement. If the initiative is validated but not endorsed, it will be put to the popular vote with a recommendation from parliament to reject it. This is precisely what happened in the case of the minarets. Both validation and the recommendation to reject the people's initiative were accepted with huge majorities.

Article 139, § 3 of the Swiss constitution sets out the grounds for invalidation:

If the initiative fails to comply with the requirements of consistency of form, and of subject matter, or if it infringes mandatory provisions of international law, the Federal Assembly shall declare it to be invalid in whole or in part.

Since the proposed constitutional change had been formulated in clear and unequivocal wording, the discussion in the Federal Assembly naturally concentrated on its compatibility with ‘mandatory’ provisions of international law, *ius cogens* in other words. The obvious question posed by this course of events, albeit rarely discussed, is “How on earth could the *Bundesrat* (the Federal Council) recommend validation and the *Bundesversammlung* (Parliament) approve that”? This query is all the more striking if one considers the initiative’s multiple infringements of positive law, which the *Bundesrat* had already enumerated in its proposal to Parliament. Incompatibilities were noted in respect of Switzerland’s own Constitution: the equal treatment requirement and the non-discrimination principle (Article 8), freedom of religion and conscience (Article 15), and guarantee of ownership (Article 26). Furthermore, the initiative was considered to be in breach of Articles 9 (freedom of thought, conscience and religion) and 14 (the non-discrimination principle) of the European Convention on Human Rights. The United Nations Covenant on Civil and Political Rights was considered violated in respect of freedom of thought, conscience and religion (Article 18) and the prohibition of governing with distinction to religion (Article 2).¹ Stunningly, the Swiss Federal Council did not regard any of these violations of international human rights norms as a contravention of *ius cogens*. What then, one might wonder, is the meaning of that phrase? Remarkably, this has not been catalogued, let alone unequivocally determined, although there is general agreement on prohibitions against aggressive war, crimes against humanity, war crimes, maritime piracy, genocide, apartheid, slavery, and torture. The way in which the Swiss government treated the matter – shocking as it may be – is nevertheless generally in line with states’ practice of interpreting the question of infringement of *ius cogens* according to their own authority (Stüssi 2008).²

In the parliamentary debate on the proposal, two observations stand out. One is the reference to other states that had limited the construction of religious edifices. Indeed, it is not surprising that the issue of compliance with *ius cogens* is judged in respect of actual states’ practice, which in quite a number of countries tends to be rather restrictive when it comes to Christian churches. (Incidentally, as one of

1. See the message of the Federal Council on the People’s initiative “Against the Construction of Minarets”, Federal Council 08.061, 27 August 2008, and the Deliberations on that proposal, Federal Parliament 29.11.2009, VH 08.061

2. The author describes how “the decision to hold the proposed ban on minarets as valid is equally as legal as holding it invalid” (144) based upon the conflicting *ius cogens* rights to freedom to practice one’s religion and the right to self-determination.

the delegates ironically remarked, the canton of Vaud – ‘reformed’ until 2003³ – repealed its prohibition of Catholic church towers only in 1930; strikingly, after eighty years of erecting Catholic towers, the majority of the inhabitants of its capital Lausanne are today Catholic.) More amazing from a contemporary perspective is the delegates’ overwhelming adherence to their citizens’ “democratic right” to take majority decisions on their Constitution by popular vote. As this freedom entails the responsibility to watch over the realisation of that charter’s fundamental rights, the Swiss government’s action raises the question of minorities’ protection in the context of majority rule, an enigmatic and controversial problematique in current human rights debates.

Democracy as Majority Rule

Notably, democracy’s way of handling conflicts of interests in a public-political community is not simply majority rule. To illustrate, consider Abraham Lincoln’s definition – government of, by and for the people – as a starting point. Government of the people means not only self-determination but *representative government*; government by the people signifies *participatory government*; and government for the people may be seen as *accountable government*. The three concepts are obviously interrelated, as they are all connected to principles in the formation, use and limitation of political power. Thus, democracy implies that public-political power be representative, participatory and accountable to both the majority and the minority if it is to be legitimate.

Even when confined to just the representative component of democratic government, majority rule entails, in fact, *three* basic principles: (1) decisions rest on majorities; (2) dissenters acquiesce; and (3) majorities respect and protect minorities.

As to the operation of the first principle, it is well known that when it comes to highly contested issues, simply counting heads without any preliminary process of consultation and persuasion is not conducive to peaceful government. Thus, although the will of the majority is the basis for upholding the decision, a connection with the democratic prerequisite of participatory government is essential to the decision’s legitimacy.

The second principle naturally presumes that the rules of the decision-making game have been followed, both in the formation and in the execution of political power. “When the majority has once spoken, it is the duty of the minority to submit”, Tocqueville noted already in 1835 in his *Democracy in America* (428). Minority compliance exemplifies the rule of non-violence, implying that opposition, protest, and resistance be confined to civil disobedience, though even that method of non-violent confrontation of government and the laws enacted by parliament already tends to be politically destabilising. Yet, construction of political majorities

3. Through the new Constitution, the Reformed Church lost its established status to become a public institution on the same footing as other religious institutions.

through manipulation and extreme pressure (group discipline) may put considerable strain on minority compliance. In practice, the smooth acceptance of majority decision-making by dissenting minorities requires open systems of political decision-making, an adequately functioning rule of law, based on an accessible and independent judiciary, and limited government respecting and protecting people's fundamental interests by law.⁴

This brings us to the third principle, which has been strikingly worded in the European Court of Human Rights' *Grand Chamber* judgment in the case of *Sørensen and Rasmussen v. Denmark*:

[D]emocracy does not simply mean that the views of a majority must always prevail: a balance must be achieved which ensures the fair and proper treatment of minorities and *avoids any abuse of dominant position* (2006: 26, emphasis added).

Yet, this is perhaps the most problematic aspect of democracy in our world today as minorities still tend, poignantly, to be unprotected,⁵ precisely at a time when nations become increasingly heterogeneous. Notably, peaceful settlement of disputes arising from conflicting interests flows from this third principle and requires not only participation in decision-making by all concerned, but also a well-functioning rule of law, both to protect minorities' interests and to gain their acquiescence in decisions taken by the majority.

Minority rights: For what purpose?

Returning now to the Swiss people's initiative, the religious issue as such – constructing a minaret as a culturally specific type of tower connected to an already existing edifice of worship – is obviously rather trivial compared to the *collective discrimination* that such a constitutional prohibition directed towards Muslims entails. Strikingly, this decision was taken in a country with only four existing minarets, where the great majority of Muslims were secular refugees from the former Yugoslavia. In conflict studies – a research area to which human rights studies might well be more intimately connected – it is common knowledge that state policies, measures and actions, negatively directed at specific groups whose public-political position is already problematic, tend to induce political violence. Remarkably, however, criticism on the Swiss people's initiative ignored any reference to minorities' protection.

4. It is in this respect that Tocqueville warned against a tyranny of the majority: "I do not say that there is a frequent use of tyranny in America at the present day; but I maintain that there is no sure barrier against it, and that the causes which mitigate the government there are to be found in the circumstances and the manners of the country, more than in its laws" (1835: 272).

5. This is part of the huge "human rights deficit" that still abounds after more than sixty years of the international venture for the realisation of human rights (de Gaay Fortman 2006b). M.A. Mohamed Salih has reflected on the political aspects of this deficit in an essay entitled 'Minorities and the Political in the Human Rights Deficit' (2003).

Incidentally, reference is made to minorities in Switzerland's own Constitution in Article 70, § 2 in the context of languages (qualified by the adjective "indigenous") and in Articles 109 and 110 in respect of tenancy matters and employment policies (which have to take appropriate account of "the justified interests of minorities"). Notably, these clauses stipulate respecting equality before the law as the overriding principle. The fundamental prohibition of discrimination, in other words, remains the primary concern.

In the European setting, a Charter for Regional or Minority Languages (ECRML) was adopted in 1992 under the auspices of the Council of Europe to protect and "promote historical, regional and minority languages" in Europe. As a regional security body, the Organisation for Security and Cooperation in Europe seeks to identify ethnic tensions and to set standards for the rights of persons belonging to minority groups. In 1998 a European Framework Convention for the Protection of National Minorities entered into force. In Article 1 it declares that "[t]he protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation". The ensuing articles refer, again, to "persons belonging to national minorities". In actual legal and political practice, however, this Convention plays no part.

At the global plane, a Sub-Commission (of the Commission on Human Rights; since 2007 called the Human Rights Council) had been set up for the Prevention of Discrimination and the Protection of Minorities. Right from its start observers concluded that it had "singularly failed to make any contribution towards the protection of minorities" (Humphrey 1968: 869), for more reasons than just its low place in the UN hierarchy.⁶ In 1992 the United Nations' adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. This document stipulates in Article 2, § 1:

Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.

In this wording, the question whether a minaret is a matter of culture or religion is obviously not decisive. As a declaration adopted by the UN's General Assembly it is, however, not regarded as internationally binding, *let alone ius cogens*.

As to Treaty law, Article 27 of the International Covenant on Civil and Political Rights (ICCPR) provides that "[i]n those States in which ethnic, religious or lin-

6. The evident toothlessness of efforts to protect minorities at the international level is not a recent development. The League system itself, involving bilateral treaties that were essentially unenforceable, and which was abused by Nazi Germany, was one reason for the lowly status given this Sub-Commission (Humphrey 1968: 870). Since 1999 the Sub Commission is known as Sub-Commission on the Promotion and Protection of Human Rights.

guistic minorities exist, persons belonging to these minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language”.⁷ In its General Comment No. 23 the Human Rights Committee has observed that this Article establishes and recognises a right which is conferred on *individuals* belonging to minority groups. Yet the Committee’s jurisprudence has shown that, in practice, Article 27 can be used to address some of the problems affecting indigenous collectivities, namely those related to internal aspects of self-determination. In this connection, the minorities’ right to “enjoy their own culture” includes “a particular way of life associated with the use of land resources, [e]specially in the case of indigenous peoples. That right may include such traditional activities as fishing or hunting and the right to live in reserves protected by law” (CCPR General Comment No. 23 1994: ¶ 7). The Committee’s jurisprudence on Article 27 has also confirmed that economic activities may come within its scope if they are an essential element of a minority community’s way of life. There is, however, no international enforcement in human rights treaty law; this remains dependent on the success of efforts within national jurisdictions.

In situations of intrastate collective violence wherein the state has shown itself consistently unable to protect a minority, which constitutes a majority in a specific area within the national territory, some scholars speak of “an emerging right to autonomy within international law” (Sydenham 2004). Whether regarded as *lex ferenda* or not, such a ‘right’ is still far from being *lex lata*.

Obviously, then, international minorities law appears too weak to play any effective part in the actual protection of people suffering from abuse by others in dominant positions, to draw on the terminology of the European Court of Human Rights. This inherent weakness begs the question whether efforts to protect such people should focus on properly defining and strengthening ‘minority rights’, which seems to be the major trend in modern human rights law, or be directed towards a search for alternative approaches.

The minority problematique in a political economy perspective

There is nothing normative in the notion of a minority; it is just a residual category in respect of the idea of majority rule. Nevertheless, “[t]he moral authority of the majority is partly based upon the notion that there is more intelligence and wisdom in a number of men united than in a single individual, and that the number of the legislators is more important than their quality”, Tocqueville pronounced in

7. It might be observed in passing that even where treaty-law is “binding”, states have often declared reservations that make the language of the treaty essentially ineffective in that state. For instance, Turkey has insisted on a definition of “minority” as indicating only “non-Muslims”, a definition dating from the Treaty of Lausanne under the League system. Such reservations make legal enforcement of treaties empty (Oran 2007).

his seminal work (1835: 265).⁸ True as this may be, however, majorities are fortunately *not* primordial categories. Hence, the starting point in our analysis must be *majority construction* as something beyond simply assembling and counting votes. Indeed, if majorities were merely incidental outcomes of political debate, majority rule would not be problematic in its consequences for dissenters, as the latter might be as ‘floating’ in taking sides as those consenting in the issue at stake. This, however, is not the case. Institutional attempts at majority construction, such as the formation of political parties, are natural and electoral systems merit particular attention here with regard to their exclusionary consequences. Strikingly, in the ‘Westminster’ constituency system, the excluded (‘minority’) parties joined together may well constitute a majority. In the United Kingdom, for example, a majority of the popular vote seldom brings a party into power, while often the party with the most seats garners support from not much more than one third of the population. In reality, then, it is the *rules of the game* that count more than “the will of the people”.⁹

Thus, first-past-the-post may well lead to permanent or at least long-term exclusion from power, even for groups with firm roots in society. The practice of power-sharing becomes particularly crucial in this respect. Although it is a concern usually falling beyond the scope of human rights, attaining ample participation in government for national collectivities often acts as a prerequisite for political stability and peace.¹⁰ The way in which Nelson Mandela managed to secure Inkhata participation in the first South African post-apartheid government of 1994 provides a striking illustration. On the other hand, the constituency system in certain Commonwealth countries has led to not just continuous government by the same political party¹¹ but sometimes even one-party parliament.¹² In evidently non-homogeneous nation-states this is likely to result in a structural minority problematique. Hence, it is not without reason that heterogeneous Switzerland uses a model of political power formation that guarantees a fair amount of power-sharing among the parties representing the citizens’ interests at all distinct levels of government.

8. R.A. Dahl (1989) defends majority rule on the grounds that it maximizes self-determination, is more reasonable than any other way of public decision-making, it is one way to check whether an assertion is true and it maximizes utility. Salih (2003: 117) rightly observes that in respect of minority groups with no influence on the polity of the dominant ‘nation’, the relevance of these considerations is questionable.

9. It is also worth mentioning in this respect that political consensus is the result of multiple negotiations and cost-benefit analyses, and does not necessarily, much less reliably, represent the *authentic* position(s) of the parties which form the numerical majority of votes. Not that all votes and positions are bought and sold, but they are not all represented by the “consensus of the majority” either.

10. Political participation does, however, have its costs, especially as it tends to require some degree of assimilation, which is precisely what non-dominant collectivities are often resisting (Toivanen 2004: 197).

11. In Botswana, for example, the Botswana Democratic Party has reigned with huge majorities since independence. That these are based on free and fair elections is not in doubt.

12. This has happened in St. Vincent and the Grenadines and in Lesotho, for example.

Ignoring the concerns behind power-sharing may have disastrous consequences, particularly in a post-conflict peace-building stage.

The socio-cultural basis of political party formation is a second aspect of majority construction that may be tricky in its effects on exclusion. This applies particularly to racial, ethnic, tribal, religious or other types of party formation based on an exclusive collective identity, whether formally or informally organised. Particularly in such settings, power-sharing tends to become imperative. Indeed, the Northern Irish exclusion of Catholics from power – for whatever kinds of reasons – has been highly conducive to civil strife. Even when religious and/or ethnic majorities rotate – as in some island states of the Caribbean¹³ – majority rule based on collective identity construction may affect entitlement positions of persons belonging to the minority temporarily out of power.

In addition to the political conditions necessary for democracy's capacity to establish legitimate government, there are also *economic* prerequisites of majority rule. In his exposition on *The Economic Prerequisite to Democracy* (1981), Dan Usher's concern is with the distributive effects of democracy as a system of government. His book "is a study of how society protects democratic government by entrusting the economy with a task that the legislature can never perform – the task of assigning the major part of income and other advantages" (1981: ix). His worry is "conflict over assignment" in societies governed on the basis of majority rule. "For democracy to survive", Usher feels, "there must be a prior agreement among citizens on a set of rules for assignment that voters and legislators will not lightly overturn". He refers to this as a *system of equity*, defined as "a set of rules for assigning income and other advantages independently of and prior to political decisions arrived at in the legislature" (1981: viii-ix). The protection of people's entitlement positions regardless of their political preferences and affiliations comes to the fore here. A particular challenge in this connection is to prevent poverty and unemployment from affecting the same people all of the time.

Based on the three points made above – that majorities are not primordial but *constructed*, that they do not necessarily represent an *actual* majority position and that they are subject to multiple forms of manipulation and *political* pressure – it becomes increasingly clear that majority-minority relationships are not the key problematic in the formation and execution of political power. The real issue is construction of dominant positions based on collectively exclusive elements, and the actual abuse of such positions. In South Africa, for example, the apartheid regime was based on minority rule. In Guatemala, to mention another example, it is still the indigenous majority that suffers from discriminatory exploitation. Obviously, then, numerical inferiority is not an adequate criterion for establishing what constitutes a 'minority' in a legally normative sense. As Mohamed Salih has put it:

The case of dominant minorities makes us realize that minorities are not the passive recipients of majority oppression, nor incapable of oppressing others. To that extent

13. Trinidad and Tobago, for example, and Guyana.

minorities are social entities, a construction of a social reality and their position in the polity of the nation-state. Nevertheless, on the whole, history has so far shown that there are more oppressed than oppressive minorities in the world (2003: 109).

Strikingly, there is no internationally enacted definition of the term *minority*. Francesco Capotorti, United Nations Special Rapporteur, in the context of Article 27 of the International Covenant on Civil and Political Rights (on rights of “persons belonging to ethnic, religious or linguistic minorities”), proposed the following text:

A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members – being nationals of the State – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language (1979: 96).

“A group numerically inferior to the rest of the population of a State” is not only arithmetic nonsense, but also neglects the primary background of the minority problematic: abuse of dominant positions that are based on exclusive collective identities. A second flaw in Capotorti’s definition lies in the phrase “whose members ... possess ethnic, religious or linguistic characteristics differing from those of the rest of the population”. The verb “to possess” creates the impression that there is a kind of primordial distinctiveness about minorities and ignores their construction through identity-based majority formation. Incidentally, in Article 2 of the *UN Convention on the Prevention and Punishment of the Crime of Genocide*, a similar disregard of anthropological wisdom emerges, as it defines genocide as meaning certain specific “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such”. This way of putting things creates the impression that such entities exist regardless of their construction and definition either by themselves or by people in dominant positions.¹⁴

In the final part of Capotorti’s definition, the element of self-identification does receive emphasis, as it stipulates that people manifest “a sense of solidarity, directed towards preserving their culture, traditions, religion or language”. But here already declared human rights such as freedom of religion and cultural rights might suffice. It is true that in practice the latter category has been treated in a step-motherly fashion, but that should be no reason to refrain from further operationalisation of these already established rights.

Quite evidently, then, minorities are far from fixed objective categories and their identification is subject to extensive politicisation, but neither is the ‘minority’ issue a mere chimera in the sense of an issue that could just be ignored. It remains a reality determined by abuse of entrenched dominant positions, resulting in disqualification and discrimination of collectivities regarded as different in the sense

14. For an examination of minority construction in Darfur, see Michela Costa’s thesis, *Towards an Open Definition of Genocide. An Inquiry into the Construction of ‘Ethnic’ Conflict in Darfur* (2008).

of inferior. In the public-political community, deeply rooted patterns of socialisation of people in terms of majoritarian superiority and minoritarian inferiority are not likely to be eliminated by one stroke of the pen, nor even by enacting rights in countries lacking a strong juridical culture. Notably, in the social as well as the legal sciences, it is not wise to begin working from existing scholarly models and conceptualisations; the challenge is rather to study how people behave in the real world. Hence we have to start from reality on the ground and then attempt to connect our findings to human rights – upstream analysis, in other words¹⁵ – rather than the downstream approach starting from the legal texts, which so often prevails in academic human rights research.

The irony of collective equity

In the real world the ‘minority’ problematique appears to be part of the general setting of ‘us-them’ divides, manifesting itself in three distinct ways: collective prejudice against people associated with certain constructed categories, discrimination against members of such ‘groups’ (not rarely culminating in the most serious of crimes) and systemic inequalities.

