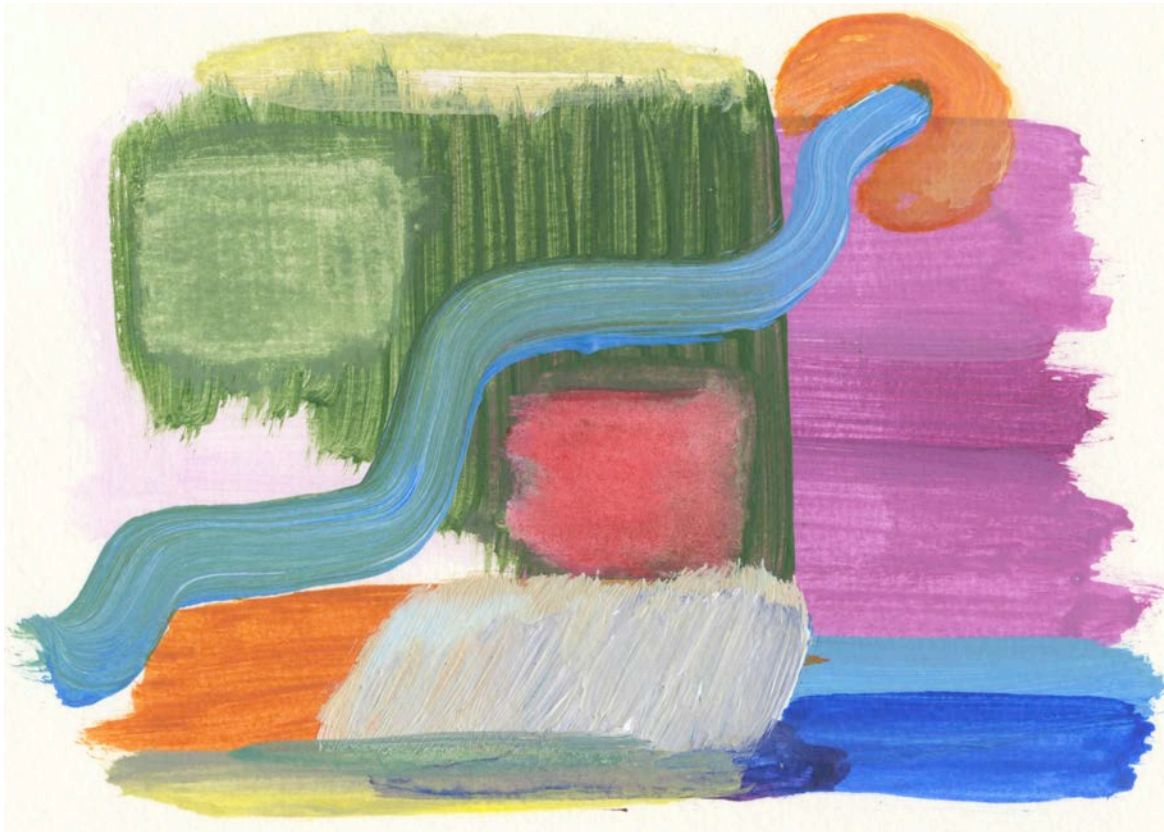


Transnationality, Citizenship, and Identity in Theory and Practice



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Holly Jordan, Christian Matheis, and Sascha Engel, Editors

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EDITOR'S INTRODUCTION

Transnationality, Citizenship, and Identity in Theory and Practice

The editors of *SPECTRA: The ASPECT Journal* are pleased to announce the publication of Issue 2.2: Transnationality, Citizenship, and Identity in Theory and Practice. The chosen theme of this issue stems from the 2013 ASPECT Graduate Conference, held March 22-23, 2013 at Virginia Tech. We are pleased that Eliana Barrera (University of Warwick, UK) and Frederike Vetter (University of Konstanz, Germany) submitted their paper from this conference for publication in this issue. In addition to their submission, we are also delighted to have this issue feature work from students and faculty associated with the ASPECT program at Virginia Tech.

This issue features original essays, book essays, and artwork by our contributors, all on the theme of transnationality, citizenship, and identity in both theory and practice. Our goal was to publish an issue that not only addressed these global issues but also put forth solutions and suggestions for work in these areas.

In the opening contribution, Eliana Barrera and Friederike Vetter's "Systemic Deficiency: Legal Standard Setting and its effect on the individual in the European Asylum System," the authors engage the question of the European border system, an intricate network of political boundaries whose formally fleeting nature is supplemented, as they argue, by the material violence it nevertheless inflicts. Barrera and Vetter analyze the European border not as a static geographical line, but as a bureaucratic, legalistic, and above all convoluted set of practices extending across European nations, frequently sacrificing human rights of refugees on the altars of state sovereignty and bureaucratic expediency. In analyzing this particular form of violence, Barrera and Vetter traverse discourses on human vulnerability as well as legal frameworks of - and against - European state sovereignty.

Katharine H. Cross's "Insecure Lives, Excluded Bodies: Haiti and Transnational Displacement" explores the position of Haiti within transnational relations, asking why Haiti and Haitians have not been part of the conversation on human rights since its founding. Haiti's infrastructure and economic problems add to their inability to attain productive international relations. These systemic problems have led to exploitation by other countries and aid programs. Her piece fits into the current conversation on refugees and security studies, calling upon writers including Schuller, Buck-Morss, and Malkki to support her arguments.

In his essay "The Subject of Governance," Francois Debrix alerts discourses on governance to an aspect they, as he argues, frequently neglect. Challenging the view of governance as political technology, Debrix squarely places the emphasis of his interrogation onto the bodies and spaces through which governance operates. In an engagement with Foucault's interpretation of governance as governmentality, Debrix argues against recent attempts to describe governance as wholly negative, or repressive power. Instead, he argues that governance works through governing subjects in governing themselves, thus opening up lines of political contestation not confined to simply rejecting governance outright.

Jamie N. Sanchez's "Cultural Colonialization: The Displacement of Mongolians in Inner Mongolia" analyzes the process of urbanization in China as linked to the emergence of displaced populations of Chinese Mongolians in Inner Mongolia. In what she refers to as "cultural colonization," Sanchez explores how Mongolians are displaced from their places of origin into new urban centers, leading to a decreased use of their Mongolian language. Her analysis includes the works of Foucault, Schmitt, and Agamben in addition to Said and Malkii.

In addition to these essays, we present to you two book essays. Komal K. Dhillon's "Can the Global Transmit the Local for Diaspora?" reviews Arjun Appadurai's *Modernity at Large: Cultural Dimensions of Globalization*, exploring the ways Appadurai argument that mass migration and media combine to force us to question our understanding of the nation-state. Dhillon challenges his theories, questioning both whether Appadurai engages enough with the hegemonic structures information our media images and whether Appadurai analyzes the function of the imagination within social life effectively.

Our second book essay, "Antebellum Fantasies and Southern Legacies: Memory and Sex in Turn of the Century New Orleans" is presented by Taulby Edmondson's and reviews Emily Epstein Landau's *Spectacular Wickedness: Sex, Race, and Memory in Storyville, New Orleans*. His analysis notes the importance of Landau's study of memory within Storyville, lacking in many other histories of this period. Additionally, Edmondson questions Landau's lack of examination of women's motivations for engaging in prostitution in New Orleans.

Finally, we present a painting done by Melissa R. Schwartz specifically for this issue, entitled "Fringes and Interiors: Transverse and Ascending." In her own words, she describes how she uses shapes, colors (and white space), and textures to portray the obscure, yet specific nature of borders.

We urge you to give feedback on the articles present on our website, entering into the conversation on transnationality, citizenship, and identity with us. Furthermore, as you read the range of essays addressing contemporary intellectual discourse in terms of crisis, context, modernity, and myth please consider contributing to future issues of *SPECTRA*. We encourage a broad range of conventional and creative contribution in a variety of formats, including articles, book reviews, essays, interviews and other works in addition to original multimedia pieces, including podcasts, digital videos, internet-hosted texts, artwork, comics, and photography. Finally, we welcome inquiries about the journal at any time.

“Systemic Deficiency”: Legal Standard Setting, Human Rights, and Its Effect on the Individual in the Common European Asylum System

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Abstract: By looking at two judgments adjudicating Dublin-II-removals to Italy and Greece, this paper finds that setting the standard of “systemic deficiency” as a test in order to stop removals to countries within the Common European Asylum System is demonstrative of a clash between the sovereign interest and the human rights of asylum seekers and refugees. Drawing from Judith Butler’s concepts of ‘vulnerability’ and grievability’, law and rulings will be placed on a broader socio-political context. Through the standard of “systemic deficiency” a hierarchy of suffering based on “grievability” is created. “Systemic deficiencies” thereby impact local suffering and thus the lives of individual asylum seekers and refugees.

Legal debate tends to often be reserved for lawyers and law scholars. Through our paper, we aim to broaden the scope of legal analysis by recognizing the value of analyzing legal frameworks from the perspective of the humanities and social sciences that underlie its reasoning. We thus aim to present a theoretical insight into the debate around law and asylum and so provide an integrated legal analysis, researching the material conditions of refugees and asylum seekers in Italy and Greece. By doing so, we hope to reach a broad audience, opening legal analysis up to scholars of neighbouring disciplines.ⁱ

1. Introduction

Since 1999, the European Union (EU) has been working towards establishing what it termed the Common European Asylum System (CEAS). Working under the assumption that all EU member states have a shared responsibility to “welcome asylum seekers in a dignified manner,”ⁱⁱ the aim of the CEAS is to ensure that asylum seekers are treated fairly and that cases

are examined according to uniform standards; thereby ensuring that the outcomes of applications for asylum are independent from the state in which they are lodged.ⁱⁱⁱ Within the system, all member states are regarded as constituting safe countries in respect to each other. This has been stated in the Treaty of Amsterdam, which laid the foundation for the Dublin Regulation.^{iv}

The Dublin Regulation establishes the criteria and mechanisms for determining which member state of the EU is responsible for examining an application for asylum lodged in one of the member states of the EU by a third-country national.^v According to this regulation, third-country nationals within one member state can be removed back to the first EU member state they entered. Once an asylum seeker has lodged an application in one of the member states, his or her fingerprints are saved in the EURODAC database, which makes it possible to trace the movement of refugees and asylum seekers, allowing other countries to know whether an applicant has lodged a previous claim for asylum elsewhere and if so remove him or her to the respective member state. A further Council Directive defines the minimum standards on procedures for granting and withdrawing refugee status in member states.^{vi}

As Greece and Italy share borders with non-EU countries, they are a point of entry into the EU for many incoming asylum seekers. Being member states of the European Union, both countries have to abide by the aforementioned regulations: they are regarded as constituting safe countries, providing the same access to asylum as other member states and upholding the minimum procedural standards. Yet recent reports testify that there are insufficient conditions for asylum seekers and refugees in both countries. Against this background, asylum seekers who reside in other EU countries, but have passed Italy and Greece as first safe country, objected and appealed against their removal to these countries.

This paper looks at law from a broader perspective that sees its development as set within a political and theoretical framework. It examines the role of law and courts as administrators of levels of suffering, drawing from Judith Butler's concepts of "vulnerability" and "grievability", with specific regards to the standard of "Systemic deficiency" within the Common European Asylum System.

Two cases will then be examined: *EM (Eritrea) and others v. The Secretary of State for the Home Department [2012]* (E.M. herein after), regarding returns to Italy, and the European Court of Justice's (herein after ECJ) ruling of *N. S. v Secretary of State for the Home Department and M. E. and Others v Refugee Applications Commissioner and Minister for Justice, Equality and Law Reform [2011]* (N.S. herein after) regarding returns to Greece.

The paper will then focus on the setting of the overall standard of "systemic deficiency" regarding the conditions of an asylum system of a country of first entry into the European Union as a way to determine whether removals from other member states to this country of first entry are justifiable or not. Whilst the standard of "systemic deficiency" was considered met and lead to the withholding of returns to Greece, the standard was not considered met in the case of Italy. Evidence attesting conditions in Italy will be presented.

Through an analysis of the standard of "systemic deficiency", this paper will enquire into why and how the classification of such standard impacts asylum seekers, shedding light onto the relationship between law, rulings, sovereignty and human rights, concluding with a call for special attention to upholding standards of humanity, and human rights.

2. Vulnerability, Grievability and Human Rights

In her book *Frames of War. When is Life Grievable*, Judith Butler discusses the process of the devaluation and grievability of life.^{vii} She defines life by its inherent precariousness and argues that life is only grievable if it is recognized as life. Hence, one has to look at the conditions under which it becomes possible to apprehend a life or a set of lives as precarious, as well as those conditions that make it less possible, or even impossible.^{viii}

Butler argues that one is not born and later becomes precarious, but that precariousness is inherent in life itself. Survival is dependent on what Butler refers to as the “social network of hands.”^{ix} Since life is precarious from the start and since a living being may die, it is necessary to care for that being, so that it may live.^x Hence, precariousness implies living socially, which means that one’s life is always in the hands of others. At the same time the life of others, known or unknown, is always in our hands.^{xi}

The recognisability of the precariousness of life and thus of life itself is dependent on frames.^{xii} Butler argues that such frames are operative in imprisonment and torture as well as in the politics of immigration.^{xiii} It is according to these frames that certain lives are perceived as such while others, though apparently living, are not perceived as lives and hence as less valuable.^{xiv} Through racism, which changes our perception and way of perceiving, iconic versions of populations are produced.^{xv} The loss of these iconic versions of populations is “grievable”. According to Butler, the differential distribution of “grievability” across populations has implications for why and when we feel politically consequential affective disposition such as horror, guilt, righteous sadism, loss and indifference.^{xvi}

Precariousness is closely connected to precarity.^{xvii} While precariousness is inherent in life itself, precarity is a condition that is produced by political decisions impacting the access

certain populations have to social and economic networks of support. The relationship between precariousness and precarity is mutually enforcing. It is also at the same time a material and perceptual issue, because those whose lives are considered non-grievable are exposed to exclusion, injury, violence and death to different degrees of suffering.^{xviii}

The exclusion of the non-citizen as one of the paradoxes of Human Rights was first addressed by Hannah Arendt who identified that the Universal Declaration of Human Rights, by declaring the protection of the rights of man as those of the citizen, implied that the non-citizen did not constitute the subject of Human Rights.^{xix} For Rancière, the link between human life and the political sphere opens the door to the very conception of the non-citizen as non-human. So, Rancière's critique to Arendt is that "The Declaration of Rights states that all men are born free and equal. Now the question arises: What is the sphere of implementation of these predicates? If you answer, as Arendt does, that it is the sphere of citizenship, the sphere of political life, separated from the sphere of private life, you sort out the problem in advance. The point is, precisely, where do you draw the line separating one life from the other? Politics is about that border. It is the activity that brings it back into question."^{xx}

Though not the focus of this paper, one could argue that it is the precariousness that human beings share that constitutes one of the things that makes all humans equal. If all humans are equal, human rights should be the minimum criteria on which legal standard setting should be built. The line that delimits who is "other" is very thin and fragile, as those that could become a risk to the majority of the population can vary according to political contingency, which is now focused on the limiting of migration.^{xxi} This means that protecting those who are the most vulnerable implies the protection of society as a whole.

As was earlier exposed, Butler argues that life is only grievable if it is recognized as life. It is the recognisability of such life, the imposition, use and potential change of these “frames” that is political. In the case of law, its role would be to uphold such work carried out by politics, for better or worse, depending on the politics it institutionalizes. It is to this upholding of the political by law in the case of asylum that we turn to now, looking at removals to Italy and Greece within the European asylum system.

3. Removals to Italy and Greece: A question of Legal Standards and Evidence

3.1 E.M. (Eritrea) & Others v the Secretary of State for the Home Department.

On 17th October 2012, the civil division of the UK Court of Appeal adjudicated on the case between *E.M. (Eritrea) & Others and the Secretary of State for the Home Department [2012]* which had previously been adjudicated by the Administrative Court of the High Court of Justice. All appellants had fled to Europe, arrived in Italy and later travelled to the UK. The cases of each of the appellants differed in that some appellants had either applied for asylum and received refugee status in Italy and subsequently made their way to the UK, whereas others had gone through Italy without claiming asylum and did so after having arrived to the UK. All appellants were appealing against removal to Italy from the UK.

The appellants argued that the Italian asylum system was in such condition that their removal to Italy would result in them being subject to inhuman or degrading treatment. The Secretary of State for the Home Department on the other hand, decided for each case that the appellant's claim was unfounded and thereby enabled the issuance of removal directions.^{xxii} Hence, the Court of Appeal decided over the question of whether removals to Italy, the EU member state of first entry in this case, would amount to putting the appellants at risk of being

subject to inhuman or degrading treatment as stipulated in Article 3 of the European Convention of Human Rights.^{xxiii}

Although a large amount of evidence was presented by the appellants showing that “a very real risk of destitution”^{xxiv} awaited upon return due to the Italian asylum system being dysfunctional in large parts, the judgement was adamant in that the presented evidence was not enough to prove a likelihood of suffering inhuman or degrading treatment. The Court ruled that they were bound by the standard established by the Grand Chamber of the ECJ’s judgment in *N.S.*^{xxv}

N.S. adjudicated removals to Greece and sets the standard of “systemic deficiency” as a way to determine under which conditions the presumption of compliance to the minimum standards on procedures in member states for granting and withdrawing refugee status was rebuttable.^{xxvi} If “systemic deficiencies” amount to substantial grounds to believe that an asylum seeker would face a real risk of being subject to inhuman or degrading treatment, removals would not be allowed.^{xxvii}

In *E.M.* this was interpreted in such a way that removals could not be stopped if an appellant is facing an individual risk of being affected by flaws of the reception conditions and asylum procedure and is subject to inhuman or degrading treatment. Removals would only be objected if deficiencies are systemic, or a manifestation that an asylum system is internally flawed and thus an unsustainable system.

In *N.S.*, which referred to removals to Greece, the ECJ referred to the judgement of *M.S.S. v Belgium and Greece [2011]* (herein after *M.S.S.*) by the European Court of Human Rights (herein after ECtHR).^{xxviii} In *M.S.S.*, the ECtHR took into account the regular and anonymous reports of international non-governmental organisations attesting to the practical

difficulties in the implementation of the CEAS in Greece. It also took into account a correspondence sent by the UNHCR to the responsible Belgian minister and reports by the European Commission on the evaluation of the Dublin System and the proposals for recasting Regulation No 343/2003 in order to improve the efficiency of the system and the effective protection of fundamental rights.^{xxix} The ECtHR came to the conclusion that the extent of the infringement of fundamental rights in Greece showed a “systemic deficiency” in the asylum procedure and in the reception conditions of asylum seekers.^{xxx}

While the judgement of *N.S.* found “systemic deficiencies” in Greece, *E.M.* did not find “systemic deficiencies” within Italy’s asylum system. Furthermore, the latter judgement relies on evidence to argue that the standard is not met and makes explicit comparison to the case of Greece. Referring to the UNHCR’s “Recommendations on Important Aspects of Refugee Protection in Italy” (UNHCR 2012),^{xxxi} *E.M.* states in its paragraphs 50-51 that while UNHCR’s report points out a number of concerns about Italy’s inability to cope with sudden influxes, uneven quality provision and care offered for vulnerable groups, these do not suggest that the asylum system is systemically deficient in contrast to the reports on Greece.^{xxxii}

Destitute and inhuman living conditions were for example attested by the appellant *A.E.* of *E.M.* After having received refugee status in Italy, *A.E.* was sent to a city in Tuscany, where she and others, men and women, were given accommodation in crowded and unsanitary premises, which they had to vacate during the day. *A.E.* was given food vouchers that ran out, leaving her dependent on charitable handouts. The accommodation was withdrawn after three months. Subsequently, *A.E.* lived in cramped accommodation shared with men for some time, before she left Italy and made her way to the UK from where she was returned back to Italy.

Upon return, A.E. lived found herself destitute in Milan. She lived in a squat, was repeatedly raped, had no money and relied on charity for food.^{xxxiii}

The judgement takes the reports presented as evidence by the appellants into consideration, yet it asserts that although the totality of the evidence about Italy is “extremely troubling and far from uncritical”^{xxxiv} it does not amount to a “systemic deficiency”, considering the evidence submitted by the Home Secretary, which attests the processing of asylum applications, the reception, accommodation and support system for asylum seekers and refugees. It is thus relevant to examine the conditions of the asylum system in Italy.