Evidently, legal systems do not provide an effective instrument to deal with collective *prejudice*. The challenge here lies in human rights education, a huge effort tuned to majority acceptance of differences and the creation of an environment in which ‘minorities’ can feel *recognition* as well as *inclusion*. As concluded from a survey in Finland, a country in which the foremost issue is language:

[t]he best laws are useless if the acceptance of the majority is prerequisite to the laws’ successful implementation. In this sense, human rights education would be a valuable tool for the fostering of an environment of acceptance. Human Rights Education is vital to spreading of information about minorities and their special needs, including teaching the importance of recognizing differences to change practical living conditions, even though the protection given by law seems to be perfect (Mahler 2009: 201).

In regard to individual rights of persons belonging to a ‘minority’, education’s utility lies primarily in the struggle for equal treatment. In a society with a strong juridical culture such as the United States, law played an obvious part in getting rid of much systemic discrimination. It must be acknowledged, however, that such laws were the result of long and contentious political struggles that are not over, even in a country that, at least domestically and for its own citizens, has a long history of struggling to realise the rule of law. But when the laws are not observed, national legal systems can deal with disputes only if cases come from recognised legal personalities, or, in practice, *individuals*. In such individual cases of discrimination,

15. [Reference to Tom’s Inaugural].

domestic law may provide certain remedies, though these are inherently unsatisfactory because they tend to be only partial and reactive in response to discrimination that is systemic and pervasive. This is to say nothing of countries where the juridical culture is deficient.

In the international setting direct remedies are lacking. Thus, with all due respect for the Committee on the Elimination of Racial Discrimination (CERD), which receives occasional individual complaints and scrutinizes state reports while making useful comments and policy recommendations, the lack of effective mechanisms for direct enforcement tends to reduce its role to merely reporting on the effectiveness of national institutions. Nevertheless, where national instruments are completely lacking because specific forms of discrimination have not been established as human rights violations – such as castism and discrimination against certain non-recognised ‘minorities’ – international human rights may still play its part in bringing issues to the fore and mobilising shame.

It should be clear from the prior discussion that what law has to offer regarding efforts to rectify systemic inequities is inherently limited. This complicated problematique is a matter of policies in the first place, as I have discussed in earlier work.¹⁶ With that in mind, let us focus now on the ‘minority’ issue in its contextual connection with intrastate collective violence, starting with an attempt to draw lessons from a frightful episode in European history: collective oppression, persecution and resistance in France in the epoch between the rise of Protestantism and the French Revolution.

That period of religious strife began with the Reformation, which questioned the public-political monopoly of the Roman Catholic Church in Western Europe. In France, as in other countries, that church had been established as the sole institutionalisation of Christianity. The suppression of those who adhered to the reformed faith, the so-called Huguenots, amounted to what would now be called crimes against humanity and certainly acts of genocide as well. As the protestant resistance had organised militarily, the almost three hundred years of intrastate collective violence included religious wars and war crimes on both sides.

While always a minority in the entire kingdom of France, the Huguenots were geographically concentrated in an area south of the Loire and especially in the crescent stretching from La Rochelle through the southern provinces of Guyenne, Languedoc, and Dauphiné to Geneva. In the cities under their control, it was the Roman Catholics who had to suffer from collective discrimination and humiliation. The Edict of Nantes (1598) brought a short period of relative peace based upon a certain degree of power-sharing that allowed the French Protestants to garrison some 200 towns. Huguenots acquired access to royal offices, legal redress before special royal courts (known as *chambres de l'édit*), and the right to establish their own academies. Royal letters (*brevets*) accompanying the Edict granted subsidies for their troops, pastors and schools. In most of France, however, Protestants were granted only limited rights of worship.¹⁷ Thus, rather than extracting religion from

16. See Bas de Gaay Fortman, ‘Racism and Poverty in a Human Rights Perspective’ (2002).

state power, the Edict launched a kind of religious cleansing of the kind we still find today in a city like Belfast.

Collective minority recognition is the inevitable consequence of majority entrenchment through public-political establishment. Yet, a major lesson from that French history, which still is to be fully learnt, is that its side-product may well be a worsening of the divide. Politically organised and internationally recognised 'minorities' stand at the roots of new processes towards majority construction in the sense of their gaining dominant positions that might well be abused. For instance, after the war of 1998 the Albanians in Kosovo lost no time in transforming themselves from an abused minority into an abusive majority. It is of course acknowledged that collective human 'cleansing', that repulsive phenomenon of the twentieth century, is definitely not the answer to the 'minority' problematique. Nevertheless, in this connection an *irony of collective equity*¹⁸ can be empirically detected: with each supposedly equitable solution to one minority problematique, new majority-minority divides manifest themselves resulting in new iniquities. The former Yugoslavia provides a striking illustration of this tendency. As to the insoluble puzzles to which intolerance in a heterogeneous nation-state may lead, Belgium represents an off-putting illustration.

Strikingly, in the negotiations leading to the pacification of the Nantes Edict, the Huguenots had formulated three major demands:

1. guaranteed freedom of worship for the Protestant (Reformed) religion in the whole Kingdom of France without any restriction as to time and place;
2. guaranteed equal access to office, whatsoever; and
3. guaranteed security for all citizens of the reformed faith (van Enk 2004: 334).¹⁹

The failure to grant these guarantees had forced the Huguenots to further organise as a strong minority, dependent on auto-protection. This resulted in collective political and military organisation. Where they were in control they adopted policies of discrimination against the Catholics in their turn. Under Louis XIV they were crushed; the Edict of Nantes, although registered by the legislatures in 1598 as fundamental and irrevocable law, was revoked in 1685. Protestantism was declared illegal; as a result, the following century until the French Revolution was a time of unrestrained anti-Protestant tyranny, persecution and oppression. Hundreds of thousands of Huguenots fled hearth and home (Kaplan 2007: 159-169).

It is instructive here to pay heed to the second Huguenot request, which amounts to equal economic opportunities. The lack of perspective resulting from

17. For a detailed history of the Huguenots in France see the magnum opus of Pierre Louis van Enk, *Frankrijk en de Hugenoten. Drie eeuwen onderdrukking en verzet* (2009).

18. In the context of public administration, the term "irony of equity" was introduced by B. Bernard Schaffer and Geoff B. Lamb (1981).

19. A similar and more modern reiteration of these basic guarantees for 'minority protection' was contained within the (admittedly weak) International Protection of Minorities System that was active under the League of Nations (Dinstein 1976: 115).

politico-economic exclusion has proven to be a major factor contributing to intrastate violence – both then and in the present. The following observation from Adam Smith’s *Wealth of Nations*, published in 1776, might still be taken as a starting point here:

[C]ommerce and manufactures gradually introduced order and good government, and with them the liberty and security of individuals, among the inhabitants of the country, who had before lived almost in a continual state of war with their neighbours, and of servile dependency upon their superiors. (Smith 1776(1900): 313)

As a structural basis for peace and political stability, this presumes non-discrimination in trade and employment, too. Equally, the third Huguenot demand obtains: protection of everyone against violence. This may still be seen as the most important function of the state: law and order, aiming at the *equal protection of all* who find themselves on the territory in respect to:

1. their *person*, implying not only protection *against* the state²⁰ in the sense of security of person as stipulated in Article 3 of the UDHR, but also protection *by* the state against criminality;
2. their *goods*, implying solidity of entitlement positions, which is both more and less than the right to own property as such (article 17 UDHR); and
3. their *deals*, implying the execution of contracts (*pacta sunt servanda*) through an “exact administration of justice” (Smith 1776 (1900): 540).

Obviously, all this requires a strong state based on an inclusive social contract and commitment to the rule of law. The guarantees the Huguenots sought are the basic due any citizen should expect from the state. Beyond these prerequisites, is there any specific role for ‘minority rights’?

A misconception

Minority rights do not find much of a basis in the Universal Declaration of Human Rights, that foundational document, which has assumed the character of chapter 1 of a virtual global constitution. Consequently, in efforts to conceptualise these ‘rights’ there was little ground to start from. Actually, two distinct missions have been muddled up here: collective rights and the rights of collective entities, usually called group rights or minority rights.²¹ Collective rights are rights which by nature can be enjoyed just collectively (Dinstein 1976). Self-determination is the

20. The acid test of democracy, as Geoffrey Robertson once put it, “is a justice system where there is at least a chance, a possibility of beating the state at its own game” (1998). On the intricacies of this element of the rule of law, see “Beating the State at Its Own Game. An Inquiry into the Intricacies of Sovereignty and the Separation of Powers” (de Gaay Fortman 2008).

most familiar example; today it is particularly the right to a healthy environment that comes to the fore. In the UNESCO setting of pronouncing ever new rights, a declared ‘right to cultural diversity’ may be mentioned (Donders 2002). In practice such ‘rights’ play the part of principles (*regulae iuris*), both in the realm of politics and in litigation.²²

Group rights are a different matter; here the legal subject is a collective entity no matter the character of the rights claimed. Since rights protect interests by law, they grant abstract acknowledgements of claims based on these. It is often argued in this connection that only individuals can be human beings and hence enjoy human rights.²³ This, however, is not the issue. There is no compelling reason why the subject of such legal protection could not be a collectivity. The practical prerequisite of creating rights for collectivities would merely be that the groups be granted legal personality.²⁴ As human beings live in community with others, there are definitely collective aspects to the need for human dignity protection, as has been clearly recognised in the UN human rights venture. In the case of ethnic and religious groups – the categories usually referred to in international human rights documents concerned with minorities – this has generally not been the case. The real issue is not, however, whether collectivities might be recognised as legal personalities, but whether doing so is an effective strategy in protecting the human dignity of those who are part of these groups.

While, indeed, international human rights law could universally declare all individual human beings to possess legal personality and has actually done so – equal in inalienable rights – with regard to a general category of ‘groups’ this would obviously be unwise. To the degree that this project is pursued it is distracting, confusing and even counterproductive. This holds true for two central reasons. First there is the unavoidable problem of definition, as discussed above, whether the group is a minority, a majority, a people or an indigenous group. There exists no consistently reliable *legal* methodology for limiting – defining – the membership composition of groups in a public law context.²⁵ The human rights bodies and the human rights instruments do not share a single definition of “minority”. To imagine that a useful and reliable legal definition of “minority” will emerge seems a naïve dream. Instead, the obvious result of granting special or extra rights such as rights of self-government or secession, or even mere special protection of already existing rights, to vaguely defined and ultimately illimitable “groups” is that groups – however defined – will multiply and compete in the political arena in an attempt to take advan-

21. In *Human Rights in a Pluralist World: Individuals and Collectivities* (Berting 1990), for example, this confusion pervades the argumentation.

22. Cf. “‘Adventurous’ judgments : A Comparative Exploration into Human Rights as a Moral-Political Force in Judicial Law-Development” (de Gaay Fortman 2006a).

23. See, for example, “Human Rights, Individual Rights and Collective Rights” (Donnelly 1990: 43).

24. It is true that class action suits or public interest litigation may well result in measures conducive to the protection of excluded collectivities, but the national jurisdictions in which these legal instruments pertain are generally not the most problematic in respect of minorities.

tage of such rights. This generally has led towards, rather than away from, greater political strife. But this is, of course, only the first problem.

Secondly – and this impediment applies more generally to the narrow conception of human rights as mere rights in the sense of abstract legal acknowledgement of interests – even if legal personality were granted to collectivities, the lack of an international court of human rights seriously hampers the realisation of judicial remedies related to those rights they may claim. So the question remains whether an international legal discourse still is to be seen as an effective way to achieve the aim of equal protection for all as far as the collective aspects of human dignity are concerned.²⁶ Indeed, the same doubt persists about whether modern state law could provide the right machinery for such protection.

There are, certainly, states that have incorporated constitutional clauses for the protection of minorities. A striking example is Macedonia where in 2001, after a period of serious civil strife between the ruling Macedonians and the structurally excluded Albanians, a new constitution was enacted as part of a peace accord. Particularly instrumental had been the mediating role of the High Commissioner on National Minorities of the Organisation for Security and Co-operation in Europe (OSCE).

The agreement involved deletion of references in the Constitution's preamble suggesting that persons belonging to minorities are second-class citizens, as well as enshrining 15 amendments designed to give greater rights to the country's ethnic Albanians. There is no general reference here to 'minority rights', but specific clauses are enacted to protect the position of a designated category of citizens, identifiable by their common language. Notably, in response to the peace accord, the leader of the political party of Albanians welcomed the constitutional changes with the following 'golden' words: "We repaired the constitution and now we have to repair the mentality that created ethnic conflicts" ("Macedonia adopts a new constitution" 2001).

Yet, Macedonia is a shining exception. Actually, in constitutional documents we tend to find more references to arrangements for the protection of the majority than to minority rights. Does not the term 'minority rights', then, create mere illusions? In other words: isn't it a *major misconception*?

Majority entrenchment

Constitutions, as we know, embody rules on the authority of states to maintain public order through law; they tie the exercise of power to moral norms. This is reflected in the notion of a social contract: behind state law, as a way of stipulat-

25. The most consistent method and the one most in line with the principle of self-determination is self-identification, but this method is relatively unhelpful in the *legal* determination of a group's status.

26. Strikingly, a new international journal to be published through Intersentia in Antwerp presents itself as *Human Rights & International Legal Discourse*, as if it is here that the main vacuum in human rights studies must be located.

ing legal obligations, lies the state-citizens' agreement to form one public-political community. I use this term here not as a philosophical idea, but rather, in line with conflict theory. From theoretical and empirical analysis into the kind of context in which intrastate collective violence finds a breeding ground, two major factors emerge: structural socio-economic inequalities and lack of an adequately functioning social contract.²⁷ The latter implies, firstly, that there is not a failing but a functioning state and, secondly, that citizens in general look upon this state as theirs. Naturally, this requires legitimate government, too, in the sense of an administration ruling on the basis of the principles, institutions and processes that are regarded as 'right', as well as commonly acceptable outcomes.²⁸

Even where majority construction, as a way of privileging a defined segment of the public community to the exclusion of other 'groups', has an emancipatory background, it remains a problematic practice. A characteristic example is Malaysia, where Article 153 of their constitution grants the Head of State responsibility for safeguarding the special position of the Malay and other indigenous peoples, collectively referred to as *Bumiputra*, meaning the sons of the land.²⁹ The *Bumiputra* actually form a *majority* within Malaysia, but have historically been at the bottom end of the economic ladder.³⁰ The discriminatory arrangement that Malaysia's constitution entails may be seen as a carry-over of laws made by the British colonial power to protect the Malay from being overpowered by the immigration of Chinese and Indian workers into Malaya. Indeed, behind the *construction* of the *Bumiputra* as a majority at independence is a period in which income inequalities corresponded to a socio-economic dissimilarity between Chinese and Indians on the one hand and ethnic Malays on the other. In actual practice, Article 153 has created a distinction between Malaysians of different ethnic backgrounds, resulting in the implementation of affirmative action policies which only benefit the majority *Bumiputra*.³¹ This entrenchment of a division between the *Bumiputra* and other groups is one cause of ongoing political tensions.

No matter their intelligibility and their historical origin, such entrenched dominant positions³² are not only susceptible to abuse; they also institutionalise sensitive us-them divides, thus affecting the susceptibility to conflict of the nation-state as such. Their legal starting point lies in public-political *establishment* of one specific religion, origin, language or any other grouping in a way that may well marginalise or exclude people who do not share the established characteristics. Such establishment of a dominant position for one particular collective entity may be

27. See, for example, "Violence among peoples in the light of human frustrations and aggression" (de Gaay Fortman 2005).

28. Cf. Bas de Gaay Fortman and Fatos Tarifa, "Vulnerable Democracies: The Challenge of legitimacy in Post-Communist Systems" (1998).

29. For a brief account, see Noon, "The Use of Racial Preferences in Public Procurement for Social Stability, Public Contract Law Journal" (2009: 611).

30. Groups subject to this phenomenon have been called, confusingly, "minoritized majorities" (Kymlicka 2008: 26), which is evidence enough for removing this distinction between "majority" and "minority" from the vocabulary.

either formally embodied in the constitution or informally entrenched in daily decision-making. As this may well be seen as the crux of the whole ‘minorities’ (discriminated and/or excluded collectivities) problematique, let us now examine the international venture for the realisation of human rights in that light.

Reflections on the international human rights venture

In the global political idea of human rights that emerged after World War II, two genealogies converged: the fight for recognition and fundamental protection of the dignity of *all* human beings and the struggle for fundamental rights as a way to protect citizens against abuse of power, in particular by their own sovereign (the state). We find the distinct convictions behind these two historical lines reflected already in the preamble of the United Nations Charter in which “[w]e the peoples” express our determination

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.

The preamble of the UDHR repeats that expression of global faith in the inherent worth and dignity of the human being and in fundamental rights as a confessional foundation:

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world

...

The two genealogies then meet in Article 1 of the Universal Declaration of Human Rights of 1948:

*All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.*³¹

31. Article 153 § 1 provides that the government should act “in accordance with the provisions of this Article”. The government has done this by implementing certain policies, particularly the New Economic Policy (NEP), that was recently changed into the New Economic Model (NEM). Meanwhile the Prime Minister has launched the One Malaysia Policy as an attempt to move towards a more inclusive society. Notably, the only major clash that Malaysia has witnessed is the May 13, 1969 bloodshed that followed election results, which the Malay majority regarded as unacceptable, leading to the stronger affirmative action policies of the NEP. Later ‘us-them’ clashes have involved crackdowns on Muslim extremism.

32. Other notable examples of majority entrenchment arising out of an obvious historical context are Sri Lanka, where Chapter II, Article 9 of its Constitution on Buddhism declares: “The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster the Buddha Sasana, while assuring to all religions the rights granted by Articles 10 and 14(1)(e)”; and Israel, which has been established as a Jewish state.

This global political confession (in legal terminology *ius divinum*) mirrors two grand principles, one of a substantive and the other of a procedural nature: *universal human dignity* and *fundamental rights* (including their inalienability). While the emergence of the basic rights idea as legal protection against abuse of power may, indeed, be called a ‘Western’ history,³⁴ the narrative of universal recognition and protection of human dignity could just as well be termed ‘anti-Western’ history in the sense that *equal* dignity had to be vindicated in *contravention* of Western ideas and powers. The idea of legal principles, for example, was already part of Roman law (*generalia iuris principia*). One of these referred to freedom as something of inestimable value (*libertas inaestimabilis res est*);³⁵ yet this excluded subjugated peoples in general and slaves in particular. In fact, the whole story of universal human dignity remains an ongoing struggle.³⁶ In his *Race and the Right to be Human*, Paul Gilroy has perceptively shown how the struggles against colonisation and conquest and the historical efforts to fight racial and ethnic hierarchy have shaped the idea of truly *universal* human rights (2009).

Indeed, human dignity refers to the inherent worth of each and every human being, simply as an innate consequence of human existence whether or not an individual person is herself convinced of that.³⁷ *Inherent* is, indeed, the adjective used in the preambles of both the UN Charter and the UDHR, meaning that human dignity is a matter of being rather than having, and hence implying that it cannot be taken away. Yet, it is worth emphasizing here that some people have been denied the enjoyment of these rights merely because of their group identity, whether that is imposed from without or within. It is *violation*, then, more than preconceived group rights that governs the problematic. Thus what have been conceptualised as ‘minority rights’ – rights protecting minorities – must be reconceptualised as based not on minority status, but upon universal human dignity as already internationally established, rights protecting universal human dignity in its collective aspects too.

Notably, the way in which this mission has been conceptualised in legal instruments and mechanisms has placed great emphasis on the second foundational principle of human rights: the quest for fundamental rights. The major flaws that

33. Today we read “sister and brotherhood” or *fellowship*. Obviously, the underlying principle is *solidarity*. In the global venture for human rights, this constitutes the basis for so-called solidarity rights such as the right to a healthy environment. Besides solidarity, one can also read here an urge not to engage in aggressive behaviour – endangering peace and stability – as the human rights instruments were adopted immediately after WW II.

34. For this narrative see, for example, Lynn Hunt’s book, *Inventing Human Rights. A History* (2007).

35. Paulus libro secundo ad edictum, *Corpus Iuris Civilis*, DE DIVERSIS REGULIS IURIS ANTIQUI, D. 50, 17, 106. See also 122: Gaius libro quinto ad edictum provinciale: “Libertas omnibus rebus favorabilior est.”