3.2 Living conditions of asylum seekers and refugees in Italy

The reception conditions, asylum procedures as well as the living conditions of asylum seekers and refugees in Italy are indeed highly troubling. In a report following a visit to Italy from 3rd to 6th July 2012, the Commissioner for Human Rights of the Council of Europe, Nils Muižnieks, commented on the reception conditions for newly arriving asylum seekers and highlighted a number of shortcomings. These included the existence of different types of centres, variability in standards and the effects of a sudden increase in capacity under the North African emergency framework.^{xxxv}

According to Muižnieks, especially the conditions of administrative detention in identification and expulsion centres (CIEs) give reason for concern. These concerns are corroborated by the findings of Iyengar et al,^{xxxvi} by the European Council for Refugees and Exiles,^{xxxvii} as well as by the UN Special Rapporteur on the Human Rights of Migrants, who pointed out that arbitrariness of decision making, insufficient medical care, lack of access to lawyers and NGOs and poor facilities and a lack of proper activities added to detainees’ frustrations.^{xxxviii} The Commissioner for Human Rights of the Council of Europe encouraged Italy

to replace the existing framework with an integrated, unified reception system, capable of responding to fluctuating needs and affording the same quality of protection everywhere in Italy.^{xxxix} Insufficient reception conditions in Italy were also attested by the appellants in paragraphs 16-17 of *E.M.*

In addition to the reception conditions, asylum procedures in Italy also give reason for concern. While the Commissioner for Human Rights of the Council of Europe expressed serious concern about the excessive length of court proceedings in Italy, the UN Special Rapporteur on the Human Rights of Migrants especially pointed to Italy's bilateral cooperation and readmission agreements with Libya, Egypt and Tunisia.^{xl} According to the Special Rapporteur and Amnesty International, these agreements often did not appear to respect human rights.^{xli}

The bilateral re-admission agreements between Italy and both Egypt and Tunisia exemplify this statement. Although these agreements enabled a speedy processing of applications, the Special Rapporteur pointed out that Egyptians and Tunisians were often held in ad hoc temporary facilities or in airport detention facilities that were not systematically accessible.^{xlii} Furthermore, the short time frame disabled proper identification of all potential protection needs, such as age assessment, claims for asylum and other vulnerabilities.^{xliii} In order for all migrants to have full access to the asylum procedure, Muižnieks urges the Italian authorities to provide systematic training for relevant officials, e.g. border control agents.^{xliv}

Besides poor reception conditions, insufficient access to the asylum system and questionable asylum procedures, the living conditions of refugees in Italy are concerning. Elisabetta Povoledo describes life in 'Salaam Palace', an abandoned university building at the outskirts of Rome, now inhabited by 800 refugees, and gives an example of the destitute conditions that refugees in Rome are living in.^{xlv} According to Povoledo, Italy has approximately

The evidence which has been described above raises serious questions not only about the type of evidence that is considered valuable in court and about conditions in Italy. It also raises serious questions as to the interpretation of “systemic deficiency” which led to think that such evidence did not amount to the required standard that was voiced in *E.M.* (2012). While both judgments attest insufficient conditions for both the Greek and the Italian asylum system, only future removals to Greece are prevented. Addressing these questions, “systemic deficiency” will be explored in greater detail.

4. “Systemic Deficiency” – Its Clash with Human Rights

So far, it has been established that “systemic deficiency” entails a shift from looking at the risk of human rights violations of an individual towards a stricter standard. Theoretically, “systemic deficiency” as a standard implies that various flaws that cause an individual risk to a human being within the asylum process have to reach a point of becoming conceptually one flaw that makes the whole system deficient. It could be argued that this means that firstly, one serious detrimental event or flaw in the asylum system of a member state would not be enough for the standard to be met; it would have to happen to a mass of people rather than some people. Secondly, the systemic flaws would have to be sustained for a substantial amount of time, within various locations and such risk must arise from an institutional flaw rather than from abuse by some individuals in positions of power, such as guards, or asylum officers.

Because *N.S.* followed *M.S.S.*, the irrefutable presumption that a member state of the EU will follow minimum standards because of being a member state is disregarded.^{xlix} Yet the starting point of the interpretation of *E.M.* is the assumption of the existence of trust in the overall CEAS and practices of the individual member states based on the Amsterdam Treaty.^l Although we have seen that this premise is not backed up by evidence of reception and living conditions of asylum seekers and refugees, it is an assumption that is part of the public and political discourse and must hence be taken into account when understanding the strict interpretation of “systemic deficiency.”

Interpreting “systemic deficiency” as a strict standard, which entails going beyond evidence of individual risk to inhuman and degrading treatment, contradicts the rationale of human rights. The standard emerges out of the need to safeguard those who are removed. It would thus not be logical to interpret the standard in way that would ignore the very right which it

is designed to protect. Indeed, Costello argues for the need of making this standard part of the assessment to see whether a person that will be removed is at risk.^{li} As Costello puts it “Article 3 ECHR risk is no greater or lesser for emerging from systemic or non-systemic deficiencies.”^{lii}

This interpretation is backed up by the rest of the wording of the requirement to prohibit removals. The requirement is for “systemic deficiencies” to amount to substantial grounds for believing that there is a real risk of inhuman or degrading treatment. The requirement of a “real risk” which could affect a person in a non-systemic way, together with such risk being of inhuman or degrading treatment, points towards a greater value of the protection of the human rights of those affected by systemic deficiencies.

Yet *N.S.* restricts asylum seekers’ and refugees’ access to protection by, for example, establishing that preventing a removal did not mean that there was a responsibility on the state to deal with the asylum claim.^{liii} This indeed limits access to protection in order to prevent the interests of individual states. It seems that these judgements are demonstrative of a clash between human rights and the interest of sovereignty.^{liv} As Pirjola states “[t]he objective of the EUs asylum policy is then reconciling the universal interest of asylum seekers as stated in the EU policy documents with the particular interest of the EU or its member states.”^{lv} This balance is not reflected in the two judgments under consideration.

The Lisbon Treaty makes the EU Charter of Fundamental Rights binding. Article 52.3 of the Charter stipulates that the ECHR serves as the minimum standard to be applied in those rights that are stipulated in the Charter and also on the ECHR.^{lvi} This is the case of Article 4 (not to be subject to inhuman or degrading treatment) of the Charter, which corresponds to Article 3 of the ECHR. All this would point to the incorporation of individual inhuman or degrading treatment as the standard by which to stop a removal.

Thus, through the strict interpretation of the standard of “systemic deficiency”, rights protection as a concept is being redefined and cut in the interests of state sovereignty, making Dublin II mainly an “administrative tool.”^{lvii} This movement away from universal human rights is part of a larger context that is shaped, among other things, by law and rulings. Recent reforms of the Dublin Regulation include incorporating the standard of “systemic deficiency” as a way to measure deficiencies in conditions that risk inhuman or degrading treatment.^{lviii}

A process of classification takes place through the setting of this standard. Classification delimits what qualifies as a “systemic deficiency”. Although this might seem as a move towards mere classification analysis, these assertions are very much linked to reality. Indeed, when we talk about an incident or single event we are talking about individual incidents of detrimental treatment of human beings.

By requiring the standard of a “systemic deficiency” to be met, individual suffering, or local, non-institutionalized abuse of power loses its relevance. A process of homogenization takes place and individual suffering is only counted when it is part of a larger incident; a “systemic deficiency”. In order for there to be a “systemic deficiency”, the suffering of a group or population must take place. Thus, the setting of a standard involves defining refugees as a mass of people to which negative incidents have to happen, in order for the standard to be applied.^{lix}

The standard of “systemic deficiency” divides suffering into different categories and thereby creates a hierarchy of suffering, according to the number of incidents, the seriousness of incidents and the territorial distribution of such incidents. By doing so, suffering of some asylum seekers and refugees is recognised as grievable. This is the kind of suffering which is supposed to be avoided and eventually prohibited by the judgements in *N.S.* and *M.S.S.* In

contrast, the suffering of other refugees and asylum seekers is not deemed grievable as it is not considered as being caused by “systemic deficiencies”. Thereby, these individuals, such as the appellants in *E.M.* are vulnerable to being again exposed to their previous suffering. The standard of ‘systemic deficiency’ is therefore an insufficient standard from a Human Rights perspective.

Legal standards are useful as they allow legislating and ruling for the general population, rather than to particularities. It would be very hard to provide legal standards that answer every single case. It is legal standards that are used in order to apply to individual cases. Yet as we have before mentioned, it is the basis on which this categorization is made that produces the vulnerability of human rights. “Systemic deficiency” acts as part of the immigration “frame” through which the individual lives of asylum seekers and refugees are considered less grievable, increasingly as the refugee discourse shifts from protection to “a language of threats to the security of states.”^{lx}

Refugee law and rulings have played a big part in shaping and forming the concept of the refugee and towards the reproduction of truth on refugee matters which is authoritative.^{lxi} This means that rulings have a prolonged effect, beyond precedent in historical and political terms. This interaction is not recognized by a non-contextual approach to law.

Practices such as the detention of refugees and asylum seekers and their destitution, which are not considered systemic, contribute to the idea of devalued human life, incapable of deserving state support. As we have mentioned before, the setting of a standard of “systemic deficiency” provides an authoritative conceptualization over the administration of suffering, delimiting what is part of such concept and what is not.^{lxii}

If we go back to the clash between universal human rights and the interest of sovereignty, then we can observe a clash between the sovereign population of the member state and the asylum seeking/refugee population. This clash is resolved through techniques that keep the member state population “safe”. Detention centres and the lack of the right to work are particular examples of such techniques.^{lxiii} Thus, techniques, such as local mistreatment of refugees and asylum seekers, together with the homogenization of suffering through a classification which is not based on human rights standards, make individual suffering less visible as well as seemingly protecting the member state population. Local practices of dealing with asylum seekers and refugees allow for the normalization of suffering. Once such normalization exists, legal enforcement interacts with it, producing a co-dependent relationship of legitimization.

5. Conclusion

This paper set out to explore the standard of “systemic deficiency” to understand how it impacts individual asylum seekers, through the relationship between policy, law and rulings and the individual, in the judgements *E.M.*, *N.S.*, and *M.S.S.* The standard of “systemic deficiency” manifests a shift towards viewing of the asylum seeking population as less “grievable”. Consequently it was shown, how setting the standard of “systemic deficiency” divides suffering into different categories and thereby creates a hierarchy of suffering. By doing so suffering of some asylum seekers and refugees is recognised as grievable. An analysis of the rulings illuminated how the law influences the life of individual asylum seekers and refugees, highlighting the role of rulings within the wider social context of the reproduction of social realities.

It was also observed that evidence of conditions in Italy point to abuses which question the evidentiary evaluation of *E.M.* Furthermore, the standard of “systemic deficiency” entails a shift from looking at the risk of human rights violations of an individual towards a stricter standard which is not based on human rights.

The role law and rulings play in resolving the clash between human rights and sovereign responsibilities and interests becomes clear. The standard of “systemic deficiency” divides suffering into different categories and thereby creates a hierarchy of suffering. By doing so, suffering of some asylum seekers and refugees is recognised as grievable. This is the kind of suffering which is supposed to be avoided and eventually prohibited by the judgements in *N.S.* and *M.S.S.*

In contrast, the suffering of other refugees and asylum seekers is not deemed grievable as it is not considered as being caused by “systemic deficiencies”. Thereby individuals such as the appellants in *E.M.* are vulnerable to being again exposed to their previous suffering. It is for the development of new rulings and the interaction of different courts to contest such vulnerability.