36. A typical ‘anti-Western’ source for the declaration of freedom is Ho Chi Minh: “Rien n’est plus précieux que la Liberté et l’Indépendance”.

37. Cf. “Self-Determination or Human Dignity: The Core Principle of Human Rights” by Matthijs de Blois (1998: 531) For a full discussion of human dignity as a core principle in human rights, see Chapter 5, on human dignity and humiliation, of *Where Needs Meet Rights. Economic, Social and Cultural Rights in a New Perspective* (Goldewijk & de Gaay Fortman 1999).

affect ‘minorities’ protection can be traced to this overreliance on legal, judicially enforceable rights as such. International mechanisms for the realisation of human rights were set up as if the emancipatory struggles preceding adoption of the legal model had already been definitively concluded with the victory of the allied forces in World War II. That model is based on three stages: standard-setting, supervision through monitoring of compliance and enforcement. Its capacity to enforce international human rights law, however, is terribly weak, as was noted already. So the responsibility for implementing all those internationally *declared* rights still rests basically at the national and local level. In respect of minorities, however, the nation-state is precisely the level at which the struggle for equal protection faces the greatest challenges.

Monitoring of state compliance with regard to the protection of ‘minorities’ is clearly flawed, as a summary survey of the recently created Universal Periodic Reviews (UPRs) in the Human Rights Council (HRC) reveals. The substance of the recommendations that the countries having come up for review by their ‘peers’ have received is indeed revealing. The whole process, as it is conducted, fully deserves the title that UN Watch gave its recent evaluation of the process: “Mutual Praise Society” (2009). Here is a striking illustration from the review sessions: Myanmar (sic!) makes the following recommendation to Malaysia:

[C]ontinue to share and extend its experience and best practices in the efforts in developing comprehensive policies and strategies for the advancement of indigenous groups which focus on uplifting the status and quality of life of the community via socio-economic programs (HRC 2009b: 8).

In the words of the Malaysian poet Cecil Rajendra: “*Can the blind see for the dumb? Can the dumb talk*” (1987: 30-31)?

To conclude, as treaty-based human rights law hardly offers effective protection of minorities against abuse by those in dominant positions, the UN charter-based mechanism appears to provide no solution either.

A critique It is in this context that strongly worded criticism of the international human rights endeavour comes to the fore. Strikingly, the March 1, 2010 cover of *Newsweek* magazine screams “The Death of Human Rights”. The article by Joshua Kurlantzick, which confines its title to the mission’s *downfall*, shows a primary concern with the declining role of human rights on the agendas of major state actors, international civil society, and the public at large.³⁸ Notably, the Geneva- and New York-based mechanisms for human rights standard-setting and supervision are totally ignored, implicitly assessing these as irrelevant. It may be time, indeed, to reconsider this part of the UN mission in the light of the following considerations:

38. He attributes these failings in part to the economic crisis, its effects on the middle class in Western democracies and its concurrent influence on the attitude of ‘political realism’ adopted by their leaders.

1. The UN project as envisaged in the Charter was never meant to be *legally* enforceable by *international* means.³⁹ While rights already imply protection – namely by law – the terminology consistently refers to “protection and promotion of human rights”: a clear testimony to its “soft law” character.⁴⁰ In this light it is not surprising that there is remarkably little attention to follow-up of both country-assessments and individual cases in which evident violations of human rights were established through resolutions and/or concluding observations. It is precisely in respect of collectivities’ protection that provisions for *international* enforcement cannot be missed.
2. The juridical nature of the international human rights venture went together with an emphasis on *case-by-case* approaches. Yet, non-implementation is often of a structural nature, requiring primarily international *political* action. Insofar as such action has been forthcoming, it has suffered from the almost inherent double standards in a world of states. This certainly applies to collectivities within powerful states with a veto-right in the Security Council whose consent to effective action would have to be sought.
3. Effective protection of collectivities requires close ties between the UN’s political set-up, which deals with international peace and security, and its juridical branch, which is supposed to be tuned to the implementation of human rights. Likewise, the realisation of economic, social and cultural rights needs the full commitment of relevant development-oriented agencies, including the international financial institutions. Yet, ‘mainstreaming’ human rights as envisaged in the whole UN system of governance has, above all, resulted in documents that reflect policy briefs, reports and policy guidelines rather than an effective operationalisation of human rights at all levels and layers.
4. There has not been much interest in global human rights as a *common* mission of the ‘United Nations’, as envisaged in the Universal Declaration. Instead, many member states appear to believe in setting up their own human rights enforcement mechanisms, not as complementary to the international framework, but as an alternative. Consequently, there is an almost worldwide lack of commitment to truly supranational supervision and enforcement. Particularly in respect of collectivities’ protection, this is a crucial deficiency.
5. International human rights are not yet sufficiently focused on the economic, political, social and cultural aspects of the distinct *environments* in which these rights have to be realised. As the whole international venture for the protection of human dignity against abuse of power is based on satisfactorily functioning legal systems that connect national law to international law, efforts to realise

39. “[T]he human rights system was designed from the start not to be enforced except through political means at the behest of powerful states” (Normand & Zaidi 2008: 322).

40. Rights signify abstract acknowledgement of interests implying protection by law. Human rights refer to interests directly connected to human dignity, *viz.* fundamental freedoms and basic entitlements. To ‘protect human rights,’ then, means protecting the protection of these interests by law. Obviously, such discourse weakens the mission.

these rights primarily require the creation of good government based on the rule of law. Since malfunctioning economies also commonly form the background to failing states and tyrannies, creating the environments conducive to the realisation of human rights would entail a shift of resources from juridical or quasi-juridical action towards policies supporting political-economic transformation. This applies especially to collectivities that lack financial and legal resources almost completely.

6. Devoid of global governance, economic globalisation has increased socio-economic inequality while also creating an adverse environment for the realisation of economic, social and cultural rights. Simultaneously, non-state agencies have become more relevant in the whole international endeavour for structural protection of human dignity. Yet, effective checks on the actions of multinational corporations that affect human rights are seen primarily as the duty of states under whose aegis these companies operate. Thus, collectivities affected by corporate actions lack legal recourse as, for example, the Ogoni in Nigeria have experienced.

Yet, despite its flaws from the judicial/juridical perspective, the international human rights mission did create a strong notion of *global legitimacy*, which is particularly precious as there is no global government. Indeed, no use of power can be considered legitimate if it violates international standards on the protection of human dignity. It is here that we find a genuine prospective vision for substantial improvement in the relevance of human rights. So, from this point of view, let us now return to 'minorities' and their need for protection.

Minority protection in an integrated human dignity perspective

While human dignity refers to the inherent worth of each and every human being, it is worth repeating that some people have been denied the enjoyment of these rights merely because of their group identity, whether that is imposed from without or within. It is violation, then, more than preconceived group rights that governs the problematic. Thus what have been conceptualised as 'minority rights' – rights protecting minorities – must be reconceptualised as based not on minority status, but upon universal human dignity as already internationally established, rights protecting universal human dignity in its collective aspects too.

That Muslims in Switzerland can no longer connect minarets to their mosques is, of course, just a *minor* issue compared to the major violations of human dignity which other 'minorities' have to suffer. Yet, the formal incorporation of that prohibition into the Swiss Constitution despite all national, regional and international law to the contrary is indicative of a world in which offensive action based on us-them divides tends to prevail over legal protection of collectivities. The validation of the people's initiative by the Swiss national parliament also constitutes a striking illustration of the systematically weak incorporation of human rights into positive law.

A terrible case in point is the civil war that has raged in the Democratic Republic of the Congo since the Rwandan genocide of 1994. This conflict, in which the fighting factions are mainly based on ethnically identified collectivities, has already cost the lives of almost six million people. Since the formal peace agreement of 2003, it is particularly the eastern region that remains prey to gross and systematic violations of human rights. In such a context, crimes against women tend to abound, too (Mibenge 2010). A United Nations peace force is apparently unable to provide military protection to civilians, let alone force an end to the atrocities. A limited legal response comes from the International Criminal Court in The Hague, which since its start in 2002 has indicted a few military commanders responsible for major human rights violations in Eastern Congo. None of these cases has so far led to a conclusive judgment. In the meantime, the political economy of that war appears to be based on illegal mining and selling of coltan, gold and other minerals. While legal deterrence does not offer much in terms of staunching the flow of blood, political-economic intervention holds much more promise as a way to end the carnage. That reality is well known, but not acted upon despite some forceful advocacy by civil society organisations, including the Netherlands Institute for Southern Africa (NIZA).

Overall, then, the picture is grim, although, there are two more recent developments that warrant attention: the progression of indigenous rights and the 'responsibility to protect'. In neither case, however, has there been any effective institutional embedding.

Conclusion

In the days of the dictator Marcos a student of mine said: "We in the Philippines learned human rights not from books, but through oppression and the need for resistance". Evidently, her statement refers to the first genealogical line in human rights: inclusive human dignity to be asserted by victims of violation. Here lies the clue to a new conceptualisation of what was meant by 'minority rights'. The key issue is in how to identify the collective subject in need of protection.

As a normative category entitled to international protection, a minority should not be seen as just a group of people in a non-dominant position with access to particular rights, but rather as a collective entity in need of public-political protection against abuse of dominant positions; *identification through violation*, in other words, rather than legally recognised, seemingly primordial characteristics. To determine abuse of dominant positions, the standards of international human rights law may well serve, meaning primarily the norms of *ius cogens* such as prohibitions of aggressive war, crimes against humanity, war crimes, maritime piracy, genocide, apartheid, slavery, and torture, and generally the Universal Declaration of Human Rights that was proclaimed by the United Nations General Assembly in 1948

as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive ... to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

While this approach to the ‘minorities’ problematique provides sufficient clarity for integrated policy responses, it cannot form a basis for *judicial* protection as the legal subject is, and will remain, indefinite. Indeed, the collectivities in need of public-political protection, so called ‘minorities’, are not primordial categories but collective entities arising out of (deficient) political practice. As such they will benefit from a shift of resources from (quasi-)juridical action towards policies supporting political-economic transformation. After a meaningless start down in the UN hierarchy with the Sub-Commission for the Prevention of Discrimination and the Protection of Minorities, it is high time now to take the security of national collectivities seriously. A new mission might well need a new name. Conceivably, then, a Sub-Council for Protection of National Collectivities might be established directly under the Security Council, the only UN body with real teeth, to operate according to the principles of the Responsibility to Protect (R2P in UN sms jargon).⁴¹ The normative background for such a new institutional setting lies in the genealogy of universal human dignity rather than that of fundamental rights, and in established global legitimacy rather than declared universal legality. Indeed, in order to effectively protect collective victims of abuse of dominant positions, this whole mission will have to be rooted in not merely human rights, but in the full setting of human dignity, including human security and human development.

In sum, there is nothing wrong with rights, including group rights in the sense of ‘rights of collectivities’. Yet, there are conceptual and contextual difficulties in pursuing efforts to realise such rights. The term “minority”, both as a label and as a concept, does not assist in any way toward overcoming those obstacles: it is here that we encounter a *major misconception*. What is required now is firstly to reconceptualise the mission in terms of collective human dignity protection, and secondly to move that mission from the UN mechanisms for the “promotion and protection of human rights” to an international environment truly conducive to their realisation.

Finally, the political economy perspective taken in this paper is restricted in the sense that it is based on structures rather than mindsets. Above all, the protection of collectivities against discrimination and exclusion through abuse of dominant public-political positions requires conscious and determined individuals standing up against collective oppression of their fellow human beings. If recognition of

41. Typically, the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities that used to fall under the Commission on Human Rights has not been a success. For the history of that set-up, see “The United Nations Sub-Commission on the Prevention of Discrimination and the Protection of Minorities” (Humphrey 1968).

universal human dignity is not rooted in people's hearts and minds, protective structures such as democracy and human rights will remain to no avail. Impressive, indeed, is the way in which Hans Keilson has expressed this in his superb *The Death of the Adversary* (2010). In Francine Prose's view:

To say that reading this novel, makes it impossible not to understand how so many European Jews underestimated the growing menace of Nazism is to acknowledge only a fraction of its range. In fact the novel shows us how human beings, in any place, at any time, protectively shield themselves from the most frightening truths of their private lives and their historical moment (2010).

In this light 'the enemy from within', a notion originating from national security ideology, acquires a reversed meaning, challenging each and everyone to overcome collective prejudices and take a firm stand against any collective discrimination and exclusion.

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Comments on De Gaay Fortman

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In his paper *Minority Rights: A Majority Problem*, Prof. de Gaay Fortman observed that “In the real world the ‘minority’ problematique appears to be part of the general setting of ‘us-them’ divides”.²¹ His paper as a whole is a pertinent illustration of the tensions, problems and threats to human rights and democracy that such ‘us-them divides’ and ensuing intolerance may cause. This brings me to my first general response to the paper. It concerns the approach taken in this paper, of labelling the matters that arose in the context of the Swiss constitutional ban on minarets in terms of minorities and majorities, or minority rights and majority problems, or even minority rights and majority obligations. One could say that minority-majority approaches foster difference and divides, which perhaps makes them counter-productive rather than that they emphasize the universality of human rights and equality principles. Would it not be more fruitful to approach the matters at stake in Switzerland – and perhaps similar matters elsewhere – through a non-discrimination or, better still, an equal treatment or equal opportunity approach?

An equal treatment or equal opportunity approach would not be phrased primarily in terms of the particular rights of distinct minority religious communities or individuals, but in terms of the need to respect the universal²² generally applicable freedom of religion of all human beings, whether Muslim, Christian, Jewish, Hindu, Buddhist or non-believer. The non-discrimination principle, and to a lesser extent equal treatment principles, also have a very solid legal basis across international human rights instruments and relevant national law, including many national Constitutions and most global and regional international human rights treaties. They perhaps represent the “alternative approach” to “defining and strengthening ‘minority rights’ ” to which Professor Fortman referred.²³

Despite the critical remarks that were made during the first day of this Conference about the role of law and normative approaches, my next point is a strongly normative one. It relates to the issue of setting international law-based limits to ‘popular sovereignty’ or the voice of the people as expressed e.g. in referenda, peoples’ or civic initiatives. Whether we like it or not, law is an important factor in the formal organization of states and societies, and therefore should be analysed for all its pros and cons, potential and failures. And this is not a comment coming from a

21, P. 13.

22. See also Paul Scheffer’s call for universalism.

23. P. 9.

naïve lawyer who is ignorant about the limits of law and legal approaches. Rather, it is induced by an attachment to pragmatism and by a desire to identify and mobilize as much as possible all potential support sources for change. The issue that I wish to raise here is whether we should, or at least could, not see the non-discrimination principle as a *jus cogens* norm? *Jus cogens* is a very special and highly limited category of international legal obligations to which all states have to adhere at all times, no matter the circumstances. It represents the highest possible level of international law norm which is deemed to be so fundamental in character that it binds all states under all circumstances, regardless as to whether they have explicitly committed themselves to the norms involved. As Professor Fortman noted in his paper,²⁴ the list of norms that qualify for *jus cogens* status is the subject of fierce debate among international lawyers and at times others as well. I would in any case add the right to self-determination to the list that he presented. In case the non-discrimination principle were recognized as *jus cogens*, it would be squarely within the realm of grounds upon which the Swiss parliament could have declared a people's initiative on a ban on the construction of minarets invalid because of its incompatibility with international law.

As indicated above, the non-discrimination principle is solidly formulated across many international and national legal systems. It is included in many global, regional and national human rights instruments. In addition, there is widespread state policy practice in pursuit of non-discrimination and probably *opinio juris* (or a conviction among states) on its mandatory character. This means that the two basic requirements in international law for the formation of customary law might be met. Accordingly, the non-discrimination principle can probably in any case be characterized as a principle of 'ordinary' customary international law which in principle binds all states, except if they persistently object to the norm. The question is whether it also meets the requirements for having risen to the 'extraordinary' category of *jus cogens*? While in theory this is conceivable, in practice this is probably not, or maybe not yet, the case.

Issues in this realm involve relatively technical legal interpretation questions, on which further clarification is needed. Some of these are raised in professor Fortman's paper,²⁵ in relation to the conditions under which the Swiss Constitution allows the Swiss parliament (Federal Assembly) to invalidate people's initiatives, for example in order to protect certain vulnerable groups or individuals in the country. After all, on the surface – and certainly from a public international law perspective – it is difficult to understand why the parliament felt compelled to validate the people's initiative to ban the construction of minarets in Switzerland. This difficulty arises among others from the fact that there is a fairly long list of both national Constitutional, UN and European human rights provisions that leave no room for

24. P. 5.

25. Pp. 4-5.

a generic ban on the construction of minarets (as Professor Fortman sets out and many others have substantiated before and after the people's initiative, and as according to many would be confirmed by the European Court of Human Rights in case the Swiss minaret ban were submitted to it).

It is article 139 of the Swiss Constitution that is at stake here. In its English version, the Constitution apparently formulates the following ground for invalidating people's initiatives: "if it infringes mandatory provisions of international law". Professor Fortman, some authors to which he refers (such as Stüssi), and not least the Swiss parliament, then subsequently interpret this as meaning infringement of *jus cogens* norms. I found this limitation to *jus cogens* rather strange, especially in light of the fact that the Swiss Constitution also stipulates in Article 5, under the title "rule of law", that the Federation and the Cantons "respect international law" i.e. the much wider spectrum of all international law applicable to Switzerland. Besides, Switzerland hosts the United Nations (UN) Office in Geneva which accommodates the focal point for the UN's human rights activities in the form of the Office of the High Commissioner for Human rights, the Human Rights Council and most sessions of UN human rights treaty bodies.

In an attempt to get a better understanding of the meaning of the text of article 139 of the Swiss Constitution, I checked the German and French language versions. They refer, respectively, to "zwingende Bestimmungen des Völkerrechts" and "les règles impératives du droit international". Some English language versions, alternatively to the one that was used in professor Fortman's paper, refer to "peremptory international law". All in all it seems to me that indeed the drafters of the Swiss Constitution meant to have only a very high-threshold level restriction on the outcome of popular initiatives, reportedly in an attempt to do full justice to and give ample space for the voice of the people which in the understanding of some Swiss citizens "constitutes the State", or for "popular sovereignty which is the rule of law".²⁶

However, from a public international law point of view, the choice by the drafters of the Swiss Constitution to limit the check on people's initiatives to their compatibility with *jus cogens* only, rather than with all international law applicable to Switzerland, is 'simply' unacceptable. In a public international law perspective, treaties to which Switzerland is a state party – such as the International Covenant on Civil and Political Rights (or international customary law) also lay out binding and thus "mandatory" provisions of international law for the state. Thus, simply ignoring Switzerland's international human rights obligations for the sake of accommodating a people's initiative is not possible. It is a well-established international legal

26. See Anne Peters, 'The Swiss Referendum on the Prohibition of Minarets,' comment on European Journal of International Law, Talk!, by Anne Peters, filed 2 December 2009, <http://www.ejiltalk.org/the-swiss-referendum-on-the-prohibition-of-minarets/>.

fact that national Constitutional arrangements are not acceptable as justifications for violating international law. This has e.g. been confirmed by the International Court of Justice in binding judgements relating to the death penalty practice in the United States of America.

In conclusion on this point, and as argued by several prominent Swiss and other knowledgeable lawyers: the Swiss Constitution is in violation of international law and of Switzerland's existing international obligations and thus will have to be adjusted. Then, interesting questions arise as to how this should be done, in the – perhaps theoretical – scenario where such a change would indeed be initiated in Switzerland. For, constitutional amendments can only occur if supported by a popular referendum. So, the legal story of the ban on the construction of minarets in Switzerland won't be finished for a while.

My third response to professor Fortman's paper relates to his very harsh judgement on the role of the international human rights law treaty machinery. He stated that there "is, however, no international enforcement in human rights treaty law".²⁷ In relation to the UN Committee on the Elimination of Racial Discrimination (CERD), he wrote: "the lack of effective mechanisms for direct enforcement tends to reduce its role to merely reporting on the effectiveness of national institutions" and to "bringing issues to the fore and mobilising shame".²⁸ Later on in his paper he repeats this kind of criticism as regards the lack of an international court of human rights, international legal discourse at large and "modern state law", i.e. national law.²⁹ This then begs the question whether there is any role left for law and legal procedures at national and international levels?