ⁱ This paper is an adapted version of the presentation “Systemic Deficiency: Legal Standard-Setting and Its Effect on the Local” discussed at the 2013 ASPECT Graduate Conference: “Border Crossings: Transnationality, Citizenship, and Identity in Theory and Practice”, Virginia Polytechnic Institute and State University. We would like to thank Professor Jason Weidner for his comments as our panel’s discussant, and Sascha Engel, our reviewer. Eliana Barrera would like to thank Orlando Lopez for his comments.

ⁱⁱ European Commission, “Common European Asylum System,” 2013.
http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/index_en.htm

ⁱⁱⁱ Ibid.

^{iv} European Communities. Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and related Acts OJ C 340, Amsterdam.

^v Council of the European Union. Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the member state responsible for examining an asylum application lodged in one of the member states by a third-country national. Brussels, 2003.

^{vi} Council of the European Union. Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in member states for granting and withdrawing refugee status. Brussels, 2005.

^{vii} Judith Butler, *Frames of War: When Is Life Grievable?* (New York: Verso, 2009).

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- viii Butler, *Frames of War* (New York: Verso, 2009), 2.
- ix Butler, *Frames of War* (New York: Verso, 2009), 14.
- x Ibid.
- xi Ibid.
- xii Butler, *Frames of War* (New York: Verso, 2009), 4.
- xiii Butler, *Frames of War* (New York: Verso, 2009), 24.
- xiv Ibid.
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- xvii Butler, *Frames of War* (New York: Verso, 2009), 25.
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- xxv N.S. (C-411/10) v Secretary of State for the Home Department and M.E. (C-493/10) v Refugee Applications Commissioner. 2011. C-411/10 and C-493/10.
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- xxx N.S. (C-411/10) v Secretary of State for the Home Department and M.E. (C-493/10) v Refugee Applications Commissioner. 2011. C-411/10 and C-493/10, paragraphs 87-890.
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Insecure Lives, Excluded Bodies: Haiti and Transnational Displacement

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Despite news coverage and renewed scholarly attention in the past few years, the nation of Haiti continues to struggle to improve its political, economic and social situation.

Humanitarian aid and international intervention have failed to make sustainable change over the past twenty years. In this paper, I seek to explore both the underlying issues in transnational relations that impede Haiti and the exclusion of Haiti and Haitians that has omitted them from the domain of human rights since the nation's inception. By 'exclusion,' I refer to the fact that Haiti has struggled to attain productive international relations and has repeatedly contended with exploitation by foreign governments. Over its history, Haiti has been shunned from international trade and politics, and yet other nations—most notable the United States—have coercively exploited Haiti's land and people. Even when other nations have claimed to aid Haiti, their practices have usually been extractive or self-serving. Presently, international aid has left Haiti with a shaky infrastructure and ruined economy. Haiti needs money and resources to build sustainable democratic government and economic foundations; its struggles echo its colonial past, and its challenges reflect issues suffered by many post-colonial nations attempting to move away from the vestiges of oppression.

The US rejection of Haitians reflects fears about invasion and security that recur in the Western imagination around displaced persons. In this discussion, I will use the term "displaced persons" to refer to both refugees who leave Haiti for the US and to those who are made homeless within Haiti, either by political conditions, war, or natural disaster. These two groups are related in the causes of their displacement and the way they are treated by governments and NGOs; therefore, I am discussing both in this paper based on these



commonalities, despite their many differences (I am in the process excluding the wealthy/elite minority of Haitians, many of whom live abroad already or can travel with much greater ease; i.e., who have options during times of crisis). Many refugees in camps would doubtless emigrate if they were able, and many Haitians who have sought asylum in the US would likely have stayed in Haiti if they could have done so safely. Displacement and asylum-seeking have both been caused by political turmoil, foreign incursion, and natural disasters, and both disproportionately affect the poor and marginalized of the nation.

I suggest that Haiti embodies the “insecurity” and silencing of its displaced citizens in the view of other states; as individuals can be rejected by officials, troubled nations can be minimized and excluded through humanitarian and political acts. To demonstrate this, I first review Haiti’s history in the context of postcolonial exclusion and oppression, delving into the long-term effects of colonialism and how they manifest in individuals’ lives. I go into some detail in recounting Haiti’s history in order to convey the full extent of Haiti’s exploitation by other nations and by a small hegemony of political leaders (in order to limit the scope and length of this paper, I do not address the positive agency, successes, and resistance of Haitians against oppression and hardship; such a perspective would be another paper’s worth, if not a book, of material).

After an exploration of Haiti’s history with the US and Europe, I discuss the modern-day effects of this colonialism, exclusion, and neo-colonialism. First, I examine the “body of the refugee”: the universalizing, silencing, and depoliticizing of displaced persons as subjects. Next, I discuss the issue of Western suspicions of real and potential refugees as they manifest in policy and popular imagination and how these suspicions manifest in treatment of displaced persons. This topic meshes with a discussion of the problematic side of humanitarianism, both



practical and theoretical. Although international humanitarian aid provides much-needed services, it also destabilizes, capitalizes on victims for its own agenda and undermines the discourse on human rights. “Charity” also contributes to the US trend of normalizing and excluding Haiti and other nations, appeasing any sense of guilt or obligation despite a failure to offer sustainable aid. The focus by the US and the international community on humanitarianism places the emphasis on altruism and optional or voluntary assistance to nations like Haiti, as well as to displaced persons. This framing distracts from the issue of widespread human rights violations, both by the nations that produce displaced persons and sometimes by the NGOs and nations that render aid. The narrative of failed states and displaced persons as unable to speak for themselves, along with the Western rhetoric of “freedom” and “progress” imparted by the US render Haiti and nations like it virtually unable to leverage their own agency and build self-sufficiency.

History: Colonialism & Oppression

It would be misleading and imprudent, as well as minimize Haitians’ agency, to directly blame or implicate the US and Europe in Haiti’s many difficulties. However, the correlations between colonizer/colonized, white/non-white, and West/Global South are visible in Haiti’s history, and the detrimental policies of the US and Europe are apparent. This exploration of Haitian history is meant to bring to the forefront the major themes and events regarding displacement and exclusion and to relate them to the present situation. As the only slave revolution to succeed in creating an independent state, Haiti holds a unique and symbolic place in history. The two-and-a-half centuries of oppression, struggle, and exploitation in Haiti are important to examine in order to understand Haiti’s current situation. To ignore its history, as

many popular media sources do, is to suppress the legacy of colonialism and to exculpate the US and Europe from any role in Haiti's problems.

The Haitian Revolution has been “rediscovered” by scholars in the past several decades as a topic of interest. As the only slave revolution to succeed in creating an independent state, it holds a unique and symbolically laden place in history. The French colony of Saint-Domingue, which would become Haiti, provided over 60 percent of France's colonial earnings during the eighteenth century, largely in sugar.ⁱ However, maintaining the highly productive system of plantations required a steady influx of African slaves throughout this time. Colonial rule included public torture, mutilation, and executions as punishment and discipline to prevent slaves rebelling or running away. There was a class of free people of color and mulattos who came to own land and wield power in the country; however, they were far removed from the slaves and the poor of the island. Thus, by the slave rebellion in 1791, the rural people of Haiti were accustomed to a life fraught with cruelty and precarity.ⁱⁱ

In the era of the French Revolution and the Enlightenment, how did the growing slave-driven colonial system reconcile with the concept of the “universal rights of man”? In order to cope politically and philosophically with this growing disparity, Europeans developed a rhetoric of “scientific” racism which grew in sophistication and legal elaboration through the eighteenth century.ⁱⁱⁱ In earlier times, Locke and Hobbes had proposed indenture and forced labor for the idle and criminal on the streets of Europe, and indentured servitude and convict labor were commonplace regardless of skin color; “freedom” and rights were reserved for those with land and assets.^{iv} However, by the mid-1700s, race became a determining factor in one's inherent civility, intellect, and character. By the turn of the nineteenth century, in the eyes of whites, the



Creoles and free blacks of Haiti were not equal to whites, and the slaves of Haiti were surely not deserving or, moreover, capable of self-governance.^v

Thus, the Haitian Revolution “entered history with the peculiar characteristic of being unthinkable even as it happened.”^{vi} The slaves’ revolt and fight for emancipation by the free people of color between 1791 and 1804 challenged the political and racial certitudes that allowed Europeans to continue the slave system—and, indeed, robbed France of a major source of its wealth.^{vii}

In the ensuing centuries, the Haitian Revolution would be “silenced”; outside of Haiti, it would not appear in accounts of history or politics. Those who did address it would make various claims: that it was inspired by whites and by the French Revolution, or that it was in any of a number of ways unimportant, irrelevant, or nonexistent. Its very nature, and the challenge it presented to the Western narrative of superiority, made it unacceptable. In recent decades (though truly begun with Haitian historian C. L. R. James’ *The Black Jacobins* in 1938), scholarship by both Haitians and Europeans/Americans has attempted to address the silences, the sources and lack thereof, around the revolution.^{viii} Such inquiries illuminate Haiti’s present and the role of other nations in its struggles.

Silences in history accrue: history is witnessed, communicated, written down, interpreted and ascribed significance. In order to give voice to silenced histories, one must reflect on the meaning of events.^{ix} The unprecedented events of the Haitian Revolution resulted in silences that would be replayed over the next two centuries. Through the nineteenth century, Haiti struggled economically and politically, encumbered by exclusion by the United States and Europe. France finally ended efforts to retake the country in 1825—and presented Haiti with a 150-million-*franc* indemnity.^x Haiti was bankrupt, so in order to begin paying France, it borrowed

Internally, Haitians were unable to remove themselves from the structure of the plantation system. In order to maintain the military and their own power, Haiti's early presidents needed to revive Haiti's economy and generate capital. To do this, Toussaint L'Ouverture reinstated the plantation system and coerced the freed slaves into continued labor. Fatton claims that due to colonialism, Haiti never achieved a stable government with citizens' interests at the forefront.^{xvi} This pattern resulted in leaders whose goals were short-sighted and self-interested. The legacy of a controlling elite was passed down to the light-skinned elite who had

Economic and political power in Haiti would continue to be sharply stratified by a socioeconomic structure based in colonialism.^{xvii} While some framed this as a holdover from an earlier system, an un-modern state, others such as Susan Buck-Morss assert that European capitalism was inspired by the Caribbean slave system; its ‘efficient’ methods would be reproduced in industrial settings throughout Europe over the next century and a half. Buck-Morss suggests that “What made colonial slavery modern was its capitalist form, extracting maximum value by exhausting for land and labor to fill an insatiable consumer demand” for sugar, rum, coffee and tobacco.^{xviii} The rest of the nineteenth century would see suppression of discourse about workers’ rights and enfranchisement throughout Europe and the US.^{xix}

By 1915, international financial investments in Haiti and the political turmoil of World War I allowed the United States to justify invading and occupying the country. The US replaced the Constitution, removing many individual rights, and placed the Marine Corps in charge of local government and administration as well as policing, lasting until 1934.^{xx} There was little question of the rationality of putting whole populations under the control of soldiers, many of whom were young, inexperienced, and brought up in racist environments.^{xxi} They implemented taxes on citizens and tariffs on goods, which disproportionately affected the poor. The US administration instituted *kovés*, forced labor crews, to build roads and other infrastructure projects. To acquire this labor, marines abducted peasants and the urban poor from their homes. They also applied laws against vagrancy and “magic” in order to give soldiers leeway to arrest individuals and sentence them to the *kovés*. These Haitian prisoners were forced to work tied together in gangs

under armed guard. They could be shot or tortured for trying to escape, and many died from malnutrition, disease, and abuse.^{xxii} From 1920 to 1921, the Senate held hearings based on reports of Marines torturing and executing Haitian peasants almost at random, yet, little reform resulted. Haitian resistance to this invasion persisted throughout; the Haitians persistently and creatively subverted marine control. However, the US experience in Haiti produced the image of Haiti similar to the nineteenth-century view of Africa: Haitians were docile, yet could become savage and murderous; they wanted to work, yet practiced “voodoo” and black magic. These depictions were published as pulp memoirs by marines and featured in popular culture from the 1920s onward, including the earliest “zombie” films.

Economically, the US displaced Haitian farmers to use their land and build large corporate complexes. Many Haitians who were not already forced to work turned to migrant labor to sustain themselves. These factors resulted in thousands of Haitians becoming internally displaced. The US occupation weakened Haiti’s infrastructure and undermined its self-sufficiency, both economically and politically.^{xxiii} Socioculturally, it demoralized and traumatized a generation of Haitians who spent twenty years unable to call their land or work their own.

From the 1930s to 1950s, Haiti’s government continued to work closely with the US and ceded further farmland for large-scale projects such as rubber plant cultivation. Such initiatives further displaced Haitian citizens and were by and large unsustainable and unsuccessful. In 1957, Francois Duvalier became president. His rule through 1971, and that of his son Jean-Claude Duvalier from 1971 to 1986, would be known internationally as one of authoritarianism and terror.^{xxiv} Although previous regimes had been far from democratic, the Duvalier era was particularly cruel and saw a massive rise in refugees fleeing Haiti. The international community, willing to exploit Haiti’s economic potential, staunchly ignored the political atrocities taking place.



The World Bank, USAID and other sources funded the corrupt government. “Papa Doc” Duvalier invested it in the *tonton makout*, secret police who killed over 30,000 Haitians. “Baby Doc” Duvalier promised to make Haiti “the Taiwan of the Caribbean,” bringing in US clothing factories. However, these factories would shut down by 2005 when the WTO re-opened the market on Chinese textiles, leaving thousands of Haitians unemployed.^{xxv}

Only when thousands of Haitians began seeking refuge in other nations, including many fleeing to Florida in boats, did any pressure come to bear on the Haitian government. From the early 1970s to 1980s, Haitians arriving on US shores were detained and most were quickly deported. Private interests put pressure on the US government, and by the early 1980s, the Coast Guard was being used to ‘escort’ Haitian vessels back to Haiti, preventing Haitian refugees from requesting political asylum. Despite some outcry over the potential illegality of this policy, it continued until the US/UN intervention in Haiti in 1994.^{xxvi}

In the mid-1980s, the US demanded that the Haitian government kill off the entire population of Haitian black pigs in order to reduce the risk of ‘swine fever’ (H1N1) spread. The native pigs were essentially the sole assets of many rural Haitians, so this initiative further impoverished them, soon compounded by reduced agricultural tariffs. The US then tried to introduce the American species of pink pig to Haiti, where it could not survive without expensive shelter and care.^{xxvii}

The US flew the Duvalier family out of Haiti in February 1986, at which point the military junta took over.^{xxviii} Despite the oppressive circumstances, a grassroots democracy movement developed, with priest Jean-Bertrand Aristide emerging as a presidential candidate in 1990, despite vocal US opposition. He was in office only 8 months when CIA- and International Republican Institute-funded troops staged a coup.^{xxix}

From then until 1994, Haiti experienced widespread violence and chaos committed by militias and criminals (*zenglendo*) surviving the Duvalier regime. Those who had created the grassroots democracy movement and supported the election of President Aristide in 1990 were systematically tortured, raped, detained, and murdered. The murders claimed up to 20,000 lives of government members and civic leaders. The US and the Vatican acknowledged the coup government as legitimate, despite the mass murders reported by organizations such as the Human Rights Watch.^{xxx} Tens of thousands sought asylum in the US, and 300,000 were internally displaced out of a total population of seven and a half million.^{xxxi}

During this period, NGOs and their assets were increasing exponentially. They began to supplant the Haitian government after 1995, when the Republican US Congress mandated USAID to fund only NGOs and not the Haitian government. Elite donors were able to manipulate funds toward anti-Aristide, anti-democratic forces. In 2004, with Aristide still in power, an “armed insurrection” wielding US-made M16’s took over the country. Their leader, Guy Philippe, claimed support from the US. The US ordered President Aristide’s personal security to stand down and escorted the president out of the country on a military airplane.^{xxxii} At this time, numbers of Haitian refugees surged again, but again the US detained and deported the vast majority of them, this time classing them as “economic migrants” and not “legitimate” political refugees.

Brazilian MINUSTAH forces arrived in 2004 to implement long-term “peacekeeping”. The next few years saw a dramatic rise in crime and unemployment as landlords and corporations rented their buildings at inflated prices to NGO staff and MINUSTAH troops. The 2001 Patriot Act led to American-born criminals with Haitian parents being deported to Haitian prisons—over 30 per month. Over 500 prisoners escaped the Haitian National Penitentiary in

February 2005; this is tied to the high rate of kidnappings that ensued, as many reported the kidnappers speaking English and targeting lower- and middle-class people with little to offer as ransom. Over 600 people were kidnapped in 2005.^{xxxiii}

The state of Haiti was brought back to the forefront of the US/European consciousness by the 2010 earthquake that devastated Port-au-Prince and the western side of the country. Approximately 810,000 people were relegated to IDP camps, 40 percent of which did not have clean water sources by 2011.^{xxxiv} 600,000 more Haitians migrated to rural areas, where environmental degradation limits their opportunity to subsist. Mass internal displacement and shaky infrastructure remain daily life for many Haitians.

Perpetuating Insecurity: The Body of the Refugee

Haiti's history has left scars on its landscape and its people. Ann Stoller refers to this as "imperial debris"; the alterations to environments, infrastructure, culture and individual lives under colonialism do not end with de-colonization.^{xxxv} Rather, without active change and discourse, they remain. Often, they perpetuate inequality among the former colonized, and the injustices of poverty, clientelism, and exploitation are passed on through generations. Haitian scholar Erica C. James describes the trauma Haitians have undergone, societally and personally, as "insecurity". This insecurity is "both an existential state reflecting the disordering of individual embodied experience and a collective sociopolitical condition the effects of which cannot be contained within national borders."^{xxxvi} It is an ontological concern for control over one's bodily, daily security and also one's communal, social life; a sense of vulnerability correlated with disrupted relationships, physical hardship, systemic violence, and postcolonial, postauthoritarian states.^{xxxvii} The experience of surviving the violence of the past several

decades, especially the early 1990s, deeply traumatized many Haitians. Additionally, as noted in Haiti's history, most of the people of Haiti live in poverty; it has no substantial middle class and a small politico-military upper class. Therefore, much of Haiti's population is vulnerable to crises and has few resources during such times—nor do they have access to health and human resources to ameliorate the state of “insecurity”. This insecurity often manifests both emotionally and physically, similar to post-traumatic stress disorder, and is an added burden to the many who struggle to support themselves and their families in the current economy.

These are the kinds of daily difficulties that displaced persons are already facing when trying to qualify for humanitarian aid or political asylum. When they approach international NGO officials or US immigration administrators, they then face a host of assumptions, stereotypes and expectations that have been created in the shared imaginary of agencies and Western nations.^{xxxviii} Liisa Malkki discusses the quandary of refugee “purity,” the state of unadulterated victimization or suffering that is subconsciously expected by officials.^{xxxix} If refugees are not visibly wounded or clearly impoverished, they are viewed as less “worthy” of aid. If an individual assert their agency, if their narrative changes or does not fit the “story” that an agent expects or is used to hearing, the refugee is likely to be rejected. Malkki explains that “All this added up... to the barely noticeable but nevertheless powerful constitution of the real or true refugee—an ideal figure of which any actual refugees were always imperfect instantiations.”^{xl}

Refugees and displaced persons thus inhabit a world in which they are expected to perform to this Platonic, ideal concept of “the refugee”. This very space is insecure: the terms ‘refugee,’ ‘asylum’ are “politically and epistemologically... field[s] of power.”^{xli} They denote protection, but also confinement and quarantine. Agents’ treatment of refugees perpetuates the state of insecurity they have already experienced, and agents fail to realize they do not ‘get the

answers they want' because of the environment they themselves engender.^{xlii} Those who 'screen' refugees and displaced persons convey to researchers^{xliii} that refugees' stories are barriers to "the facts": personal stories are "generally rejected by their administrators as too messy, subjective, unmanageable, hysterical—as 'just stories.'"^{xliv}

Theoretically, "stories" and narrative have gained increasing cachet in the past twenty years. However, questions of silence and representation go beyond questions about 'text' and 'discourse': these are voices of real humans whose futures and quality of life depend on whether they are heard.^{xlv} Yet often these voices are reduced to trivialities in issues of refugee policy. Trouillot, in writing about silence in Haitian history, observes that "the power to decide what is trivial—and annoying—is also part of the power to decide how 'what happened' becomes 'that which is said to have happened.'"^{xlvi} Those who saw or experienced an event are not by any stretch considered authorities or credible witnesses—when they are otherwise marginalized individuals. Similarly, in both the past and the present, Haitians have been excluded from writing and sharing their own version of events due to lack of literacy—first in French, now in English as well. Their own language, Kreyol, is often framed as a derivative or "pidgin" language.