My take on the matter is among others that international human rights law procedures, also where strictly speaking they have no binding but merely recommendatory or advisory powers, are relevant in a much broader sense than the 'enforcement' aspects or binding nature (or rather the lack thereof, to which Professor Fortman referred). An example may be found in an event that I witnessed recently in Geneva during the September 2010 UN Committee on the Rights dialogue with the Sri Lankan government delegation, in the context of the state reporting procedure. The discussion concerned the implications of the recently introduced Constitutional provisions, which enable the current President to serve for as many terms as he likes and for him personally to appoint all persons taking up important offices in relation to legal human rights protection in the country, including judges and the Ombudsman. The debate was rather tense and difficult and has been reported in local media in Sri Lanka. Of course in the end this indeed does not really bite. The delegation can go home and will only have to report back in a few years time,

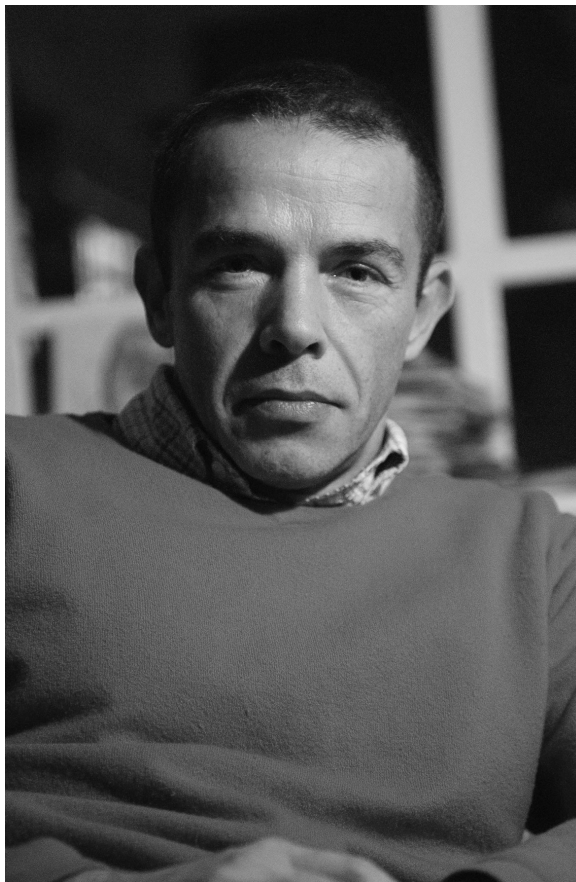
27. P. 9.

28. P. 14.

29. P. 19.

and if by then nothing much will have been done about the matter, the Committee won't be able to do anything else than mobilizing shame. However, there are many other aspects to the state reporting system under the UN human rights treaties, or for that matter to the Universal Periodic Review reporting procedure in the UN Human Rights Council, that go way beyond enforceable human rights 'verdicts'. I refer to the fact that crucial data about human rights situations on the ground are gathered and become available for policy makers and civil society organizations. I also refer to government-civil society dialogues which more and more often precede submission of UN human rights reports, and the forging of closer civil society cooperation through collective production of so-called shadow reports as inputs for UN bodies. Many small steps together also help to build a road towards change.

Finally, if the international machinery brings no enforceable pronouncements, should those who are interested in using legal approaches then not direct more attention to the role of the national judiciary in enforcing international law? In many countries national judges have the power to apply international law either directly, such as is the case in the Netherlands, or after it has been 'domesticated' through the adoption of national implementing legislation. Here a lot of potential is still untapped. A case in point is the recent role of the Dutch judiciary in relation to the Dutch government policy on expulsion of undocumented children and their parents. Recent jurisprudence has forced – and is likely to do so in more far-reaching ways in the near future – the government to limit the policy of putting to the streets so-called illegal families with children, who have exhausted all legal procedures in the Netherlands but cannot be expelled to their countries of origin either. Dutch judges have established, mainly on the basis of the UN Convention on the Rights of the Child, that for as long as children are in the Netherlands the Dutch state has to provide them with basic care, education, shelter and social security. Most interestingly, recently a Dutch judge has explored the ground for extending basic support to the parents of such children as well, using the child right to family life as a main argument. In one particular case the judge ordered the Dutch state not to turn a parent of undocumented children to the streets until it had presented a credible plan to the judge explaining how the right to family life of the people concerned would be guaranteed in case all support to the parent would be ended. These are path-breaking decisions which can help to bring about change and thus deserve support. Such judgements 'bite', especially in the situation where the 'regeerakkoord' (the written agreement that forms the basis for formation of the current coalition government in the Netherlands) formulates priority for working towards expulsion of families with children. This priority presumably is rooted in the fact that, among others under the influence of international and national CRC-based jurisprudence, it is increasingly recognized that undocumented children build up rights relatively quickly. Much more could be achieved through judicial interventions of the above kind, also in the Netherlands.



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Empowering the Individual?

The Limits of Solidarity and Citizenship beyond the State

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Introduction

The attenuation or hollowing out of territorial politics has created a crisis of traditional frameworks of political community. Territorially-defined and constructed political communities are suffering from a generic lack of cohering values and sentiments, expressed in regular discussions of the meaning and relevance of different national values, symbols and traditions. Governments have great difficulty in legitimating themselves in traditional ways. With the decline in party membership and voting, even holding elections every five years does little to legitimate governing elites or to cohere political programmes for which they can be held to account. Traditional framings of foreign policy in terms of the national interest appear problematic and are often buttressed with claims of ethical or values-based foreign policy which seek to secure the interests of people elsewhere rather than collectively expressing the interests of their citizens. In the face of this crisis in, and transformation of, traditional ways of understanding and participating in politics it is of little surprise that discussion of the possibilities of post-territorial political community has taken centre stage.

There is a growing consensus that expressing political community in territorially-bounded terms is inherently problematic because of its narrow, self-interested and divisive framework, in which radical politics are sidelined. For many critics, territorial political allegiances are held to be the product of uncritical and unreflective understandings of the role of state-based political communities in interpolating subjects which are submissive and uncritical. As the theoretical engagement with the problems or the failure of territorial politics develops, increasingly counter-posed to this hollowed out, exclusivist and hierarchical framework are the possibilities of being political and of doing and participating in politics, held to be opening up with global interconnectedness and new forms of media and communications. The traditional state arena, in which modern liberal frameworks of political community first appeared, is now considered to be much less relevant and, in its stead, it seems that the possibilities of post-territorial political community are now about to be realised.

Critical theorists seemingly agree that post-territorial political community is the only possibility for the reconstruction of meaningful political practice in today's globalised world. The possibilities of post-territorial politics became increasingly articulated in the 1990s, mainly by theorists who argued that liberal democratic politics could no longer be meaningfully practiced within the confines of the nation state. Liberal cosmopolitan theorists, such as Mary Kaldor, David Held, Andrew Linklater, Richard Falk and Daniele Archibugi, argued for the need for a new cosmopolitan political order, based on the extension of political community beyond the nation state (for overview, see Archibugi, Held and Köhler 1998). These theorists assert that democracy and political community can no longer be equated with the territorial limits of nation states: 'democracy must transcend the borders of single states and assert itself on a global level' (Archibugi 2000:144). Without this shift, cosmopolitans allege the dominant relations of power and inequality will be perpetuated. For Falk, Western states 'do not even purport to represent the great majority of women and men on the planet. Moreover such states represent only the dominant class, gender, and race within their own territorial space.' (1995:50) To meet the needs of cosmopolitan or global citizens, it is necessary to extend democracy beyond the nation state. As Linklater states:

Transcending state sovereignty which remains the constitutive principle of modern political life is understood as essential to promoting narratives of increasing cosmopolitanism. Expanding the realm of dialogic commitments is regarded as necessitating measures to reduce or eradicate the asymmetries of power and wealth which exist within sovereign states and in the global economic and political system. (1998:109; see also 192)

David Beetham argues that in a world of nation states 'the demos that is democracy's subject has come to be defined almost exclusively in national terms, and the scope of democratic rights has been limited to the bounds of the nation state' (1999:137). He suggests that in the same way that democracy was extended from the level of the town to that of the state in the eighteenth century it should, in the twenty-first century, be extended from the nation to humankind as a whole. Similarly, Jan Aart Scholte suggests that globalisation has generated the 'growth of cosmopolitan bonds, where people identify the demos in terms of humanity as a whole' while conventional 'mechanisms of democracy tend to define "the people" only in territorial-state-nation terms' (2002:290).

The reason for this new and more expansive institutionalisation of democracy is held to be the impact of globalising processes, which have created a 'democratic deficit' at the national level. As Anthony McGrew notes:

...democratic thinkers, from J. S. Mill to Robert Dahl, have assumed a direct symmetry between the institutions of representative democracy and the political community which they serve... but this presumes a direct correspondence between rulers and ruled, a correspondence which is disrupted by the existence of global and regional networks of power. (1997:237)

For liberal cosmopolitans, the state-based international architecture has been undermined both from above and below: from above, it has been weakened by

globalisation and the alleged transformation of capitalist social relations, which has challenged the 'modern system of territorial rule' (Ruggie 1993:151), creating a much less rigid 'spatial context in which power operates' (Agnew 1999:501) weakening the consolidation of sovereign rule within fixed territorial boundaries (for a challenge to this argument, see Rosenberg 2000); from below, it has been politically challenged by new expressions of post-territorial political community, organising and communicating in post-territorialised global space; this new arising political subject was global civil society (Kaldor 1999; Baker 2002; Keane 2003; Chandler 2004a; Baker and Chandler 2005).

The 1990s was the high point for liberal cosmopolitanism as a radical critique of traditional territorially-bound political community which suggested that we were witnessing a progressive transformation of both domestic and international relations. There was an assumption that the forces of immanent cosmopolitan change would be able to challenge the reactionary, exclusivist and divisive domination of the international agenda by nation states, creating a new cosmopolitical era. For many of these advocates, the war over Kosovo in 1999 was held to mark the birth of the new cosmopolitan order (Habermas 1999), however for others the resort to militarism - and the connection between humanitarianism and human rights and a war not sanctioned by the UN Security Council and fought in such a way as to minimise Western casualties - signalled problems in the cosmopolitan agenda being used to legitimise the exercise of Western power and a new interventionist order (Booth 2001). However, it was 9/11 and the birth of the 'Global War on Terror' which saw a shift towards the critical affirmation of an immanent post-territorial community in opposition to the claims of a new cosmopolitan global order.

The development of academic perspectives of post-territorial political community in opposition to those of liberal cosmopolitanism pre-dated 9/11 and was shaped by the development of anti-globalisation campaigns and environmental protests. A radical alternative vision of post-territorial community was formulated by Michael Hardt and Antonio Negri, first in *Empire* (2001, first published 2000) and later in *Multitude* (2006). For Hardt and Negri, post-territorial political community is derived from the shared desires of the 'multitude', the universal people united in struggle against domination:

The virtuality of world space constitutes the first determination of the movements of the multitude... [which] must achieve a global citizenship. The multitude's resistance to bondage - the struggle against the slavery of belonging to a nation, an identity, and a people, and thus the desertion from sovereignty and the limits it places on subjectivity - is entirely positive. (2001:361-2)

Since 2000, the radical critique of liberal cosmopolitan frameworks has been enhanced by the translations into English of Michel Foucault's lectures at the Collège de France (2003; 2007; 2008) and the critical work of post-Foucaultian theorists such as Giorgio Agamben (for example, 1998; 2005). For these critics, the Westphalian or UN-based international order based on the sovereign equality of nation states has been challenged both from above and below: above from the shifting needs of post-material or biopolitical processes of production (Hardt and Negri

2006; Virno 2004) cohered through the networked power of *Empire* (Hardt and Negri 2001); and below from the resistance to neoliberal biopolitical global governance, through the multitude.

This article seeks to draw out the similarities in approach to post-territorial political community, as expressed by both the 1990s liberal cosmopolitans and the 2000s radical poststructuralists. Firstly, that both approaches derive their strengths from their rejection of state-based political community rather than from their capacity to demonstrate the existence or strength of alternative post-territorial political community. Secondly, that key to both approaches is the degradation of the modern liberal conception of the rights-bearing subject: once the connection between citizenship and political community is broken then political community lacks any clear conceptual grounding. Thirdly, the article seeks to highlight that discussions about post-territorial political community fail to recognise that particular individuals or struggles appear to directly confront power – either in the form of elite advocacy or oppositional protest – precisely because the mediating links of political community are so attenuated.

The political project of post-territorial political community

The debates around the constitution of post-territorial political community, in the 1990s and 2000s, revolve around different understandings of the emergence of an immanent universalising political subject, capable of overcoming exclusion and hierarchy in international relations. For the 1990s critics, this universalising power - which sought to undermine the power of state sovereignty and privilege the rights of cosmopolitan individuals - was often termed global civil society. This universal was grounded in a view of an emerging cosmopolitan, universalist or global consciousness in the wake of the ending of the Cold War (for example, Shaw 1994). The discourse of universal human rights challenged the prerogatives of state sovereignty; therefore it was assumed that states were not capable of originating and bearing this discourse. The leading agents of cosmopolitan political approaches were assumed to be non-state actors, primarily NGOs, often described as 'norm entrepreneurs' (Finnemore and Sikkink 1998). The rise of this universalist discourse was often understood in a social constructivist framework, based on the 'power of ideas' and the importance of global information networks (Risse, Ropp and Sikkink 1999). For liberal cosmopolitans, such as Kaldor, since the end of the Cold War, we have been witnessing a fundamental political struggle between global civil society and state-based approaches (Kaldor 2003; 2007).

For the 1990s critics, the universal discourse was driven by progressive agency 'from below' and therefore was a challenge to power. In our more disillusioned 2000s, particularly since 9/11, there has arisen an alternative critical reading of the discourse of cosmopolitan universality and the nature of post-territorial political community. Often a starting point for these critics is the work of German legal theorist Carl Schmitt, who, writing in the mid twentieth-century, was highly critical of

US claims to uphold universal cosmopolitan rights in opposition to what he saw as the European view of international law which privileged sovereign rights (see Schmitt 2003). Schmitt claimed famously that 'whoever invokes humanity wants to cheat' (Schmitt 1996: 54). Rather than a new progressive liberal universal subject arising from below, critical theorists in the 2000s saw the dangers of the liberal discourse as one which uncritically legitimated new totalising mechanisms of intervention and regulation from above.

In a direct challenge to the advocates of liberal cosmopolitan approaches, these critical approaches have been primarily constructed within poststructuralist frameworks, suggesting that a new universal subject may be emerging from below but in opposition to the cosmopolitan discourse of power promoted by the liberal advocates of the 1990s. In the recent work of Mark Duffield (2007) Vivienne Jabri (2007a) and Costas Douzinas (2007) this framework is melded with post-Foucaultian readings of cosmopolitan rights as an exclusionary and hierarchical exercise of biopower and the constitution of an alternative political community in the struggle against the universalising power of biopolitical global governance.

In this framework, new global governmental practices are highlighted which are legitimised through the privileging of declarations of the rights of the human over and above the formal rights framework of sovereignty and non-intervention. For Duffield, the focus on cosmopolitan human rights, expressed in the discourses of state failure and the merging of security and development, creates a biopolitical blank cheque to override the formal rights of sovereignty on the basis of the needs of securing the human. For Jabri, the recasting of military intervention in terms of the human undermines the state-based order and the line between domestic and global politics constituting a new global biopolitical order. For Douzinas, human rights discourses undermine territorial forms of sovereignty but enable the emergence of a new 'super-sovereign' of global hegemonic power.

Here, the universalism of liberal cosmopolitan theorists is 'stood on its head' to argue that it is the universalising interests of power, understood in vague terms of biopolitical, neoliberal, global governance, rather than the genuinely cosmopolitan ethics of empowerment, which drives the discursive practices of regimes of regulation and intervention in the international sphere. As the 1990s liberal discourse has been challenged by the 2000s poststructuralist discourse, we seem to be caught up in a contestation over which academics have the most progressive or radical understandings: of hierarchies of power – as a product of 'statist' exercises of national self-interest or as a product of new global governmentalities; and of post-territorial political community – as a response and opposition to these hierarchies, either in the form of global civil society or multitude.

However, it is not clear whether the contestation - in terms of the ontological framings of the relations and dynamics of power or of alternative political subjects of post-territorial political community - reflects much more than the starting positions of the critical academic theorists concerned. It seems that the radical differences between those who espouse and those who critique global liberal ontologies - and thereby read post-territorial community in liberal or poststructuralist fram-

ings - are derived less from empirical investigations than from their own normative aspirations. For cosmopolitan theorists, their normative aspirations for a more ethical and engaged foreign policy agenda were given added legitimacy through linking their demands with those of activist NGOs and assertions of global civil society's immanent existence. As Kaldor asserts, the concept of global or transnational civil society is used on the one hand as an analytical device, but on the other hand, it is also used to express 'a political project' (1999:195).

Similarly, for poststructuralist critics, the struggle against 'empire' is alleged to be more than mere philosophical idealism precisely because it is founded upon the immanent existence of the 'multitude'. Just as with the concept of global civil society, Hardt and Negri's multitude is partly framed as an abstract heuristic device (2006:221). But more importantly it is also a normative project: 'The multitude needs a political project to bring it into existence.' (2006:212) As they state: 'The proletariat is not what it used to be.' (2001:53) Their, task, therefore, is to discover a new form of global agency. They describe this mixture of academic investigation and normative aspiration as illustrating that multitude 'has a strange double temporality: always-already and not-yet' (2006:222). It appears that the new post-territorial political communities, held to be coming into existence, conflate empirical and normative aspirations in the critique of the perceived hierarchies of power: either being seen as constituted against the narrow state-interests dominating international politics or against the biopolitics of global 'empire'.

At the level of discursive analysis (as we shall see) the choice between these two approaches can easily appear to be a purely subjective one. Neither one appears to satisfactorily ground the existence of a new emerging universal subject capable of constituting post-territorial political community - as the agent of cosmopolitical regimes or of post-cosmopolitical resistance to these regimes. In both, the subject - which is alleged to demonstrate both the lack *and* the presence of post-territorial political community - is grounded in a way which confuses normative political critique with empirical analysis. Both approaches suggest that traditional territorial political communities have been fundamentally undermined by the changing nature of social relations - by globalisation or by biopolitical production processes. These changing social relations are held to have undermined territorial political community through the deconstruction of the unitary assumptions involved in modern liberal democratic political theory. However, they have been much less successful in demonstrating that new post-territorial forms of political community have been constructed in their stead.

What is clear is that, in the name of post-territorial political community, liberal and radical critics have sought to represent the crisis of legitimacy of representative political bodies as a product of political contestation emerging from post-territorial actors. In these frameworks of understanding global politics, the shift towards post-territorial community is seen as indicative of new lines of political struggle which have replaced those of the territorialised framework of Left and Right. For liberal and critical theorists, this is the struggle for cosmopolitan and human rights and for emancipation against the sovereign power of states. For poststructuralist

theorists, this is seen as the struggle for autonomy and difference against the universalising war waged 'over ways of life itself' by neoliberal biopolitical governance (Reid 2006). However, these struggles remain immanent ones, in which global political social forces of progress are intimated but are yet to fully develop. There is a problem of the social agency, the collective political subject, which can give content to the theorising of global struggle articulated by academic theorists. It seems that neither liberal nor poststructuralist theorists are able to envisage the possibility that we could live in a world where politics appears to have become deterritorialised, not as a result of the expanded nature of collective political engagement, but precisely because of the absence of political struggle (see further Chandler 2009).

Political community without political subjects

Neither the liberal nor the poststructuralist visions of post-territorial community contain modern liberal rights-bearing subjects. For neither is there a universalising sphere of legal or political equality constituted by autonomous rights-bearing subjects. The liberal cosmopolitical critique of liberal democratic frameworks of political community is precisely that they are not able to empower and protect minorities and the marginal or excluded and that, therefore, there needs to be an external level of regulatory rights enforcement of cosmopolitan rights. As Falk argues

It is now evident that democracy, at least as constituted in liberal democratic societies, is not by itself a sufficient precondition for a peaceful and just world. Democracy as an operative political form seems quite compatible with certain types of militarism and racism, perhaps resting in turn on patriarchal practices and hidden assumptions. (1995:24)

The cosmopolitan project seeks to legitimise liberal policy-frameworks without engaging with the electorate, increasingly seen to be too 'egoistic' or 'apathetic' and distanced from liberal policy elites, and, under 'reflexive modernity', lacking commonality (for example, Beck 1998). The challenge to the liberal rights framework is based on the belief that progressive ends – such as the protection of human rights, international peace or sustainable development – would be more easily achieved without the institutional constraints of democratic accountability. In Falk's words, the problem is: 'the reluctance of national citizenries for emotive and self-interested reasons to endorse globalizing initiatives' (1995:216).

The cosmopolitan, or post-territorial, democratic subject is defined through being freed from any political framework which institutionalises liberal democratic norms of formal accountability. The bearer of human rights or rights of global citizenship, by definition, has no fixed territorial identity and thereby no place within any institutionalised framework of legal and political equality from which to hold policy actors to formal account. Because they are freed from any such framework, the 'rights' of the cosmopolitan citizen are dependent on the advocacy of an external agency. By default, the cosmopolitan subject becomes concrete only through

'representation' on a particular issue through the agency of global civil society advocates who also have an existence 'free' from the institutionalised political framework of the nation-state.

Without the institutionalisation of mechanisms of accountability, global civil society claims to 'represent the people' remain unsubstantiated (Edwards 1999:180). Whereas the claim for representation is inevitably contested, global civil society actors and movements often assert that the crucial role which they perform is that of 'articulation' of the needs of global citizens. Because the global citizen cannot directly hold policy-makers to account, the role of global civil society interlocutors becomes central to give content to claims of democracy without formal representation. Kaldor, for example, argues that 'the role of NGOs is not to be representative but to raise awareness', adding that the 'appeal is to moral conscience' not to political majorities (2001). Johan Galtung, similarly, gives support to this form of 'empowerment', which he terms 'democracy by articulation, not by representation' (2000:155).

Cosmopolitan frameworks inverse the grounding liberal relationship between rights and their subjects in their construction of rights independently of their subjects (see Chandler 2003). These rights are fictitious - in the same way as animal rights or the rights of the environment or of future generations would be - because there is a separation between the subjects of these rights and the political or social agency giving content to them. The proposed framework of cosmopolitan regulation is based on the fictitious rights of the 'global citizen' or of the 'human' not the expression of rights through the formal framework of political and legal equality of citizen-subjects. This framework recognises neither the democratic rights of citizens nor the collective expression of these rights in state sovereignty. It is important to stress the qualitative difference between the liberal-democratic approach, which derives rights from self-governing human subjects, and the cosmopolitan approach of claiming rights on the behalf of others, who can only be constituted as non-subjects (see further, Chandler 2002:103-5).

In reinterpreting 'rights' as moral or discursive claims, a contradiction appears between the enforcement and guarantee of cosmopolitan rights and the formal equality of the liberal democratic legal and political framework. Within the normative framework of cosmopolitan theory, vital areas of formal accountability, at both the domestic and international level, are questioned while new and increasingly ad hoc frameworks of decision-making are seen to be positive and 'emancipatory'. Firstly, the formal right of sovereign equality under international law would be a conditional or residual right under the cosmopolitan framework. As Held notes: 'sovereignty *per se* is no longer a straightforward guarantee of international legitimacy' (2000:24). Archibugi argues that it is a matter of urgency that 'democratic procedures should somehow be assessed by external agents' (1998:210) effectively transferring sovereign power elsewhere. In this framing, states that failed these external assessments of their legitimacy would no longer have equal standing or full sovereign rights and could be legitimately acted against in the international arena.

More fundamentally, the domestic rights of citizens to democratic self-govern-

ment would be removed. Cosmopolitans assert that, despite adherence to all internationally accepted formal democratic procedures, a state's government may not be truly democratic. In the cosmopolitan framework the formal demos is no longer necessarily the final arbiter of democratic outcomes because:

...the choices of a people, even when made democratically, might be biased by self-interest. It may, for example, be in the interests of the French public to obtain cheap nuclear energy if they manage to dispose of radioactive waste in a Pacific isle under their control, but this will obviously be against the interests of the public living there. (Archibugi 1998:211)

For cosmopolitan theorists the ethical ends for which they advocate are privileged above the sphere of democracy. As Linklater argues, this means a 'break with the supposition that national populations have the sovereign right to withhold their consent' if cosmopolitan demands 'clash with their conception of national interests' (1998:192). In this framework, a small minority may be more 'democratic' than a large majority, if they have an outlook attuned to cosmopolitan aspirations. Kaldor draws out the implications of the argument when she suggests that the international community should not necessarily consult elected local representatives but seek 'to identify local advocates of cosmopolitanism' where there are 'islands of civility' (1999:120). Just as states can not be equally trusted with cosmopolitan rights, neither can people. Instead of the 'limited' but fixed and formally equal demos of the nation state, there is a highly selective 'demos' identified by international institutions guided by the cosmopolitan impulse.

The biopolitical critique of the discourse of cosmopolitan rights is that rather than a mechanism of empowerment it is an exercise of power. So far, so good. But, rather than critique cosmopolitan rights for the fictional nature of the rights claimed, the poststructuralist critics wish to portray all rights constructions – whether posed in terms of the territorialised 'citizen' or the deterritorialised 'human' – as equally oppressive and hierarchical. The poststructuralist critique, in fact, reflects a very similar view of citizen rights as the liberal cosmopolitan vision: expressing a similar aspiration to evade the problematic question of political representation and the formal constitution of political community. For cosmopolitan human rights advocates, there is no distinct difference between global, deterritorialised, human rights and territorial, sovereignty-bounded, democratic and civil rights. All rights claims are seen to be equally empowering and able to tame power in the name of ethics and equality. Here, the extension of cosmopolitan frameworks of global governance is read to be the extension of the realm of freedom and a restriction on state sovereign power. The poststructuralist response is to argue that the liberal discourse reveals the truth in its blurring of rights claims: the hidden relationship between democracy and dictatorship; law as ad hoc and arbitrary power is therefore the inner truth of the appearance that law is a reflection of the autonomy and agency of legally constituted subjects (Agamben 1998:10).

For the critics of cosmopolitan rights regimes, the extension of a discourse of rights and law merely enhances the power of liberal governance. Indeed, Giorgio Agamben has captured well the ethico-juridical blurring of human rights regimes

as a 'state of exception', by which he means not a dictatorship but a hollowing out or emptying of the content of law:

...the state of exception has today reached its maximum worldwide deployment. The normative aspect of law can thus be obliterated and contradicted with impunity by a governmental violence that – while ignoring international law externally and producing a permanent state of exception internally – nevertheless still claims to be applying the law. (2005:87)

Cosmopolitan claims do, in fact, advocate for a 'permanent state of exception'. However, in reading the state of exception as the essential nature of the sovereign state and law, Agamben argues that the lesson is that progressive politics can never operate within the modern state form: 'Politics has suffered a lasting eclipse because it has been contaminated by law, seeing itself, at best, as constituent power (that is violence that makes law), when it is not reduced to merely the power to negotiate with the law.' (2005:88) In his earlier work, *Homo Sacer*, he argued:

It is almost as if... every decisive political event were double-sided: the spaces, the liberties, and the rights won by individuals in their conflicts with central powers always simultaneously prepared a tacit but increasing inscription of the individual's lives within the state order, thus offering a new and more dreadful foundation for the very sovereign power from which they wanted to liberate themselves. (1998:121)

For both the liberal cosmopolitan advocates of human rights and their radical poststructuralist critics, there is no specific understanding of the problem of cosmopolitan rights as based on non-socially constituted legal subjects (Lewis 1998). For both liberal cosmopolitan theorists and poststructuralists, rights regimes are understood to be constituted independently of and prior to the rights subjects. For cosmopolitan advocates, it is precisely because the poor and excluded cannot autonomously enforce their rights that an external agency needs to step in to empower them and constitute them as rights holders. For poststructuralists, rights are also constituted independently and prior to their subjects: it is the declaration of rights which constitutes the subject; rights therefore are understood as preceding and interpolating their subject (Douzinas 2007:92). Douzinas therefore stresses the darker side of rights: 'the inexorable rise of registration, classification and control of individuals and populations' (2007:129). Poststructuralist critics exaggerate the cosmopolitan claim that rights are independent from subjects in order to view all rights claims as fictions and all rights-subjects as non-subjects (Agamben's 'bare life').

For radical poststructuralists, the ambiguity of cosmopolitan frameworks of political community - which can only empower those who decide on the content and ad hoc implementation - are read to be, not an attack on modern liberal democratic frameworks of rights and law, but instead essentialised as the key to understanding the modern state as a biopolitical power. The radical critics critique the claims of the liberal cosmopolitans by essentialising them as modern liberal rights claims per se. This one-sided understanding of rights, through breaking their connection to rights-subjects, produces in an exaggerated form the cosmopolitan critique of

the political sphere of representation. For liberal advocates of cosmopolitan rights, representational claims are problematic because they may undermine rights protections and therefore regulatory power needs to exist above the nation state; for poststructuralists, any participation in the political sphere of the territorial state is inherently disempowering, necessitating a 'flight from sovereignty' and the formal sphere of representation (Hardt and Negri 2006:341).

The flight from the sphere of the rights-bearing subject of liberal modernity, in both cosmopolitan and poststructuralist frameworks, is crucial to enable the move to post-territorial constructions of political community. For modern liberal political theory, it was the rights framework which reflected and institutionalised the existence of a political community of equal rights-bearing subjects. The liberal political ontology has the autonomous rights-bearing individual as the foundational subject of legal and political spheres of formal equality. The rule of law and the legitimacy of government were derived from the consent and accountability of rights-holding citizens.

In the frameworks of cosmopolitan and biopolitical theorists of post-territorial political community, political community is no longer constituted on the basis of a rights framework of autonomous subjects. Formal frameworks of politics and law are held to be independent of the political subject (which is reinterpreted as the object of administration and regulation rather than as a rights subject). For liberal cosmopolitans, the existence of rights (law) prior to and independently of political subjects is held to legitimise regimes of international intervention and regulation, while for poststructuralists the autonomy of law is read as the autonomy of power to interpolate and create the ruled subject. In both frameworks, by theoretical construction, there is no longer a distinction between the citizen and the non-citizen as rights claims are merely a reflection of the claims of rule made by (benign or oppressive) power.

Once the construction of political community is freed from political and legal frameworks of liberal rights, both cosmopolitan and post-structural approaches are free to establish the existence of political community at the global level, as a post-territorial construction. The only problem with this construction is the question of how political community can be constituted without the rights and duties of citizenship. The approaches to this problem will be briefly addressed below.

Individual and the 'community'

In modern liberal theorising, it is the rights and duties of citizenship which constitute the shared bonds of political community. The political sphere is clearly distinct as the public sphere of law and politics from the private sphere of particularist identities, hobbies and interests. Political community is therefore distinct from the bonds of family, friendship or groupings of special interests. What makes political community distinct is its public nature, which forces people to engage with others, whom they do not necessarily know or agree with in order to contest representa-

tional alternatives. It seems clear that the attenuation of political contestation, of the struggle between Left and Right, has meant that political community has less meaning for many of us than other (non-political) communities with which we may participate or identify.

The advocates of post-territorial political community dismiss the bonds of citizenship, constituted by modern liberal rights frameworks; this means that the bonds which constitute post-territorial community are much more difficult to locate. For cosmopolitan theorist, John Keane, global civil society, constituted by networked actors, constitutes a form of political community, albeit a 'paradoxical' one:

It refers to a vast, sprawling non-governmental constellation of many institutionalised structures, associations and networks within which individual and group actors are interrelated and functionally interdependent. As a society of societies, it is "bigger" and "weightier" than any individual actor or organisation or combined sum of its thousands of constituent parts – most of whom, paradoxically, neither "know" each other nor have any chance of ever meeting each other face-to-face. (2003:11)

The idealised view of global civil society relies on claims about the communicative interaction of global civic actors which have little connection to reality. Similarly, William Connolly has to go through some contortions to substantiate his claim that 'network pluralism sustains a *thick* political culture', as he adds by way of parenthesis:

...but this is a thickness in which the centre devolves into multiple lines of connection across numerous dimensions of difference... such as ethnicity, religion, language, gender practice and sexuality. These lines of flow slice through the centre as diverse constituencies connect to one another, pulling it from concentric pluralism toward a network pattern of multidimensional connections. (2001:352)

The line between a complete lack of social or political interconnection and having a 'thick political culture' seems to be in the eye of the beholder. It is important to highlight the abstract and socially disengaged nature of the post-territorial project. Advocates of global civil society, such as Kaldor, are keen to assert that global civil society is actively engaged in debating global issues, but they are much less specific when it comes to detailing the concrete nature of these 'debates': the content or ideas generated; if a record was kept; or if the debate had any consequences. It appears that, in making these assertions of communicative debates, these advocates repeatedly use the concept of 'public/global/ethical *debate*' in an intellectually dishonest way. The dictionary definition of 'debate' is a formal form of argument in which parties attempt to persuade an audience of their position and there are rules enabling people to discuss and decide on differences. Public debate inside or across national boundaries is, of course, a positive exercise but this does not mean that there is any form of public debate in deterritorialised 'global space'. Debate is a purposive human activity: websites do not talk to themselves - or personal blogs - just as diaries which we keep under our beds do not communicate with each other.

The question of engagement and interconnection between the multitude of networked actors constituting the alternative framework for post-territorial politi-

cal community is a problematic one, which reveals the lack of mediation between the particular and the ostensible political 'community' or the 'many'. This lack of mediation is highlighted in Hardt and Negri's description of the multitude as neither one nor many. They assert that the multitude 'violates all such numerical distinctions. It is both one and many' thereby allegedly threatening all the principles of order (2006:139). In fact, it is the lack of social or political connection between the various struggles, from those of Los Angeles rioters to Chiapas rebels, which defines the multitude. This lack of connection is described by Hardt and Negri as 'incommunicability': 'This paradox of incommunicability makes it extremely difficult to grasp and express the new power posed by the struggles that have emerged.' (2001:54)

However, the more isolated and marginal these struggles are then the more transgressive and 'global' they become, in their 'direct' challenge to 'power' or 'empire'. For example, the Los Angeles rioters are held to challenge racial and hierarchical forms of 'post-Fordist' social control, or the Chiapas rebels are seen as challenging the regional construction of world markets. The key assertion is that: 'Perhaps precisely because all these struggles are incommunicable and thus blocked from travelling horizontally in the form of a cycle, they are forced instead to leap vertically and touch immediately on the global level.' (2001:56) These struggles are immediately global because of their lack of inter-connection in the same way that they are 'deterritorialised' because they lack the capacity to strategically or instrumentally challenge power. It is their lack of social or political connection which makes these struggles non-territorial or 'global'.

The multitude no more constitutes a political community than liberal cosmopolitan constructions of global civil society (Chandler 2004b: 2007). In both frameworks, there is no mediation between the particular, at the level of the individual or the particular struggle, and any collective political subject. Post-territorial political community is therefore constructed precisely on the basis of prioritising an abstract universal, which preserves the individual and the particular. Any declaration of 'community' can only be a highly abstract one. As Jabri argues, in expressing the post-territorial alternative of 'political cosmopolitanism': the alternative is 'a conception of solidarity without community'; one which does not assume any shared vision or views and, in fact, seeks to deconstruct universal perspectives as merely the project of hegemony (2007b:728).

It is not clear what the theorists of post-territorial political community – whether in its liberal cosmopolitan or post-liberal post-cosmopolitan forms – have to offer in terms of any convincing thesis that new forms of political community are in the process of emerging. Political community necessarily takes a territorial form at the level of the organisation for political representation on the basis of the nation state (in a world without a world government) but has a post- or non-territorial content at the level of ideological and political affiliation, which has meant that support and solidarity could be offered for numerous struggles taking place on an international level (given formal frameworks in the nineteenth and twentieth century internationals of anarchists, workers, women and nationalists) (see, for example, Colas 2000).

For the content of territorial political community to be meaningful does not mean that politics can be confined to territorial boundaries: the contestation of ideologies, ideas and practices has never been a purely national endeavour. However, without a formal focal point of accountability – of government – there can be no political community; no framework binding and subordinating individuals as political subjects. The critique of territorial political community and assertion of the immanent birth of post-territorial political community, in fact, seeks to evade the problem of the implosion of political community in terms of collective engagement in social change. The attenuation of politics and with it the implosion of bonds of political community is thereby over politicised by both 1990s liberals and 2000s radicals.

Without the collapse of political community there would be little discussion of the meaning of post-territorial politics. Hardt and Negri highlight this when they counter-pose post-territorial, networked, struggles of the multitude to territorial struggles, revealing that: 'Many of these [territorial] movements, especially when they are defeated, begin to transform and take on [post-territorial] network characteristics.' (2006:83) So, for example, it was the defeat of the Zapatistas which freed them to take up life as a virtual internet struggle. It was political defeat and marginalisation which meant that they could take up an even more radical challenge than confronting the Mexican government, that of the postmodern subject, attempting to 'change the world without taking power' (2006:85). The failure of modernist political projects based on the collective subject is clear; as Hardt and Negri observe: 'The people is missing.' (2006:191) But unlike Paolo Virno's theorising of the multitude (2004) as reflecting merely the crisis of the state form in terms of the plurality and incommensurability of political experiences – i.e., the lack of political community – Hardt and Negri seek to see the multitude as the constitutive agent of the postmodern and post-territorial political world.

Many authors have understood the rejection of territorial politics as the rejection of the ontological privileging of state power, articulated in particularly radical terms by Hardt and Negri as 'a flight, an exodus from sovereignty' (2006:341). Fewer have understood that this implies the rejection of political engagement itself. Politics without the goal of power would be purely performative or an expression of individual opinions. Politics has been considered important because community was constituted not through the private sphere but through the public sphere in which shared interests and perspectives were generated through engagement and debate with the goal of building and creating collective expressions of interests. Without the goal of power, i.e. the capacity to shape decision-making, political engagement would be a personal private expression rather than a public one. There would be no need to attempt to convince another person in an argument or to persuade someone why one policy was better than another. In fact, in rejecting territorial politics it is not power or the state which is problematised – power will still exist and states are still seen as important actors even in post-territorial frameworks.

The essential target of these critical theorists of post-territorial community is political engagement with citizens, i.e., the necessity to legitimise one's views and

aspirations through the struggle for representation. As Falk describes:

...transnational solidarities, whether between women, lawyers, environmentalists, human rights activists, or other varieties of 'citizen pilgrim' associated with globalisation from below... [have] already transferred their loyalties to the invisible political community of their hopes and dreams, one which could exist in future time but is nowhere currently embodied in the life-world of the planet. (1995:212)

The interconnectedness which is celebrated is, in fact, the flip-side of a lack of connection domestically: 'Air travel and the Internet create new horizontal communities of people, who perhaps have more in common, than with those who live close by.' (Kaldor 2003:111-112) What these 'citizen pilgrims' have in common is their isolation from and rejection of their own political communities. The transfer of loyalties to an 'invisible political community' is merely a radical re-representation of their rejection of real and visible political communities – the electorate.