Thus, in addition to a visual performance and producing acceptable narrative, displaced persons find that they are also trapped in silence. Internationally, Haiti has been silenced for over two centuries; its history, legitimacy and economy rejected by the US and Europe. Individually, Haitian and other refugees and displaced persons find that they are expected to perform visually and narratively—but never to express their own history and experience. In Western media, images of displaced and suffering people vastly outweigh any quantity of text quoting or describing them, although officials and "experts" are quoted talking **about** them.^{xlvii} Even the most well-meaning journalists and activists often reinforce subordination, unequal

boundaries, identities and subalternities.^{xlviii} From UNHCR's own *Refugees* magazine to TV news, over the past 50 years the cohesive image of the displaced person as an individual who is unable to authoritatively or reliably relay their own story to those who control their circumstances. The displaced cannot represent themselves or cannot be trusted to tell the truth—or even to know the truth. Experience of war, famine, and devastation are superseded by “expert” knowledge of official spokespersons.^{xlix} From the eighteenth through the twentieth centuries, Haitians have been represented by whites’ writing and images, usually (and similarly to Africans, etc.) as primitive, impoverished, diseased, superstitious, and otherwise suffering a lack of European civilization. The only authentic way they can present themselves is physically, as their words are disregarded and suppressed. Regarding the 2010 earthquake, James states, “the biomedicalization of social, economic, and political insecurity appears to be one of the few means by which Haitians receive political recognition.”^l

Silencing goes hand-in-hand with another process: dehistoricizing. Through their treatment by governments and NGOs, refugees are relegated to an extra-political, extra-national limbo, where their agency and humanity are limited.^{li} The absence of voice and individuality given them by the media reduces them to universalized figures. They are compelled to trade their autonomy or their life’s context for aid.^{lii} Displacement and asylum “leach the histories and the politics of specific refugees’ circumstances. Refugees stop being specific persons and become pure victims.”^{liii} These victims, having no pasts, also have no political perspective. This serves humanitarian agendas, as many governments and NGOs maintain neutrality and eschew political activism or opinion. Refugees must be an apolitical body, accepting of aid and silent about their experiences, in order to minimally disturb the process of “politics as usual” in the

world outside. Humanitarianism itself, in order to continue, is at odds with refugees' historicity and political existence.

Further regarding silencing and Haiti, Buck-Morss observes, "Something in the official order... contradicts its own sense of moral right. But because the authorities who speak for the whole tolerate, practice, and benefit from it, this order continues. The truth, available to conscious perception, is at the time 'disavowed'..."^{liv} Trouillot too asserts that this process of silence is not incidental or haphazard; it is an active process imposed on individuals who understand or embody events that cannot be accepted by those in power.^{lv} Silencing is "a major reason why these agencies [NGO's] fail in places like Haiti... Haiti's decline [is] the result of collusion between local and foreign elite groups."^{lvi} Haiti, geographically and historically so close to the United States, still contains stories and histories that the US does not wish to acknowledge. (It is, then, perhaps less surprising that refugees even farther in space and culture from the US can be so easily put out of mind, e.g. Rwanda and Burundi, Sudan, where the combined death toll exceeds that of the Holocaust).

U.S. Security & Suspicion

The silencing of refugees and of Haiti is somewhat paradoxical or ironic in light of the vast amount of money, time, and effort that have gone into international aid, intervention, journalism, politics and administration. If refugee aid and policy are not meant to facilitate refugees' agency, why does the US continue to address this issue in the same way?^{lvii} There are two overlapping issues here: one, that of US exceptionalism; and two, that of insecurity in the US imaginary.

Buck-Morss suggests that the current US-European discourse on human rights parallels the Enlightenment theories on slavery; “political collectivities proclaim themselves champions of human rights... then deny these to a whole list of enemy exceptions... death and destruction legitimated by reason or progress.”^{lviii} Similarly, Trouillot claims, “Built into any system of domination is the tendency to proclaim its own normalcy. To acknowledge resistance as a mass phenomenon is to acknowledge the possibility that something is wrong with the system.”^{lix} Inherently tied to US actions violating the rights of Haitians, both in Haiti and as asylum-seekers, is the US’s sense of a right to do so, to disregard its own law when it pertains to certain people and then to assert that there is no contradiction.^{lx} Furthermore, out of anxiety, the US is compelled to do so; secure nations, in seeing nearby states as ‘unstable’ or ‘failed’, “adopt modernist discourses of ‘nation-building- to justify interventions to restore order.”^{lxi}

Papastergiadis frames this anxiety as the “invasion complex,” a collage of “associations woven between deep vertical fears based in historical racism, and wide-open horizontal anxieties around globalization and the nation-state’s failure to control global flows.”^{lxii} As discussed above, the history of Haiti is linked with the history of the US’s enlightenment philosophy of freedom and equality, and with its history of slavery. There is at once a discourse about slavery and racism in the US, and at the same time a suppression and relegation to the past.^{lxiii} The USA and Haiti share this centuries-old “vertical” fear as well as the tension of the “flow” of refugees. The national imaginary perceives a threat from globalization, from subversive or uncivilized immigrants and refugees “invading” or “overwhelming” the United States, “taking” jobs and eroding public values. In crossing borders, refugees become suspect and disorderly beings.^{lxiv} In order to allay this exaggerated fear of the refugee-as-Other, the state constructs stronger boundaries (material and psychological) and often becomes

aggressive—while projecting aggression onto the refugee. Any resulting violence that victimizes the refugee is denied by the perpetrating state; furthermore, the intrinsic humanity and human needs of the refugee will be denied to maintain the collective imaginary boundary between “us” and “them”.^{lxv} Thus, the very time when a people experiencing insecurity most need asylum is also the time when they are most likely to be regarded with suspicion and mistrust. The most desperate political refugee may become the most likely to be labeled an “economic migrant” and deported due to their very need to breach boundaries.^{lxvi}

Asylum-seekers and those who receive aid must also assuage US fears by meeting nebulous criteria of neo-liberal democratic, capitalist ideals. Espousing and expressing gratitude for these ideals brings the ‘insecure,’ suspicious state back into the realm of security.^{lxvii} Mimi Nguyen critiques the subjectification imposed by the US through “the gift of freedom.” This ‘gift’ is the outcome of intervention into violent or chaotic states; these states are ‘given’ a particular type of liberation—and told by the US and others that it is liberation. International intervention and aid are similarly related to the “civilizing mission” of colonialism and the “gift of freedom”; these are methods of rejecting guilt or blame for resource extraction, domination, and human oppression. “Liberal empire claims an exception to wage war, and to pardon its own crimes.”^{lxviii} The newly “freed”, civilized or aided nation is thus indebted to its savior(s)—a debt it cannot hope to repay. The displaced are the anomaly and, as discussed herein, also not reasonable or credible regarding their own lives; therefore they cannot lodge any substantive protest if they feel they do not need this type of “freedom”. Nguyen states that this process re-creates “structures of race and coloniality.”^{lxix} It diagnoses or identifies displaced persons, among others, as anomalous or exceptional. As such, they are subject to “aid” and

rules meant to bring them into “normality”: the ideology of “natural” Enlightenment progress toward Western neo-liberal capitalism.

Humanitarianism v. Human Rights

Humanitarianism in the form of NGOs and international aid has provided needed help to millions in crisis. However, for the purposes of this paper I will be discussing how international aid to Haiti and nations like it can perpetuate problems. The structure and underlying philosophies of humanitarianism have shifted into a realm in which they absorb human rights responsibilities from states, delay sustainable infrastructure development, perpetuate corruption, and reiterate stereotypes and myths that harm refugees and displaced persons.^{lxx}

NGOs themselves represent a network of processes and relationships; they can facilitate or impeded civic development, as the case of Haiti demonstrates. NGOs invariably act as intermediaries between donors and refugees/IDPs. The key issue in Haiti is which NGOs and which program strategies incorporate Haitians’ self-expressed needs and effectively distribute services based on this input, versus those which perpetuate imperialist power structures.^{lxxi} As NGOs have proliferated and been drawn into the global political economy, the emphasis on performance-based or ‘results-driven’ management means these organizations are restricted to those activities and strategies that will satisfy donors and be easily converted into positive statistics.^{lxxii} This is not even to account for those which are corrupt and serve to fund illegal operations or line the pockets of directors and staff.

States, including the US, are frequently failing to uphold their obligations to protect human rights and to initiate international discourse about their violation. Despite being signatories to the Universal Declaration of Human Rights, many nations fail to address or,

indeed, themselves perpetrate human rights violations. The UNHCR was passed in 1948 largely in response to the atrocities of World War II. However, episodes of genocide, ethnocide and mass murder by governing bodies have occurred since without official or substantive censure.

Humanitarian aid voluntarily steps into this gap, attempting to feed, shelter, and care for the displaced without invoking politics. However, NGOs and aid groups are unable to rectify the core problem or entirely ameliorate the results. Instead, states manage to avoid responsibility while NGOs compete for donations and resources to continue their work. When funding wanes, displaced persons are left without food, medical care, or other necessities.^{lxxiii} Aid organizations, Fadlalla attests, represent refugee situations as “fantasies of rescue and salvation that often obscure histories of colonial and post-colonial encounters and the increasing global inequities underlying violent realities of poverty, conflict, and dislocation.”^{lxxiv} Issues of gender, race, ethnicity, politics, and the past and future of refugees are erased in the brief pictures of refugees put forth by humanitarian organizations.

The nature of humanitarianism, Ticktin writes, is “about the exception rather than the rule, about generosity rather than entitlement... when taken to the extreme, [it] entails selling one’s suffering, bartering for membership with one’s life and body.”^{lxxv} Furthermore, even compassion can be an impediment; compassion by definition breaches rationality, logic, or negotiation, bypasses politics for empathy—thereby skirting around the very realm of law, as Arendt observed.^{lxxvi} Fadlalla summarizes, “Discourses of faith and compassion therefore explain harsh economic realities and governments’ obligations in the language of moral humanitarianism and compassion that gloss over state failures, global inequalities, and socio-economic injustices.”^{lxxvii} The refugee becomes real or human only in the framework of charity.

They receive aid because of compassion, not because they are individuals who are entitled to protection.