For both liberal and radical views of post-territorial political community, political contestation is unnecessary. Political views are considered self-legitimizing without the need to engage in politics – i.e., bypassing society or the masses – and directly expressing the claims to power in radical protests at world summits or in the power of NGO lobbying. This evasion of society, this retreat from political community, is expressed in radical terms as the fundamental 'right to difference' (Hardt and Negri 2006:340) or 'freedom from a singular Universal Ethic' (Keane 2003:196). Radical approaches became 'globalised' at the same time as their political horizons became more and more parochial and limited and they drew back from seeking to engage instrumentally or strategically with the external world. For Alberto Melucci, these new social movements existed outside of the traditional civil society-state nexus, submerged in everyday life. Without reference to a political community, Melucci argues traditional measurements of efficacy or success miss the point: 'This is because conflict takes place principally on symbolic ground... The mere existence of a symbolic challenge is in itself a method of unmasking the dominant codes, a different way of perceiving and naming the world.' (1988:248) This, in Melucci's words is the 'democracy of everyday life', where legitimacy and recognition stem from 'mere existence' rather than the power of argument or representation (1988:259). Rather than the struggle for representation, the post-territorial struggle of 'globalisation from below' is framed as one of autonomy and held to be self-constituting.

The radical self-constitution of the political subject avoids the mediating link of the political process. Political legitimacy is no longer derived from the political process of building support in society but rather from recognition and acceptance of social isolation. This is a logical consequence of the New Left's rejection of any legitimate collective political subject. As Laclau and Mouffe assert in their summation of the essence of 'radical democracy':

Pluralism is *radical* only to the extent that each term of this plurality of identities finds within itself the principle of its own validity... And this radical pluralism is *democratic* to the extent that the autoconstitutivity of each one of its terms is the result of displacements of the egalitarian imaginary. Hence, the project for a radi-

cal and plural democracy, *in a primary sense*, is nothing other than the struggle for a maximum autonomization of spheres on the basis of the generalization of the equivalential-egalitarian logic. (2001:167)

The claim is not for equality but for autonomy; for recognition on the basis of self-constituted difference rather than collective or shared support. The focus upon the marginal and the subaltern appears to provide a radical critique of power but, without a transformative alternative, can easily become a critique of modern mass society. Here, the critique of 'power' or 'the state' becomes, in fact, a critique of political engagement. Political community is only constituted on the basis of the potential to agree on the basis of shared, collective, interests. The refusal to subordinate difference to unity is merely another expression for the rejection of political engagement. Political community can not be constituted on the basis of post-territorial politics in which there is no central authority and no subordination to any agreed programme. For Hardt and Negri: 'The multitude is an irreducible multiplicity; the singular social differences that constitute the multitude must always be expressed and can never be flattened into sameness, unity, identity, or indifference' (2006:105)

Beyond the territorial boundaries of the nation state, it is precisely the missing essence of political community (the formal political sphere of sovereignty and citizenship) which becomes constitutive of post-territorial political community. Without the need to worry about the constitutive relationship between government (sovereign) and citizen, political community becomes entirely abstract. There is no longer any need to formulate or win adherence to a political programme and to attempt to challenge or overcome individual sectional or parochial interests. Engagement between individuals no longer has to take a political form: all that is left is networked communication. For Hardt and Negri: 'The common does not refer to traditional notions of either the community or the public; it is based on the communication among singularities' (2006:204). While communication is important there is little point in communication without purpose, what the multitude lacks is precisely this subjective purpose which could bind them and constitute political community.

In the absence of popular engagement in politics it could be argued that Jean Baudrillard's warning, *In the Shadow of the Silent Majorities* (1983), of the simulacrum of the contestation over political power is being fully realised:

[Out of the disengagement of the masses] some would like to make a new source of revolutionary energy... They would like to give it meaning and to reinstate it in its very banality, as historical negativity... Final somersault of the intellectuals to exalt insignificance, to promote non-sense into the order of sense. Banality, inertia, apoliticism used to be fascist; they are now in the process of becoming revolutionary – without changing meaning... (1983:40)

The demise of political community reflecting the attenuation of political contestation has been reinterpreted by theorists of post-territorial community in ways which over-politicise the attenuation of political contestation and collective engagement by constructing abstract forms of community, alleged to articulate and to

legitimise particular theorists' own normative beliefs (whether liberal or poststructuralist). This is done through, firstly, dismissing the idea of political community as one based on rights of equality and representation, thus blurring the meaning of the political. Then, secondly, dismissing the idea of community as one based on mediating links of engagement in a common political project, thus blurring the meaning of community.

Cosmopolitan theorists remove the distinction between the citizen and the non-citizen to constitute a political engagement based on the inequalities of advocacy. However, the poststructuralists argue that even engagement at the level of advocacy is oppressive and that awareness of the Other is all that political engagement can constitute without creating new frameworks of domination. Duffield, for example, suggests that the only alternative to the hierarchies of liberal advocacy is to assert that we are all victims of governmentalism: 'we are all governed and therefore in solidarity' (2007:232). Apparently we should focus on what we share with postcolonial societies, not offering the hierarchical 'solidarity' of development or political autonomy but instead the solidarity of learning from the poor and being marginalised as equals; once humbled: 'through a practical politics based on the solidarity of the governed we can aspire to opening ourselves to the spontaneity of unpredictable encounters' (2007:234).

Jabri argues that we need a new cosmopolitanism, but one that reflectively recognises that 'any discourses that view their worth in universal terms, are but expressions of "forces of domination" based upon explicit principles of exclusion' (2007a:177). Instead, the '*politics of peace*' [emphasis in original] emphasises solidarity which: 'makes no claim to universality, nor is it teleological in outlook... Rather, the politics of peace expresses local and often rather invisible acts, expressions of solidarity that are neither hierarchically defined nor suggestive of any claim to universality.' (2007a:177)

For Douzinas, political opposition has to take the form of a 'cosmopolitanism to come' of individualised protest:

Dissatisfaction [-] with nation, state, the international [-] comes from a bond between singularities. What binds me to an Iraqi or a Palestinian is not membership of humanity, citizenship of the world or of a community but a protest against citizenship, against nationality and thick community. This bond cannot be contained in traditional concepts of community and cosmos or of polis and state. What binds my world to that of others is our absolute singularity and total responsibility beyond citizen and human, beyond national and international. The cosmos to come is the world of each unique one, of whoever or anyone; the polis, the infinite number of encounters of singularities. (2007:295)

Poststructuralist constructions of post-territorial political community celebrate the atomisation and dislocation of the individual with the implosion of political community. But what connects atomised individuals is merely the lack of political community. The cosmopolitanism 'to come' looks rather like the world we are already living in. Post-territorial political community is the world which exists but radically reinterpreted; this is why global civil society is both a descriptive and nor-

mative concept and why multitude 'has a strange double temporality: always-already and not-yet' (Hardt and Negri 2006:222). As Baudrillard presciently noted, once the political subject - the people - is disengaged from politics, the vacuum left can be reinterpreted by radical academics to suit their predilections without reality changing.

Conclusion

The attenuation of politics and hollowing out of the meaningful nature of representation constitutes the collapse of any meaningful political community. In the 1990s, the inability of political elites to create projects of political meaning, able to cohere their societies or offer a programme of shared values, led to attempts to evade the problems of legitimising political programmes on the basis of electoral representation alone. The advocates of cosmopolitan political community in the 1990s were the first to distance themselves from state-based politics, finding a freedom in the free-floating rights of global advocacy. It was under this banner of global liberalism and ethical policy-making that political elites sought their own 'exodus from sovereignty' - justified on the basis of a critique of the liberal rights subject - and, in the process, further attenuated the relationship between government and citizen. This was a discourse which sought to respond to the collapse of political community rather than one which reflected the birth of a newer or more expansive one at a global level.

In the 2000s, the hollow nature of liberal cosmopolitan claims appeared to be clearly exposed in the Global War on Terror. The radical discourse of poststructuralist post-territorial political community sought to critique this international order as a product of global liberalism, however the nature of the critique, was in content and form little different from that of 1990s cosmopolitanism. There is little difference between the frameworks of the poststructuralist critics and the liberal cosmopolitans because the ground work of the critique was already laid by the crisis within liberal thinking. It was the work of the self-proclaimed 'liberal' cosmopolitan theorists which fundamentally challenged the foundational liberal ontology, which established the modern liberal order through deriving political legitimacy from the rights of autonomous individual subjects. The liberal basis of political order and of political community on the basis of shared rights and duties had already corroded from within. The radical critique of the cosmopolitan discourse of global rights offers a critique of sovereign power, representational politics and its grounding liberal ontology, but one which merely echoes, to the point of parody, that of its ostensible subject of critique.

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Comments on Chandler

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1. I would like to start by thanking David for a very stimulating paper. It is going to be difficult for me to say anything critical about it, because I agree with most of its argument, even though I wouldn't have been able to put the matter as well as he did. In particular, I agree with the central worry that David expresses in his paper, namely, that recent attempts to reconceptualise what political activity amounts to in a post-national, post-territorial constellation has swept the very basis of political activity from under the feet of its principal activists, the citizens of a sovereign national state who bear rights against that state and who, collectively, constitutes the demos on which its democratic legitimacy rests. Let me start off my response, then, with a brief recapitulation of what I take to be David's main claims, before moving on to a couple of questions, which I hope will stimulate further debate on this important topic.

2. The paper suggests that two recent reactions to the crisis of national, territorial politics that seem very different are, in effect, very similar. Liberal cosmopolitans and their poststructuralist critics agree that the territorially bounded sovereign nation state is no longer the locus of progressive political activity. In the wake of various globalizing processes, from economic internationalization and the institutionalization of new forms of global governance to the cultural globalization brought about by technological progress (cf. Kaldor's assertion that "Air travel and the internet create new horizontal communities of people, who perhaps have more in common, than with those who live close by" [2003:111-12, quoted on p. 14]), the primary locus of such activity now is to be found in the global arena of a global civil society or the virtual world space in which the global multitude resides. To be sure, this displacement of politics from the national to the global domain is seen as a progressive development. Liberal cosmopolitans believe that cosmopolitanism will thematize and, hopefully, overcome the ways in which national publics tend to prioritize their own interests over those of others (for example, when the French people choose to dispose their nuclear waste on a Pacific island under their control in order to obtain cheap energy, cf. Archibugi 1998:211, quoted on p. 8), and also bring about a framework in which international law and international powers of enforcement will have the last word in the legitimacy of national states *per se*. I say that this seems progressive, because presumably many cosmopolitans hope for an international framework that will allow them to intervene where human rights are at stake and genocide looms. Poststructuralists also believe that post-territorial political communities will make possible a "flight from sovereignty" (Hardt & Negri's phrase) and the reconstitution of political activity beyond the narrow confines of the nation state.

3. The problem with these proposals, as David points out, is that they change the very meaning of political activity, progressive or otherwise, because they separate political activity from citizenship. On the national, territorial model of politics citizens are rights-bearing subjects, and their rights are rights against their national governments whose demos the citizens jointly constitute. Needless to say, this model of politics is in trouble, because national *demos* are no longer stable (immigration and cosmopolitan elites), political decisions influence and are influenced by conditions beyond national borders (economic problems, environmental constraints), and the seemingly anonymous structural forces of international cooperation undermine the idea of national sovereignty (transnational organizations, such as EU, IMF, World Bank, international covenants and agreements). Nevertheless, the conceptual relationship between citizenship, national politics and democratic representation structures political activity as we know it. In particular, the political activity of citizens holds power to account, struggles for representation in the institutions of power and aims to implement the majority's own good through the seizure of power. None of these functions are fulfilled by the post-territorial political communities hailed by liberal cosmopolitans and their poststructuralist critics alike. As David sees it, this reduces their politics to performance, expression of opinion and merely symbolic posturing (Galtung 2000:155 speaks of "articulation", rather than representation, quoted on p. 7).

4. Now, as I said at the beginning, I agree with David that the conception of cosmopolitan, post-territorial politics as divorced from rights, citizenship and democratic accountability is very problematic, and, also, that it defeats the progressive political goals that its advocates, both cosmopolitan liberals and poststructuralists, want to achieve through it. Nevertheless, I have a couple of questions that may complicate the issue further, and I am sure that David will have answers to them.

5. My first question concerns Europe. One thing that I found stunning about the paper is the complete absence of the European Union from the discussion. Unless I missed it, it is not mentioned even once. Yet, it should be a very interesting phenomenon to study, because it exemplifies some of the problems that David identifies and, at the same time, does not suffer from all of them. Before I go on, I should say that I am no expert on the European Union or on international politics, so what I am going to say may be a bit vague. Nevertheless, I can't help feeling, as the citizen of an EU country, rather than an expert, that the EU, as it is currently institutionalized, and in the discourse through which it (and the countries that make it up) tries to legitimize itself, tries to meet some of the problems that David identifies. To be sure, we are not EU citizens in any real sense yet. There is no European state, and therefore we are not its citizens. This is clear from the fact that the citizens of the EU member states do not jointly constitute the demos of the EU. We are not the sovereign of the EU, because its representative body, the European Parliament, has only very limited powers over the executive agencies of the Union, and over the European Commission in particular. Nevertheless, there is *some* rep-

resentation, and the political infrastructure that goes with it might make the development of a European public sphere more likely than a global civil society. (The interesting thing about this is that a first step has been made, and people can now fight for more representation.)

6. There is a related question about *rights*. The European Court of Human rights is an international court that adjudicates putative violations of the European Convention on Human Rights. Here, citizens of the Convention's signatory states can appeal decisions of their national courts, and they often do so with success. The rights that these citizens have are proper rights, not merely discursive claims. In other words, it seems to be possible to have representation beyond the national level (European Parliament) and to have proper rights beyond the national level (protected by the European Court of Human Rights). Of course, both of these possibilities are very limited. For once, they are limited to citizens of EU member states and signatory states of the ECHR. I don't think that similar institutions exist elsewhere, and they certainly do not exist on the truly cosmopolitan level, where Kant's ideal of a world government is unlikely to come into existence soon. Moreover, arguably the protections of the ECHR, while important, do not in principle extend beyond what the signatory states are already committed to. Thus even though many people, including many Brits, have had important victories before the ECHR that have bolstered their rights and upheld their political convictions (think about DNA retention), the ECHR may be understood as a court that adjudicates on family disputes within a well-delineated family of values. (This holds individual states to account and justifies the legitimacy of their policies, without giving up on democratic representation.)

7. But maybe this is not what David is really interested in. Maybe we ought to return to the beginning and ask what motivated liberal cosmopolitanism and its poststructuralist criticism in the first place: the erosion of political community on the territorial basis of the nation state.

Liberal Cosmopolitanism: What's in a Name?

Comments on Chandler

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I have learned a great deal from this rich argument, especially with regard to the analysis of the position that David Chandler refers to as “radical poststructuralist” and the problems with it that he so clearly analyses, sometimes with a biting but appropriate sense of sarcasm. However, the way that he criticises the other family of theories regarding the alleged emergence of a post-territorial political community, namely the liberal cosmopolitan position, is less convincing. And the main reason for this is that it is doubtful that the portrayal of this perspective on cosmopolitanism is inclusive enough, given the internal diversity of theories and positions that seem to be covered by the label “liberal cosmopolitanism.”

I believe Chandler does *not demonstrate* that, in general: 1) liberal cosmopolitanism rejects state-based political community in favour of global networked civil society; 2) liberal cosmopolitanism undermines the modern liberal conception of the rights bearing subject, and; 3) liberal cosmopolitanism sidelines the electorate as being irrelevant for the establishment of progressive ends.

The question that his argument (and the way that it is framed) raises is this: To what extent is Chandler's representation of liberal cosmopolitanism accurate? To what extent does it exclude articulations of liberal cosmopolitanism, namely those that do not rest on a functioning global civil society and that do take questions of representation and forms of non-state based democracy seriously?

To start with, let us take a recent example, namely Simon Caney's *Justice Beyond Borders*.¹ In this book, Caney argues for a cosmopolitan political morality on the basis of liberal premises. Yet Chandler's critique of liberal cosmopolitanism does not seem to hold on several points. First of all, Caney rejects the claim “that cosmopolitan political institutions are unnecessary because global civil society is sufficient” (ibid, p. 172). Caney provides several arguments for this. One of these arguments seems especially relevant given Chandler's irritation with the suggestion that global civil society is characterized by “public/global/ethical *debate*,” a suggestion that he ascribes to liberal cosmopolitanism. Chandler deems this claim to be a case of intellectual dishonesty for the reason that there is no debate in any meaningful sense of the term in deterritorialized global space (Chandler, pp. 11-12). Caney, however, would agree. The reason that Caney argues for the establishment of glo-

1. Simon Caney, *Justice Beyond Borders: A Global Political Theory* (Oxford: Oxford University Press, 2005).

bal political structures is precisely that these are necessary to facilitate meaningful discussion, argument and debate across national borders.

Secondly, concerning the democratic deficit of the networked conceptions of the post-territorial political community – the fact that NGO's that constitute this community, together with social movements and other non-state actors, claim to represent the people, without an electorate –, Caney's position seems to defy again the somewhat generalized notion of liberal cosmopolitanism that Chandler works with. To quote Caney again: "the case for an active civil society gives us no reason to abandon the right-based case for supra-state political institutions for it cannot ensure that all are able to exercise control over the institutions that impact on their rights" (*ibid.*, 172).

For this reason, Caney argues for global political institutions that are more democratically accountable (such as a reformed UN, EU, WTO, IMF, and World Bank) and for a system of multi-level governance in which a political community on the state level is not simply abandoned.² This raises the question to what extent Chandler is really arguing with liberal cosmopolitanism, which Caney affiliates himself with, or rather with a more limited family of approaches that we could refer to as "civil society cosmopolitanism."

Another counterexample to Chandler's identification of liberal cosmopolitanism with these networked, global civil society approaches is David Held. It would take a rather extreme form of selective reading to pigeon-hole Held into the camp of civil society cosmopolitanism. Held argues that national democracies require international democracy if they are to be sustained and developed in the contemporary era. The belief that democracy is served simply by having states which elect governments is undermined, according to Held, by the interdependent character of the modern world. There are many supra-national organizations that seriously and progressively diminish the range of decisions open to national majorities.

Hence Held argues not for simply cherishing "global civil society," but for a cosmopolitan model of democracy, with regional parliaments, general referendums cutting across nation and nation-states, and the opening up of international governmental organizations to public scrutiny and democratization. Held stresses that these changes assume the entrenchment of a cluster of rights, including civil, political, economical and social rights, in order to provide shape and limits to democratic decision making.³

Again my question: to what extent is Chandler's representation of liberal cosmopolitanism fair to these types of positions? Is his notion of liberal cosmopolitanism – and now I will put it a bit stronger – simply a straw man? If so, he has failed to really demonstrate that liberal cosmopolitanism works with a notion of

2. See for instance Caney's – though heavily qualified – acceptance of national self-determination (*ibid.*, pp. 178 ff.).

3. See amongst others, David Held, "Democracy: From City-States to a Cosmopolitan Order," in Robert Goodin and Philip Pettit (eds.), *Contemporary Political Philosophy* (Blackwell, 2006), pp. 674-696.

“democracy without formal representation” or that the electorate is being sidelined in liberal cosmopolitanism as irrelevant for the establishment of progressive ends or that “political community necessarily takes a territorial form at the level of the organization for political representation on the basis of the nation state” (Chandler, pp. 7, 12)?

That does not imply that I believe that democracy on a supra-state level is easy to bring about or even possible. I just doubt whether the impossibility of this normative ideal has been convincingly questioned here. For not only do Caney and Held work with a rights-based approach to global political institutions, but also do they argue for the importance of democratic accountability thereof. And neither of them simply rejects state based political community in favour of, naively, going global.

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TIMETABLE CONFERENCE, GRONINGEN THURSDAY OCTOBER 21

TIME	LOCATION	PROGRAM	REFERENTS	CHAIR
9.30-10.00	Gang Economie	Registration, coffee		
10.00-10.15	Senaatskamer	Opening, introduction		
10.15-11.00	Senaatskamer	Hyo-Je Cho – <i>‘The Response of South Korean Human Rights Movement to the North Korean Situation—Lessons for Global Human Rights Movement’</i>	Wiebe Nauta Caspar Schweigman	Hans Harbers
11.00-11.30	Gang Economie	Coffee		
11.30-12.15	Senaatskamer	Jan Willem Duyvendak – <i>‘Feeling at Home in the Nation? Understanding Dutch Nostalgia’</i>	Pieter Boele van Hensbroek Sawitri Saharso	Hans Harbers
12.15-13.00	Senaatskamer	Peter Geschiere – <i>‘Autochthony, Belonging and Exclusion. The Pitfalls of a Culturalization of Citizenship’</i>	Baukje Prins Odille Verhaar	Hans Harbers
13.00-14.00	Bruinszaal	Lunch		
14.00-14.45	Senaatskamer	Abdullah Saeed – <i>‘Apostasy, Freedom of Religion and Human Rights of a Muslim: Reflections on the Debate Today’</i>	Michiel Leezenberg Thijl Sunier	René Boomkens
14.45-15.30	Senaatskamer	Mark Goodale – <i>‘The World, If It Is Not In Pieces’’: Relational Normativities and the Anthropology of Difference’</i>	Barbara Oomen Dvora Yanow	René Boomkens
15.30-16.00	Gang Economie	Tea		
16.00-16.45	Senaatskamer	René Cuperus – <i>‘The Populist Revolt against Pseudo-Cosmopolitanism’</i>	Dick Pels Jan Pronk	René Boomkens
16.45-17.30	Senaatskamer	Summary / general discussion	Evelien Tonkens René Gabriëls	René Boomkens
18.00-19.00	City Hall	Reception, offered by the Municipality, the Province and the University of Groningen		
19.00	Restaurant ‘t Feithhuis	Dinner		

TIMETABLE CONFERENCE, GRONINGEN FRIDAY OCTOBER 22

TIME	LOCATION	PROGRAM	REFERENTS	CHAIR
9.00- 9.15	Spiegelzaal	Coffee		
9.15- 10.00	Senaatskamer	Meyda Yeğenoğlu – <i>'Inhabiting Other Spaces: Imperial Tourists and Abject Strangers in a Globalized World'</i>	Peter Pels Judith Vega	Baukje Prins
10.00- 10.45	Senaatskamer	Achille Mbembe		
10.45- 11.15	Spiegelzaal	Coffee		
11.15- 12.00	Senaatskamer	Paul Scheffer – <i>'The Open Society and its Immigrants'</i>	Sjaak Koenis Harry Kunneman	Baukje Prins
12.00- 12.45	Senaatskamer	Christiane Timmerman – <i>'Europe Seen from the Outside, EUMAGINE Research Project'</i>	René Boomkens Yolande Jansen	Baukje Prins
12.45- 13.45	Spiegelzaal	Lunch		
13.45- 14.30	Senaatskamer	Bas de Gaay Fortman – <i>'Minority Rights': A Majority Problem?'</i>	Karin Arts René Gabriëls	Hans Harbers
14.30- 15.15	Senaatskamer	David Chandler – <i>'Empowering the Individual? The Limits of Solidarity and Citizenship beyond the State'</i>	Timo Jütten Bart van Leeuwen	Hans Harbers
15.15- 15.45	Bruinszaal	Tea		
15.45- 17.15	Senaatskamer	Summary / concluding discussionw	Evelien Tonkens ??? all	Hans Harbers
17.15- 17.30	Senaatskamer	Closure / practical appointments		
17.30- 18.30	Bruinszaal	Drinks, offered by Faculty of Philosophy		

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FORUM conference
Strangeness and Familiarity
University of Groningen
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STRANGENESS AND FAMILIARITY

Global Unity and Diversity in Human Rights and Democracy

GRONINGEN, OCTOBER 21-22, 2010

Sanne Raap

DAY I, OCTOBER 21

Hyo-Je Cho – *'The Response of the South Korean Human Rights Movement to the North Korean situation - Lessons for Global Human Rights movement'*

Referents: **Wiebe Nauta & Caspar Schweigman**

Central in Cho's paper is the South Korean HR movement's reluctance to engage with the North Korean human rights issue. Both referents are however uncomfortable with Cho's treatment of HR. According to Nauta, Cho's reference to Richard Nisbett, who claims that East Asian ways of thinking differ from Western ways of thinking, implies the acceptance of an us and them category. Moreover, this claim is inconsistent with the confrontational stance of South Korean HR groups in other Asian cases. Cho's paper furthermore lacks important historical background information, and would benefit from case examples, international comparisons and discourse analysis. Taken together, Nauta deems Cho's call for 're-universalization' unconvincing.

Schweigman argues that universalism is a precious basis for HR and that the transformational approach results in a different and undesirable version of HR. Familiar local values don't ask for a reconstruction of international values since differences between local interpretations of HR disappear in the implementation process. In line with Nauta, Schweigman argues that Cho fails to discuss important issues like the causes of the North Korean famines. However, Schweigman emphasizes that the paper may help to understand the complexity of the Human Rights situation in North Korea and make policymakers think of other strategies than isolation and the need for joint commitment

Cho, in response, emphasizes that his way of writing about the Human Rights movement is sympathetic but not apologetic. Where the structural, institutional and ideational explanations are part of the self-explanations of the HR movements, the psychological and transformational claims are Cho's own. His aim is to rethink the conceptuality of HR from local situations. In this light, questions like 'how to achieve the objectives' and 'how to approach HR from a more actor-oriented approach' are of particular importance. Rather than siding with the people propagating original Asian values, Cho wants to show that a singular conceptualization of

HR led to different practical implications. The distinction between the base relief and sunken relief method makes this clear. In the latter case, the HR issue is still there, but sunken, as in the case of the South Korean HR movements priority of peace. Re-universalization, by absorbing the political and social dimensions to the HR issue, should exactly be understood as an attempt to overcome the us-them dichotomy.

The reply from the public on the universalism issue was that universal HR do not imply universal strategies. UN policies are characterized by a failure to acknowledge this difference. It was also argued that the referents critique is itself unreflexive: the essentializing discourse should not get absorbed in the HR movement. Cho concludes that although the South Korean HR movement's argument was flawed, its strategy was justified. His example makes clear that we need to understand the importance of combining principlism with pragmatism.

Jan Willem Duyvendak – *'Feeling at home in the Nation? Understanding Dutch nostalgia'*

Referents: **Sawitri Saharso & Pieter Boele van Hensbroek**

Saharso subscribes to many propositions of the paper by Duyvendak. Oddly enough however, the paper itself is peculiarly non-empirical. Moreover, the paper is strikingly silent on possible solutions to the problem of not feeling at home. Saharso questions Duyvendak's idea of conflict as an invention of xenophobic politicians. If this is so, why is there such a strong resonance of the stories of certain politicians with the population? To clarify things, a comparison with other European countries would be fruitful. For exactly how different is the situation in the Netherlands? Saharso suggests that the crisis of belonging is European wide. Saharso argues that although in his paper, Duyvendak argues that liberal values are nationalized as part of the Dutch identity, there is in fact nothing intrinsically Dutch about liberal values. Saharso agrees with Duyvendak that a thick notion of citizenship is indeed not a solution but part of the problem and proposes a differentiation of the idea of feeling at home in *Heimat* versus *zu Hause*. Where *Heimat* refers to roots and to an idealized place, *zu Hause* is associated with security and a physical place. If we agree that *zu Hause* is the best way of feeling at home, the subsequent question is what must be changed in our conception of national identity so that for all of us, *zu Hause* can become the common denominator of feeling at home in the Netherlands.

According to Boele van Hensbroek, the culturalization of citizenship and the accompanying idea of integration are by definition unequal, because they imply that some values are prioritized over others. It is therefore a shame that a democracy endorses such a notion of citizenship. Citizenship as the co-authorship of community and culture is according to Boele van Hensbroek the solution to this inconsistency. We should stress the rights and duties of citizens in co-authoring the meaning-making process in society. Cultural agency designates citizenship as

an issue of equal right and equal voice, but also of obligation and a responsibility for each citizen to be involved. The subsequent aim is to eliminate the discourse of integration and instead talk of cultural action.

In reply to Saharso, Duyvendak subscribes to the importance of international comparisons. However, there is something specific about Holland. To understand how the country moved from political progressiveness to intolerance, we have to get rid of the idea that we have been multicultural: we are and have been monocultural. The idea of multiculturalism still makes us look for assimilationist policies. Getting rid of the myth of multiculturalism is thus a prerequisite for addressing the crisis of belonging. Another myth is the absence of nationalism. The idea of civic nationalism, adhering to liberal values, has become ethnicized. We should ask ourselves what kind of exclusions the prominence of gender and sexuality produces in the Dutch debate. In response to Saharso's second question, Duyvendak argues that he attempts to explain why in the political debate, feeling at home is so much linked to culture and religion. A culturalized elite is part of the explanation who's discourse is characterized by the idea of historical reason, making a distinction between deserving 'those who have constructed the Netherlands' and undeserving people. Although the juridical discourse clearly does not resonate with the public, the aim of resonance does not imply reinforcing the idea of rooted people having more rights. The native Dutch should be far more modest and we should start thinking of an equal right to 'belonging'.

Peter Geschiere – *'Autochthony, Belonging and Exclusion. The Pitfalls of a Culturalization of Citizenship'*

Referents: **Baukje Prins & Odile Verhaar**

The paper by Geschiere makes clear that the crisis of belonging, and in particular the use of the autochthon and allochthon dichotomy, is not confined to the Dutch case, but was already present in classical Athens. However, Prins argues, whereas in West Africa the obsession is with autochthony, the Dutch discourse revolves around the question 'who counts as allochthon'. Prins shows how a culturalization of citizenship always proves the natives right. The possibility of becoming autochthon in Holland is not precluded a priori but is determined by a civic integration test. This multiple choice test draws a picture of the immigrant as confrontation avoiding and turning to authority for answers. The image of the native Dutch is one of rationality and reasonableness. The test does not so much deploy a double standard, it rather implies that the Dutch are never measured, they belong self evidently. In the end, immigrants are never relieved from the burden of proof of belonging.

Verhaar gives another example of the prominence and workings of a cultural notion of citizenship. She argues that the conclusion reached by Geschiere, that the only useful notion of citizenship is a pluralist one, is not very likely to exist in reality. She also questions the idea that juridical or economic notions of citizenship are better suited for conclusive definitions of belonging. Addressing issues of

citizenship in a court case, as the example of one of the so called ‘hand shake cases’ makes clear, turns out to be another practice of essentializing culture by treating certain values as fundamental. In this case, in which a female teacher refused to shake hands with males, the court turned the etiquette of handshaking into a juridical norm of ‘thou shall shake hands’. Accordingly, it is doubtful that juridical criteria can serve as an alternative to cultural definitions of citizenship.

Geschiere, in reply, points out that what is striking in the notion of autochthony in different times and places is its worrying paradox of certainty: I am autochthonous and you are not, and its practice of uncertainty: what was autochthonous yesterday can have turned allochthonous today. Autochthony is a free floating term, very unlike the UN defined term ‘indigenous’. In light of the examples given by the referents, Geschiere pleads for more open terms in the debate about belonging. Current notions like autochthony tend to be constantly redefined in closer circles in a never ending search for purity, which can take a violent course. If citizenship, as Verhaar has shown, is inseparable from culture, let us define culture in a forward looking sense: culture as creation, or culture as looking for new possibilities. Interesting in this light is the distinction between *memoire* and *histoire*. Where the former is something fixed, the latter is open to interpretation. With its open use of history, the Dutch canon is a good example of *histoire*. Embracing citizenship as an empty term and culture as a creative notion, we should get rid of autochthony as some sort of democratic nostalgia, and recognize that a celebration of uncertainty is actually at the core of democracy. In other words, we should ‘cool down citizenship’.

Abdullah Saeed – *‘Apostasy, Freedom of Religion and Human Rights of Muslims: Reflections on the debate today’*

Referents: **Michiel Leezenberg & Thijl Sunier**

In his paper, Saeed argues that the tradition of Islamic thought on apostasy is irreconcilable with Human Rights. Leezenberg however, points out that Saeed misleads his readers by giving them the impression that apostasy is still a relevant question. In fact, 1843 was the last time an apostate was executed. The transformation of the juridical system of the Ottoman empire to a system of French based civil law made the question of apostasy a purely theoretical one. The strategy of treating certain texts and passages as still relevant is, according to Leezenberg, playing into the cards of parties like the freedom party. It is in fact part of the ‘othering’ of Muslims and demonstrates the danger of thinking in timeless traditions. A key issue of the paper is apostasy as something untenable in modern times. Leezenberg however criticizes Saeed’s conception of modernity as a western product. Nationalism, for example, arose from local dynamics all over the world. Taking this view gives you an instrument both against western instrumentalism and against Islamists that argue for a most authentic essence of Islam. The whole idea of ‘authentic Islam is not islamic’, but rather German Romanticism.

In line with Leezenberg, Sunier criticizes the lack of contextualization of the issue of apostasy by Saeed. Saeed refers to theological sources as if they speak for themselves. We cannot treat concepts as doing something irrespective of people applying them but need to speak of human beings in concrete circumstances, using concepts as motivational tools. Sunier also argues that modernity, rather than a common understanding of western liberal individuals, is a problematic and ambivalent concept. Moreover, Saeed's distinction between religious and unreligious is itself a modern phenomenon. In sum: Saeed provides a caricature picture of modern society as independent, without constraints and in opposition to Islam.

The discussants focused on the notions of modernity and essentialism. Modernity is repeatedly emphasized as on the one hand not a western product and at the other hand an ambivalent notion. However, we should distinguish between the ways in which essentialism and modernity become relevant as a social category in imagined histories and between the role of both notions in the scholarly debate. In other words: culture essentialism as practiced by people on their own, and as a reactive answer on our side to conceptualize it.

Mark Goodale – *'The World, if it is not in Pieces': Relational normativities and the Anthropology of difference'*

Referents: **Barbara Oomen & Dvora Yanow**

Oomen argues that Goodale's work, taking as a point of departure the localization of HR, fits into Lolle Nauta's legacy. The relationship between rights and responsibilities will always depend on a local context of a community of faith engaging around HR. In the Wilders case for example, we can see how HR interact with the local. The freedom of speech issue is not only related to the Dutch constitution but also to international HR treaties like the European convention of Human Rights. In fact, the space for debates on the grounds for conviction are shaped by the Human Rights discourse.

Yanow brings up several points in relation to Goodale's treatment of Lolle Nauta's work as an ontology of strangeness. A first question is where, in the recurrent trope of difference and sameness, and strangeness and similarity, familiarity stands. Familiarity actually suggests a more epistemological position with respect to what is strange while similarity suggests a more ontological orientation. Goodale's paper repeatedly refers to 'the *problem* of difference', which is a recurrent phrase in social science. We might however reconsider such usage and seek to de-problematize difference. Yanow refers to the book 'making all the difference' which suggests that educational policy needs to reframe and re-label the 'problem child'. Similarly, notions of 'kansrijk' and 'kansarm' in the immigration discourse are candidates for reframing. Another point is the suggestion that individuals find their identity only through membership of groups. What does this mean for state-created categories of 'race-ethnic' groups? In her work about race-ethnic discourse in the US, Yanow argued that race-ethnic categories enable the telling of national

and group identity stories and that nowadays it is only through hyphenated group membership (e.g., African-American, Asian-American, etc.) that the individual can give expression to US-American identity. Is this expression possible in the Dutch case where hyphenation has not caught on and *allochtoon* is the category in use?

In reply to Oomen, Goodale remarks that indeed the social philosophy of HR becomes an ethnographic study and the other way around. Ontological approaches of belonging are not common anymore because, in short, politicizing ontological notions of belonging leads to genocide. We might agree that Nauta's ontology of the divided self is correct, however, this truth is not able to sustain the complicated experiences in the outside world. Goodale agrees with Yanow that it is regrettable that the debate is dominated by dichotomies while the experience of belonging is much more complicated. We should try to think between the legal and political categories that shape the debate.

The discussion revolved around the question of hybridity introduced by Yanow. It was argued that hybridity does not differentiate but only reproduces the romantic tradition of essentialism. Hybridity is a tool for demarcation and too much dependent on unity identity. However, it was also argued that because of their importance as discursive categories, we cannot disregard notions like authenticity. Moreover, we can regard hybridity as introduced by hyphenation as breaking down essentialism and thereby consider hybridity as introducing the possibility for differentiation.

René Cuperus – *'The populist revolt against Pseudo-Cosmopolitanism'*

Referents: **Dick Pels & Jan Pronk**

'The world citizen does not exist'. This is the main conclusion of Cuperus as summarized by Pels. However, the designation of cosmopolitanism by Cuperus as an a-historical, a-political and a-cultural concept, disregards other possible understandings of cosmopolitanism. Contra Cuperus, Pels argues that there is no cosmopolitanism without roots. Moreover, criticizing elites does not imply that we should dismiss internationalism as a normative vision. Cuperus' concern for the populist revolt against cosmopolitanism seems justified but political ambition should not stop with protecting losers against winners, but make losers into winners. Thus, rather than dismissing cosmopolitanism, the populist revolt asks for re-evaluating the role of the elite. The latter should not hesitate to advocate a vision of the good life valuing solidarity and individual liberty. Democracy is not simply giving in to populist demands but rather a form of publicly coping with insecurity. We should embrace the border crossing individual and be unashamedly elitist and paternalist and educate the people.

Pronk finds Cuperus analysis of populism as the result of people feeling themselves to be losers a reasonable explanation for what is currently going on in the Netherlands. However, we should address the facts of globalization. Globalization is many things, it is for instance partial, market driven, western and capitalist. The

real loser, we will see if we look at the broader picture, is the world's underclass. Cosmopolitanism should be understood in the first place as a responsibility of the West to share its resources, to enhance social emancipation and to advocate a respect for Human Rights. Cosmopolitanism should not be fought since it is itself the antidote against globalization. Pronk does agree with Cuperus' plea for prudence in the discourse on modernization and innovation. Political parties all over the world should try to retard change. Rehabilitation of the nation state is indeed an answer to the populist revolt but this should go hand in hand with interstate cooperation and European integration. Finally, Pronk is sympathetic to the idea of a new peoples party, but this ought to be a cosmopolitan party: an international party based on international solidarity.

Cuperus argues that, most importantly, his paper is an observation of the emergence of a cleavage in Western European policy: international connected cosmopolitans on the one hand and national connected communitarians on the other, which coincides with the withdrawal of the left-right divide. The paper warns against a naïve idea of globalization. All national-identity talk is tabooed these days but you need some sort of umbrella identity to become an immigrant society. Cuperus emphasizes the difference between the self-confirmation of the elite as belonging to the decent and rational people, and the world outside: we need to get our hands dirty and face the problems.

The discussion focuses on the importance of the nation state. Cuperus first worry is the maintenance of democracy as we know it. Although it is argued that the latter does not stop us from imagining other forms of democracy, Cuperus argues that we need proof of the viability of other options before we give up on the what we have. For Pels, this is resigning yourself to a reality which is defined negatively. Similarly, Pronk argues that European integration is in fact strengthening what you got. On the question of how to confront populists, De Gaay Fortman argues that alternative emotions will not get us very far. Populists have to be unmasked rather than opposed with their own means.

Summary and Evaluation Day 1

René Gabriëls, Evelien Tonkens, et.al

Gabriëls discusses some recurring issues like the contextualism – universalism dichotomy and argues that there is no opposition between the two: we both need to contextualize HR and recognize that the latter always trump local values. Another point of attention is the tension between HR and democracy. Where democracy is based on popular sovereignty and citizenship rights are exclusive, HR are inclusive and form the basis of claims asserted to states. Unlike populists and liberals talk of priorities, our task is to find a balance. Another prevailing issue is the definition of problems. Both Duyvendak and Yanow focused on the way a social problem is framed by the vocabulary of citizens, politicians and scholars. We should ask ourselves if we not define problems concerning migration in an one sided way. The

definition of a problem is always related to a certain kind of policy(goal). Redefinition of terms is thus opening up possibilities for other policies. A last point, returning to Nauta's legacy, is the role of intellectuals in the debate. The strategies for political interventions proposed during the conference differ from providing fuller stories, to a withdrawal from rootless cosmopolitanism.