The international “community” has created a universalized concept of “victimized” displaced persons and with it, an imagined global court where injustices proclaimed by activists and NGOs will be heard and rectified. In reality, media exposure of refugees brings no such justice. The focus on sympathetic ideals and “humanity” draws attention away from where it is truly needed: creating locally and internationally accountable bodies to address rights violations and social injustices.^{lxxviii}

Displaced persons lose their humanity in this process. They may be alive, but they are not ‘people’; fleeing from failed states, they are not ‘citizens’ of any nation. Their rights and suffering lose clout and context to both the public and officials meant to aid them. Their deaths become numbers that we cannot conceive of as real. To truly empathize with such mass suffering is disabling—“burnout” and “compassion fatigue” are frequently-heard terms in NGO’s, and high staff turnover is expected. Nonetheless, the current state of refugee screening and IDP aid cannot be condoned. Refugee scholars such as Liisa Malkki emphasize that in order to protect refugees and displaced persons, those accountable to them need to be involved in a process of listening to them. She explains that this is not to reduce the importance of humanitarianism, but rather to affirm that because it is essential at the present time, it must be subject to rigorous interdisciplinary study.^{lxxix} Additionally, Fadlalla observes that activists need not support the mainstream or hegemonic processes of neo-liberalism or neo-colonialism.^{lxxx} They can present a counter-narrative and use globalized perspectives to create senses of solidarity, even when they cannot directly affect policy. Buck-Morss asks, “What if every time the consciousness of individuals surpassed the confines of present constellations of power...

this were valued as a moment, however transitory, of the realization of absolute spirit? What other silences would need to be broken?²⁹^{xxxix} We are enjoined to recognize that the only way to reconcile the past is in the present, and that the past is intricately connected to our present. While neither this philosophical shift nor any simple changes in policies can change the state of Haiti or the trajectory of displaced persons' lives, re-examining these patterns is essential in even beginning to address issues of social justice and postcolonialism. This also means acknowledging that aid needs to be reconceived, and that humans all have histories and agency.

Conclusions

Haiti's transnational relations have been beleaguered by exclusion through the past two centuries; the main victims of this have repeatedly been the poor and rural residents of Haiti. The result or resort has often been displacement. In the present day, internally displaced persons receiving international aid and international refugees seeking asylum are subject to a variety of processes that suppress their agency. Many who have survived political persecution or injustice are silenced and de-historicized in the apolitical sphere of displacement. They are expected to be victims, to show gratitude, and not to protest violations of their human rights. Similarly, the nation of Haiti as a whole has been subject to silencing, exploitation, and dismissal by other nations beginning with its creation as a nation of freed slaves. Former colonizing nations continue to exercise ideological or cultural authority over previously colonized nations.

In situations of displacement and international aid, scholars from a variety of disciplines have called for critical examination of the historical and sociocultural processes underlying these situations. A connection between administrators and displaced persons needs to be made



through historicity, not an appeal to compassion or human nature. This approach requires facing and relinquishing long-held stereotypes, beliefs, and sacred ideas about humanity, history, victims, charity, and justice. Presently in Haiti, NGOs serve as a parallel state, continuing the process set in motion in the colonial era by the United States and France. International intervention has continually served to exclude, extract from, and capitalize on Haiti. Neither the US nor the international “community” has an interest in truly aiding Haiti in becoming self-sufficient—rather, it has been to their advantage multiple times to keep the nation insecure and impoverished. The cost in human suffering as a result has been immense. Haiti is frequently cited as “exceptional” as well as “the poorest country in the Western hemisphere.”^{lxxxii} There are lessons to be learned from both monikers. To many, Haiti is an exception that is best forgotten or brushed off; as the only state created by freed slaves, its history is steeped in dangerous ideas. It is best to be thought of in tandem with poverty and chaos. To others, as this paper seeks to demonstrate, Haiti’s exceptionality lies in its struggles against forces which continually seek to silence and exclude its people.

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The Subject of Governanceⁱ

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Too often, the matter of governance is taken to be a technical, organizational, logistical, procedural, or even technological matter,ⁱⁱ a “how” that is meant to achieve a “what”, if you will, but also a “how” for which function is key and affect is secondary if not downright superfluous. We are told, for example, that, at various scales (from the local all the way to the global), governance—the art/practice of governing and being governed—is about studying what government is and does as a process.ⁱⁱⁱ Governance, in this way, would allow us to examine the horizontality of techniques, logics, procedures, and policies that enable various forms of government to work, some of them more vertically than others. Or it is explained to us that governance is about understanding the organization or arrangement of authority, often political authority, in non-centralized ways, by emphasizing how techniques, technologies, and strategies of government can be used, deployed, or crafted by a range of social actors that, in “governing” in this fashion, can manage to establish different or alternative claims to authority.^{iv} In some spheres or at certain scales, the regional, transnational, or global ones, in particular, what is said to matter about governance is that it provides analytics of government, authority, or power that are no longer beholden to a state-centric model because such analytics can point to the way non-sovereign entities (non-state actors, in International Relations) effectively and efficiently partake of the organization of international life, in either benign or malign ways, and through ideas and practices that challenge, target, or circumvent state-centrism.^v

What many of these approaches to the matter of governance have in common is their lack, overall, of a consideration or concern for the way subjects, bodies, and lives are always the

objects of techniques, processes, logics, or strategies of governance. Governance, in many of its aspects, purposes, or designs (such as those I sketched out above), entails an investment of, about, and through bodies, in space and time, or across contexts or scales. Thus, any critical and theoretical investigation in the matter of governance—which is what interests me most—requires an interrogation of and about the subject of governance. Asking who or what the subject of governance is suggests that it is not enough to pose the question of “for whom or for what?” or “by whom or by what?” governance is. Rather, these questions must be supplemented, perhaps supplanted, by an interrogation that asks “through whom or through what?”—through which subjects, bodies, and modalities of life—governance comes to be.

Some may have already detected in the tone of these questions that the thought of Michel Foucault is a bit of a haunting presence here. Indeed, thanks to Foucault and, in particular, to his invitation to think governance as governmentality,^{vi} two critical but complementary moves are enabled. First, Foucault’s insistence on detailing how a series of micropowers emerge, take hold of and provide meaning to various practices and institutions, and operate through the production of knowledge and truth claims reveals the determining role played by the body or bodies in practices, ideas, and discourses of and about the “art of governing.” As Foucault suggests, technologies of the body, individualized or generalized, disciplining or normalizing, placed at the level of or in the human subject or dispersed throughout an entire population or species, are crucial to regimes of governance as governmentality.^{vii} Second, Foucault’s elaboration of the unfolding of the power-knowledge nexus as a matter of positivity,^{viii} and not just negativity, that is to say, as something that constantly seeks to produce subjectivities rather than repress subjects or so-called social actors, is key to understanding governance as a set of practices, discourses, and beliefs that

are never just oppressive and totalizing or, on the other hand, liberating or enabling. What governance as governmentality does, for Foucault, is produce subjects and subjectivities through various modalities of mobilization or investment of bodies in space and time, often for purposes that can be either singular or general but, in any case, not always clearly related or relatable to centralized operations of power, authority, sovereignty, and force.

It would be tempting to answer the question “what is the subject of governance?” by turning instead to another one: “what does governance do to the subject?” Several dialectical or ideological critiques of governance have been quite adept at doing just this,^{ix} thus displacing what is the more meaningful interrogation towards something or someone—a subject—that these critiques believe or assume exists prior to the deployment of regimes of governance, governing, or governmentality. Here, the subject is submitted to forms of subjection via processes, techniques, and ideologies of governance that, in a way, do something to (often, something negative or oppressive) or take something away from a human or historical subject already assumed to be fully formed, and whose body is then put to the service of operations of governance (against that subject’s will, often). This is nothing more than a variant of the repressive or totalitarian hypothesis with regards to power, authority, government, or force that Foucault, among others, sought to rethink and problematize.^x We can see a rehashing of this version of governance as a negative imposition onto the subject (or, if you prefer, as *subjection*) in the recent work of critical political theorist Alain Deneault whose book, *Gouvernance: Le Management Totalitaire (Governance: Totalitarian Management)*,^{xi} is about detailing a wide array of management or governing strategies (away from centralized government, or indeed horizontally) that deprive the subject—a subject never identified or described, but always assumed—of something or another. Thus, for Deneault, governance as management is

primarily a “perversion.”^{xii} And what is primarily perverted is the so-called political domain of the subject, a political domain that has fallen prey to techniques and technologies of measurement, calibration, distribution, arrangement, and re-organization of the subject (or subjects, as a socio-political collective) away from centralized government structures or institutions. Foucault, too, talks about governance or, rather, governmentality in seemingly similar terms, as a wide *dispositif* in charge of realizing calculable distributions geared towards managing and maximizing the “conduct of conducts” across and in between subjects and bodies.^{xiii} But, for Foucault, the subject does not exist as such (as a subject of governance) prior to the deployment of regimes of governance. For Deneault, because governance is first and foremost about the perversion of the political subject by managing systems, techniques and technologies of governance are mostly driven by a desire for “reduction,” “restriction,” “exclusion,” “hierarchization,” “constraint,” “enclosure,” “impoverishment” or “disincarnation” (all terms mobilized in Deneault’s recent text).

Seeing governance from a repressive or totalitarian angle is quite convenient: it seemingly manages to leave an idealized subject largely unchanged and unchallenged by whatever operations of power or force come to impose something onto the subject, wish to do it harm, or seek to pervert it. But seeing governance this way is not just convenient or expedient; it is also misleading. The subject of governance is subjected to governance (again subjection), but its subjectivity may well be restored if what perverts, reduces, restricts, excludes, constrains, encloses, impoverishes, or disincarnates is eventually done away with. Thus, this subject of totalitarian or repressive governance is never really deprived of what is thought to be its primordial subjectivity. This subject, in fact, always possesses a fundamental (inalienable?) “right” to return to its own subjectivity, to rediscover what defines it as an individual political

subject.^{xiv} In some contemporary critical discourses of governance, this debate often takes the shape of an antagonism between a primordial liberalism (where the right of the liberal subject to self-govern is highlighted) versus neoliberal regimes of governance as management that are said to bypass the state/centralized government^{xv} and, as Deneault would have it, often end up championing free-market liberalism and privatization at all costs (and thus subsume the political under the logic of capital). (I should mention in passing that Foucault also ties up the emergence of rationalities of governance as governmentality to economic rather than strictly political concerns. I do not have the space to expand upon this point here, but suffice it to indicate that the governmentalities that arise for Foucault when the economy indeed becomes a major factor in political considerations—or, as Foucault puts it, when what is in question is the manner by which to achieve the correct way “of managing individuals, goods and wealth within the family and making the family fortunes prosper”^{xvi}—do not just result from the pitting of the liberal self/subject against neoliberal economic logics; the making of *homo economicus* and the matters of governance tailored to *homo economicus* do not necessitate for Foucault a fundamental antagonism between political liberalism and economic or market liberalism^{xvii}).