According to Tonkens, 'purity' was central to discussions about hyphenated identities and an authentic Islam. The recurrent idea is that we should depurify HR to use them in a context. In Geschiere's contribution to the discussion, the search for purity (and the danger that comes with this search) was prevalent. Tonkens argues that, in the spirit of Lolle Nauta, we should remind ourselves to always ask painful questions. How, for example, can we encourage to allow impurity like double passports? The discussion problematized culturalization but also explicitly recognized it as something that is going on. There was however dissension on the question of how to understand it and how to judge it. To prevent the debate to become framed in terms of roots and authochthony, we need 'to cool down citizenship'. However, it was also argued that we cannot dismiss a cultural conception of citizenship. Citizenship as the co-production of society and feeling at home as a citizenship right were suggested as possible solutions. Tonkens suggests the term *polluted cosmopolitanism* as an alternative to a detached, rootless and pure cosmopolitanism. This notion should include emotions and an idea of mediacracy and should live at different scales (the national, the European and the global). It is a cosmopolitanism that can be made true in a cultural context.

It was repeatedly emphasized during the day that next to the cultural aspect of citizenship, we need to consider its social and economic dimension. In the final discussion, it was argued that we should also pay attention to consumerism, which is very similar to populism in its desire for the instant satisfaction of needs. However, if in the end the cultural aspect appears inseparable from the economic and juridical, we can wonder if it we should not culturalize more rather than less. In culturalizing more, we can discern the differences within cultures and recognize that culture is not only 'theirs', it is also 'ours'. On the right of feeling at home, Duyvendak remarked that it was meant not so much as a formal right but rather as a moral right which implies that this right cannot be exercised at the expense of others and should be considered an obligation for citizens to behave well. The idea of the right to feel at home arose some concern since it echoes the Balfour Declaration, stating the right to a Jewish homeland. Tonkens however concluded that we should consider it nevertheless, since its implications in terms of citizenship duties might be interesting.

Meyda Yeğenoğlu – *'Inhabiting Other Spaces: Imperial Tourists and Abject Strangers in a Globalized World'*

Referents: **Judith Vega & Peter Pels**

In her paper, Yeğenoğlu juxtaposes two different places : the tourist destination and the metropolis 'at home', and two sorts of strangers: the native and the immigrant. This juxtaposition makes us see that abjection and nostalgia are two sides of the same coin. But however, valuable the story of the tourist as an hegemonic subject in search for an unpolluted past and tourism as regaining a sense of sovereignty are as a description, Vega questions the extent to which the use of psychoanalytical terms gives social insights. Although it might be tempting to see populism as a collective psychosis, enlisting psychoanalytical terms as the object seems to much of a shortcut to social fear. Social dynamics do indeed arise within social linguistic contexts, however, we use a language that is already there in our encounter with the other. The Kristevaen abject necessarily entails the negation of the object. Since the other as an object is already a problematic proposition, the binary opposition of object and abject is one that we might want to avoid. Object implies that one is annoyed with the other, but the abject implies the desire to destroy the other. The demands by Wilders voter are probably better understood as demands for recognition than as desires to destroy the other. In spite of the paper's analytical clarity we should question it's empirical referents. One look at the world learns that there are many types of travelling and different types of tourist gazes, like immigrants in western cities travelling back to their own supposedly authentic roots. The question on who the real stranger is can subsequently not be answered.

Similarly, Pels wonders how Dutch tourist destination and third world metropolises fit into the picture. Who and where is the western hegemonic subject? Does the notion really help us to understand the actual conflict in the places we talk about? The situation on the ground is much more complicated than suggested by Yeğenoğlu's paper. Pels doubts whether we should focus on the western hegemonic subject at all and proposes a new perspective on familiarity and strangeness by introducing the metaphor of 'things happening through the belly'. The idea is that strangeness is not a problem if it leads to some kind of successful ingestion of intoxicating substance. Familiarity comes with digestion. Something else that according to Pels should be added to the discussion is hospitality. When the stranger arrives, you give him food, on the second day, you give him food and on the third day you give him a home. Pels asks himself if the western hegemonic subject has even heard of hospitality.

Responding to the issues raised by Vega and Pels, Yeğenoğlu remarks that her paper is in the first place about subject positions and not so much about individual psychology and individual encounters. Her paper develops concepts to understand the unconscious processes which are part of the social forces. The question of sub-

ject positions is relevant in the context of non-western metropolises and a focus on abjection does not block one from seeing the desires of the migrant but rather clarifies the dependency of every subject position on other. The term thus helps recognizing exclusion. In the discussion, it was questioned if the use of western values by for example former colonial subjects, does not disconfirm the idea of western hegemony. Yeğenoğlu however responds that in this process, those values are given a new meaning.

Paul Scheffer – *'The Open Society and it's immigrants'*

Referents: **Sjaak Koenis & Harry Kunneman**

Koenis' speech is an ode to Scheffer. Koenis characterizes Scheffer as a reasonable voice in the camp on cosmopolitanism but one that does not turn away from real problems. He is recognized by his distinctive way of arguing, practicing a dialectic without *Aufhebung*. Scheffer diagnoses both migrants and natives as suffering from alienation: we are all strangers in society. However, the conflicts that arise from this estrangement have themselves a socializing effect. The diagnosis that integration failed is therefore too simple because conflicts in an immigrant society are unavoidable on the path to integration. Scheffer is the bad conscious of a political elite that is dealing with a loss of power. What annoys Scheffer's opponents in the public debate is that he never answers the question of identity: who are we? According to Scheffer, immigration is a possibility for self-criticism and the construction of an ideal of citizenship to which everyone can inspire. These characteristics and views make Scheffer, in the words of Koenis, 'the perfect midwife for a new society'.

Kunneman wholeheartedly agrees with Scheffer that an open society cannot survive without self-criticism. However, Kunneman argues that this can and should be done much more radically and proposes a critique based on the Humanistic triangle: a meaningful life with and for the other, just institutions and a sustainable world society. Central is the idea of meaningful work, work that has a wider moral significance. This should be contrasted to what can be called the deficits of social democracy. The promise of social democracy of increasing material equality has not been met. In fact, capitalism is reproducing inequalities leading to the problem of relative deprivation. The solution was sought in expertise, attempting to reduce complexities on the basis of abstract knowledge, but this also failed to deliver the better future that was constantly promised. Kunneman argues that social democracy's failure largely resulted from a confusion between slow and fast questions. Slow questions are issues that have occupied humanity for centuries, questions for example concerning morality or violence. Professionals are now forced to give fast answers to slow questions, leading to the frustration of the new underclass. Kunneman argues that the space for slow questions should be enlarged by taking local situations very seriously and take them as a starting point for a new cosmopolitanism.

In response to the question of who we are, Scheffer answers that he avoids the word identity because every element in it asks for being essentialized. Scheffer pleads for an escape of sterile dichotomies in the debate. Migration is about crossing borders and we should likewise not speak of the deconstruction of states versus embracing the state. Scheffer aims at saying something meaningful about heritage while remaining open to the world. Again, this is no zero-sum game, what we need is not either a certain narrative or no narrative at all, but rather competing narratives. In reply to the remarks by Kunneman, Scheffer argues that his normativity is concrete and definitely not abstract. In fact, reciprocity is forced upon society through immigration. The question of illiteracy of the migrant population immediately raises the question of the literacy of autochthones, which leads to recognizing the lack of representation of the undereducated ones. Questioning the knowledge of immigrants about society similarly poses the question of what 'we' know about society ourselves and forces us to reflect on the black pages of Dutch history. Reciprocity implies equal treatment, meaning for example that the right of religious freedom brings with it the responsibility to defend this for others. The public is clearly not satisfied with Scheffer's avoidance of identity talk and his emphasis on self-reflection. According to Dick Pels, we *can* talk about an open identity. There is no need to do away with identity, but rather to weaken it. Jansen refers to Zygmunt Bauman to raise the question of power sharing. No rules of the game makes it impossible to win, while integration is exactly about sharing power and not so much about self-reflection. Geschiere argues that going back to the debate of cultural relativism is superseded. There is much potential in the notion of culture to be, which is not directing for integration.

Christiane Timmerman – *'Europe Seen from the Outside, EUMAGINE Research Project'*

Referents: **René Boomkens & Yolande Jansen**

Boomkens shares with the public his ideas on the outcome of the research project: he expects that no correlation between migrants and a HR discourse will be found and deems it improbable that the research will be able to distinguish the role of HR discourses from other causes. More likely, migrants will base their choices on collective imaginaries, mediascapes and the assessment of chances which are not necessarily related to HR discourses. Timmerman's research proposal is not addressing migrants as future citizens, basing their decisions to migrate among other things on the labor situation in the target country. A second problem concerns the possible external goals of the research. How should we value the results? In other words: what can we learn and who might be interested in that?

Jansen subscribes to the importance of research on the effects of HR discourse on migrants, but misses a reflection on politicization. The research should complicate the notions of democracy and HR and ask how they appeal to the migrants. By scrutinizing perceptions of the EU from outside the EU, one should make clear

who's motives and perceptions it are that can be discerned and who's not. Jansen furthermore wonders what the research's relation to migrant policies is. Will the research outcome include policy critique and what to do with non-compliance of interviewees? She wonders if Timmerman realizes that in the management of immigration, the discourse of freedom is directed at a more selective policy. Therefore Jansen ends with a question similar to Boomkens' concern: which insights of the research will be relevant for whom, in other words: who benefits?

In response, Timmerman acknowledges that the focus on HR discourse is chosen for reasons of funding. However, the project employs a broad definition of HR in the sense of possibilities for people to develop their own goals. Real access to the labor market is thereby one of the relevant things that people are imagining. The research will furthermore include comparisons between different sorts of regions and also include the motivations people not aspiring to migrate. The aim, in the end, is to get some more insights into the dynamics of migration. One of its results might be that we become a little bit more humble of our place in the world.

Bas de Gaay Fortman – ‘Minority Rights’: A Majority Problem?’

Referents: **Karin Arts & René Gabriëls**

According Gabriëls, a first issue that arises from De Gaay Fortman's paper that deserves our attention is the tension between HR and democracy. This is a serious tension because the legitimacy of the one is the illegitimacy of the other. A second issue concerns the enforcement of HR. De Gaay Fortman argues that because many HR conventions play no role in politics, we should shift our attention to the political economy of the minority majority divide. Interesting research by among others Thomas Risse and Kathryn Sikkink however, shows that enforcement of HR is made successful by (advocacy) networks and regimes of HR. A third issue is the reconceptualization of minority rights into Human Dignity. The distinction that this presupposes between Human Rights and Human Dignity is according to Gabriëls not easy to make. Human Dignity is a moral and Human Rights a legal concept which cannot be disentangled. Finally, Gabriëls argues that ‘toleration’ lies as a core concept behind the argumentation in the paper. Toleration can in fact be linked to Human Dignity and minority rights. It is the acceptance of behavior that one deems wrong: the acceptance of the minority by the majority. Implying mutual recognition, the esteem conception of tolerance has the best fit with Human Dignity.

For Karin Arts, de Gaay Fortman's paper is a permanent illustration of the us-them divide problematic. She argues that a universal approach with an emphasis on equal treatment or the non-discrimination principle are possible alternatives to avoid this divide. In the discussion about Human Rights and the limits of sovereignty, law is an important factor that should be considered. In regard to the Swiss minarets case, the question is why the parliament felt that it should validate the initiative, since the latter can be invalidated if they go against *ius cogens* norms. The

Swiss constitution contains no obligation to test laws against norms of *ius cogens* but does state the requirement of respect for international law. Arts argues that the people's initiative is subsequently invalid since it is a violation of international law. As Gabriëls, Arts argues that the paper is too harsh and narrow in identifying the effects and relevance of international law and HR procedures and reporting systems.

In his reply, de Gaay Fortman emphasizes that the matter of minorities is illustrative for the construction of the collective stranger, an us-them divide on the basis of paper. The existence of minority rights is in fact a HR deficit. People only identify themselves as a minority if they are politically dominated. The legal model diverts attention from the political struggle of these minorities. Moreover, the essence of a minority is exactly that it is not protected by the nation state. Since it is impossible to beat the state at its own game, there is a need for international enforcement through the security council. A reference to *ius cogens* has little impact if the state in question points to the non-compliance of other states. On the matter of the relation of Human Rights and Human Dignity, De Gaay Fortman argues that the former is a way to protect the latter. Finally, tolerance should indeed be understood as implying mutual respect, tolerance as acceptance is indifference.

The discussion centers around the question of toleration. It is argued that, contra Gabriëls, tolerance is exactly needed when there is a lack of esteem for the values of others. The demands for tolerance made by mutual recognition are much too high. Similarly, tolerance is argued to be about practices and opinions that you actually find hard to accept. On the other hand, is the esteem conception not something we should strive for? Indifference is not desirable. Gabriëls argues that there is a huge difference between indifference and toleration. The paradox of tolerance is indeed that you accept something you don't want to accept. The question is rather on what normative reasons your tolerance is based.

David Chandler - 'Empowering the Individual? The Limits of Solidarity and Citizenship beyond the State'

Referents: **Timo Jütten & Bart van Leeuwen**

Jütten agrees with the central worries of Chandlers paper. Chandler argues that liberal cosmopolitans and their poststructuralist critics are in fact very similar. Among other things, they advocate a flight from sovereignty and a shift from the national to the global. The problem with those proposals is that they change the meaning of political activity and separate it from citizenship. True, national *demos* are no longer stable, however, accountability of power is only possible on the national level. Cosmopolitanist and poststructuralist shifts to the global imply a divorce with rights, representation and citizenship and defeat the progressive goals that they advocate. Jütten however suggests that we *can* find some cases that defeat Chandlers criticism. The EU institutions are some prove that representation and protection of rights are possible beyond borders. Rights in the European context are not merely

discursive, but decisions of national courts can and are in fact appealed at the European level. Important is what motivates liberal cosmopolitan and poststructuralist criticism in the first place. With the erosion of political community on the territorial basis of the nation state, national politics has become defensive and lacks vision. In addressing the problems of political communities, we clearly cannot afford to exclude those who are affected. Accordingly, we should ask ourselves what cosmopolitanism, as a political category, can still mean.

Van Leeuwen argues that Chandler's critique of liberal cosmopolitanism does no justice to the latter's internal diversity. Chandler does not demonstrate that liberal cosmopolitanism undermines the idea of a right bearing subject, and Van Leeuwen doubts whether it really sidelines the electorate. Simon Caney's book 'Justice Beyond Borders' serves as a counterexample. Caney argues that global political institutions are necessary to facilitate dialogue and that a plea for an active civil society does not imply an abandonment of rights. Van Leeuwen wonders to what extent Chandlers accusations apply to pleas for multilevel government and civil society cosmopolitanism. David Held's work on for example regional parliaments does not seem to cover the picture drawn by Chandler. Since the impossibility of international democracy is not sufficiently argued, it should be asked to what extent Chandlers representation of liberal cosmopolitanism is a straw man.

In response, Chandler argues that his paper is a reflection upon a certain discussion. It questions why we understand the problematic as something that has changed outside of us while it might be something more domestically generated. His paper is moreover no plea for a new framework. A lot of things that we call liberal and take for granted are not understandings that we would have had of liberalism some years ago. Cosmopolitanism is not different. Our understanding of the concepts changes with changes in the political realm like the crumbling away of demoi and the rise of a global civil society. Rather than not addressing the real problems, cosmopolitanism addresses them in a different way. It derives its legitimacy from ethics and rationality rather than popular representation, which is a direct response to the lack of engagement in politics.

Goodale argues that Chandlers paper is a justified critique of naïve triumphalism in the cosmopolitanist literature. However, the cosmopolitan reduction of political power to democracy and representation is somewhat limiting. If we not so much focus on citizenship, we can discern the exercise of political power transnationally. For example, as a consumer, people exercise influence without representation. On the other hand, looking at the national level, we see clear forms of representation in which actually little power is exercised by the subject.

Summary & Evaluation Day 2

Hans Harbers et.al

Many different problems and notions came together during the general discussion at the end of day two. Promising according to Tonkens are the notions of abjection,

‘sticking to your fingers’, idea of reciprocity and, finally, the distinction between fast and slow questions. As Tonkens attentively remarked, two things actually arose some anger, namely the issue of national identity and the practice of putting somebody into a group or category. In regard to the culturalization of citizenship, it was both argued that we should not neglect economic, juridical and political factors and that we should reconsider our understanding of culture.

Gabriëls gave a plea for socio-economical and political citizenship and a focus, next to the macrophysics of power, the state, on the microphysics of strangeness. De Gaay Fortman also called for more attention to social economic integration. The unemployment rate is a hardly expressed concern but very basic in questions about populism and democracy. The social-economic aspects of citizenship are also present in Peter Pels’ metaphor of the immigrant. ‘When the stranger arrives, give him food and drinks, but on the third day, give him a home’. Pels advocated an embodied notion of living together with strangers. The notion of digestion, sharing bodily space, implies that we are gradually getting familiar with each other. Rudi Fisker remarked that there are accordingly also things we can’t digest and this should be possible without being able to argue why this is so. Talking about embodiment, Harbers points to the fact that common history is not solely about ideas, but the embodiment of it: think for example of dikes and bureaucracy. Timmerman argued something similar about culture. Culture is not just something that is there, but is constantly reshaped in daily practices, for example by participating in bureaucracy. We should thus be much more clear about what we mean by the concept of culture.

The role of the nation state turned out to be ambivalent in many respects. Yanow underlines that in fact, all categories we talk about, are actually set by the state. There is a tension between auto identifications and self identification: the state gives individuals a possibility for identification, but far more often, however, one is identified as belonging to a certain group, without opportunity of self identifying. The state is the only frame of reference we got, but our responsibilities and problems reach far beyond the nation state. Boomkens emphasized that we should not think in terms of globalization versus nationalization, but rather think about what the changing role of the nation states actually represents, thereby rethinking the role of the nation state on and on. Chandler remarks that what is going on at this conference is actually divisive and dishonest. The stranger is actually not strange to us at all, but the debate is about liberalism and *our* values. The discussion is disingenuous since the stranger is no stranger to us at all and it is not because of the stranger that we have to adopt liberalism. *We* are the liberals and *we* have to adapt for being the liberals.

There seemed to be some consensus about cosmopolitanism as ‘starting at home’. However, Jütten identifies an ambiguity within cosmopolitanism. We understand cosmopolitanism as world citizenship, but some immigrant cities are described as cosmopolitan while others are not. In the former, Jütten argues, the strangers are successful, they belong to the landscape and you think to profit somehow from their presence. In the latter, the immigrants hold a low social po-

sitions and are badly educated. This leads to the question of the pay-offs of immigration. Jütten argues that we need some idea of openness and diversity that we can celebrate, which is only possible within a progressive policy. This idea of big city cosmopolitanism returned in van Leeuwen's plea for side by side citizenship. Indifference has got a really bad press over the years, but nothing really wrong came from that. It should be okay not to feel interested in the cultural background of your neighbor. Prins connects this with the notion of public familiarity. In big cities, people now on a subconscious level know how to deal with each other. It is however unclear how this relates to Scheffer's idea of reciprocity: problems of others should also be recognized as our own.

Finally, Scheffer's idea that conflict can be seen in a productive way was well received by the public. Koenis argued that instead of desperately attempting to make strangers turn into friends, we should see the productivity of the clash. Democracy is a messy competition and an attempt to deal with strangeness rather than to turn strangers into friends. Harbers identified a parallel with Nauta's dialectic between the I and the reflexive other, indicating that conflict is socializing. Goodale connected the recognition of conflict to the question posed by Huinders the day before: 'as social engineers, are we to be water pumpers or bridge builders?' Goodale argued that water pumpers can be understood as an approach to deny difference, which can either be determined empirically, or in a more conceptual way as Nauta did, by concluding that we are all constituted by the other in our self. However, being bridge builders implies that we can recognize the conflict, which encourages processes of self-reflection. The latter is for Goodale the meaning of liberal social democracy and the kind of societal engineer that the Dutch should be.