What is misleading in this dialectical or ideological critique of governance as oppressive or totalitarian is the assumption that the liberal subject/self can exist autonomously and, at some point, gets to be perverted, subverted, and indeed subjected. This, I think, is why Foucault is more interested in speaking in terms of governmentalities, or rationalities of government (the plural is key), rather than about a single or unitary logic of governance. Indeed, as Foucaultian commentator Graham Burchell reminds us, Foucault also sought to think governance as a “general way of acting to affect the way in which individuals conduct themselves.”^{xviii} Governance, as a general blueprint for how subjects are meant to govern, conduct, or steer

themselves, does not aim at subjecting selves, individual beings, or indeed political subjects. Rather, it seeks to *subjectivize* bodies and lives, that is to say, to foster conditions of possibility for a generalized economy that is primarily interested in turning bodies into subjects of and for governance. *Subjectivation* (different from subjection) is about mobilizing bodies whose conducts as bodies can become receptive but also productive of regimes of power/knowledge as liberal government or governmentality without the requirement of centralization, hegemony, sovereignty, state authority, but also without the requirement of repression or totalitarianism. To position bodies in regimes of governance is thus to produce subjectivities of and for government or of and for governing, or, if one prefers, for the self-actualization of regimes of conduct, starting with an individual body that can be disciplined and manipulated and going all the way to global collective bodies (the international community, perhaps, as writings on global governance like to tell us) that are said to be able to benefit from a harmony, uniformity, or normalization of relations or interests. Thus, all sorts of bodies can be and indeed are invested with micro-technologies of government that produce an array of conducts, dispositions, and expectations that make up what we take to be liberal subjectivities and subjects (with rights and obligations, needs and desires, and expectations and disillusion). This microphysics of power/knowledge is perhaps what is better referred to as governance or governmentality.

We are somewhat removed here from the repressive or totalitarian hypothesis regarding governance. We are, however, also not on the side of an allegedly benevolent governance regime. I believe we have to be willing or ready to abandon the dialectical language of negativity versus positivity, good versus bad, benevolent versus harmful, democratic versus totalitarian, or liberating versus oppressive when studying governance. As I intimated above, governance is never really about subjects or selves. It is rather about rationalities, technicalities, tactics, and

arrangements of government, management, and conduct that take place with and through bodies and that produce or mobilize distinct subjectivities or subject-positionalities along the way. It is through the utilization of those subjectivities and subjects on a daily (sometimes mundane) basis that governmentalities derive their inspiration, draw their energy, and establish their legitimacy, not through authority, sovereignty, or centralized force, power, or knowledge (even if those concepts are reinvented or re-imagined to take place or produce effects horizontally). Thus, the subjects of governance are vital to the dissemination of regimes of power through all domains of life. And it is in this manner that we can comprehend the intricate but very much present and effective materiality of regimes of local, national, regional, transnational, or global governance. This is also why, by the way, Foucaultian scholars Peter Miller and Nikolas Rose can argue that governance as governmentality is a power that operates “across distances and domains”^{xix} without such a claim having to imply a universal form of power or a central model of authority or sovereignty. To comprehend governance this way, or perhaps to learn to deal with governance this way, is not to accept governance. It is not about treating governance as a *fait accompli*. But it is also not about wishing, perhaps desperately, to do away with it, or to undo, reform, improve, or antagonize the power of governance regimes by seeking to keep a primordial political subject out of its grasp or immune from its historical trajectory. Once again, the subject is made of and through governance and governmentality, and techniques and tactics that care to challenge modalities of governance need to be attentive to the many ways bodies (from localized to globalized bodies) are worked with and through to generate subjectivities, subjectivities that often are said to be for the subjects’ own good in the first place. In a Foucaultian fashion, we could say that we must learn to recognize where and when subjectivity is a trap. And we must learn to recognize that what gives us a subject (and a

subject of governance, to start with) inevitably involves differential exposures to utility, malleability, vulnerability, and precarity for various bodies and lives.

ⁱ A version of this paper was given as a keynote address during the “Theoretical Foundations” session of the 2013 Ridenour annual conference of the School of Public and International Affairs at Virginia Tech in Blacksburg, Virginia on April 26, 2013. I am thankful for the comments I received from the audience and the panel participants, in particular Mark Bevir, Elizabeth Chaves, and Trish Nickel.

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ⁱⁱⁱ Karns and Mingst, *International Organizations: The Politics and Processes of Global Governance*; Sheila Aggarwal-Khan, *The Policy Process in International Environmental Governance* (New York: Palgrave, 2012).

^{iv} Jon Pierre, *Debating Governance: Authority, Steering, and Democracy* (Oxford: Oxford University Press, 2000); Anthony McGrew and David Held (eds), *Governing Globalization: Power, Authority and Global Governance* (London: Polity, 2002); Miles Kahler and David A. Lake (eds), *Governance in a Global Economy: Political Authority in Transition* (Princeton: Princeton University Press, 2003); Rodney B. Hall and Thomas J. Biersteker (eds), *The Emergence of Private Authority in Global Governance* (Cambridge: Cambridge University Press, 2003).

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^{vii} Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage Books, 1979); Michel Foucault, *The History of Sexuality, Volume I* (New York: Vintage Books, 1990).

^{viii} Paul Rabinow, *The Foucault Reader* (New York: Pantheon, 1984).

^{ix} Neil Smith, *The Endgame of Globalization* (London: Routledge, 2005); Jason Hackworth, *The Neoliberal City: Governance, Ideology, and Development in American Urbanism* (Ithaca: Cornell University Press, 2006); Jens Steffek, *Embedded Liberalism and Its Critics: Justifying Global Governance in the American Century* (New York: Palgrave, 2006); David Harvey, *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2007); Heather McKeen-Edwards and Tony Porter, *Transnational*

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^x Rabinow, *The Foucault Reader*; Foucault, *History of Sexuality*, Vol. 1.

^{xi} *Gouvernance: Le Management Totalitaire* [Governance: Totalitarian Management] (Montreal: Lux Publishers, 2013).

^{xii} Denault, *Gouvernance: Le Management Totalitaire*, 9.

^{xiii} See also Mitchell Dean, "Foucault, Government, and the Enfolding of Authority," in eds. Andrew Barry, Thomas Osborne, and Nikolas Rose, *Foucault and Political Reason: Liberalism, Neo-Liberalism, and Rationalities of Government* (Chicago: University of Chicago Press, 1996), pp. 209-229; François Debrix, "Space Quest: Surveillance, Governance, and the Panoptic Eye of the United Nations," *Alternatives: Global, Local, Political*, Vol. 24, No. 3 (1999), pp. 269-294; Michael Dillon and Julian Reid, "Global Governance, Liberal Peace, and Complex Emergency," *Alternatives: Global, Local, Political*, Vol. 25, No. 1 (2000), pp. 117-143.

^{xiv} This is also perhaps why so much of the contemporary literature on governance insists on the linkage between governance and democracy; see, for example, Mark Bevir, *Democratic Governance* (Princeton: Princeton University Press, 2010).

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^{xvi} Foucault, Michel, "Governmentality," in eds. Graham Burchell, Colin Gordon, and Peter Miller, *The Foucault Effect: Studies in Governmentality* (Chicago: University of Chicago Press, 1991), 92.

^{xvii} See also Foucault, *The Birth of Biopolitics*.

^{xviii} Graham Burchell, "Liberal Government and Techniques of the Self," in eds. Andrew Barry, Thomas Osborne, and Nikolas Rose, *Foucault and Political Reason: Liberalism, Neo-Liberalism, and Rationalities of Government* (Chicago: University of Chicago Press, 1996), 20.

^{xix} *Governing the Present* (London: Polity, 2008), 10.

Cultural Colonialization: The Displacement of Mongolians in Inner Mongolia

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Abstract: In this paper I analyze the emergence of Chinese Mongolians as displaced persons within Inner Mongolia due to planned urbanization by the Chinese government throughout the region. I explore how Mongolians are displaced from their traditional cultural space, the grasslands, to new urban centers and how that displacement creates “cultural colonization.” I also analyze how Mongolians now living in urban centers where Mandarin is widely spoken further undergo “cultural colonization” through the decrease use of the Mongolian language. I address the power dynamics between the (Han) Chinese government and ethnic Mongolians with the works of Foucault, Schmitt, and Agamben. I also draw from Said and Malkki’s work on refugees and subalternity and Gladney’s scholarship on minorities in China as subalterns to frame the Mongolians as subaltern subjects within the Chinese state.

I. Introduction

“Land grabbing by corrupt Chinese officials” has again prompted Mongolian herders to protest the colonization of their cultural space throughout Inner Mongolia.ⁱ Urbanization, what herders refer to as “land grabbing,” is part of a larger discourse of power, oppression, and displacement between the Mongolians of Inner Mongolia and the Chinese government. The displaced person narrative in the Chinese context recognizes the growing population of migrant workers that move from one location to the next building the infrastructure that has transformed villages into urban centers throughout the nation. However, due to urban growth in marginalized areas and the development throughout rural areas, the displaced persons narrative within China

needs to expand to include persons that have been displaced by factors not included in current definitions.

I arrived at this project through three different “experiences.” Firstly, I lived in Hohhot, Inner Mongolia, for eight years and observed how rapid urbanization affected people. Secondly, that experience led me to my research interests which include how urbanization affects Mongolian spaces, culture, and memory and the hegemonic meanings embedded within the urbanization discourse. Finally, through my interaction with displaced persons literature, I positioned myself to ask how displacement effects people throughout Inner Mongolia. Specifically, I address the following questions: *How are Mongolians, who have undergone forced migration, displaced? From what are they displaced?* I answer these questions through the analyses of two types of displacement: “cultural displacement,” which is displacement from markers within a culture and “spacial displacement,” which is displacement from the cultural space.

Gramsci provides the definition and characteristics of this theory most akin to this project. He says: “it is necessary to study the objective formation of the subaltern social groups, by the developments and transformations occurring in the sphere of economic production; their quantitative diffusion and their origins in pre-existing social groups.”ⁱⁱ Gramsci allows for the assertion that Mongolians are displaced from their cultural space and undergo what he calls “quantitative diffusion,” in which they, and the culture, are diffused in urban contexts. Gramsci also asserts that domination of one people over another happens in hegemonic discourses in such a way that permeation does not seem imposed.ⁱⁱⁱ To add to Gramsci, Guha provides a more specific definition of subalternity stating that subaltern is “the general attribute of subordination [...] whether this is expressed in term of class, caste, age,

gender and office in any other way.”^{iv} Furthermore, Edward Said says: [T]he work of Subaltern scholars can be seen as an analogue of all those recent attempts in the West and throughout the rest of the world to articulate the hidden or suppressed accounts of numerous groups-- women, minorities, disadvantaged or dispossessed groups, refugees, exiles, etc.”^v His inclusion of minorities further undergirds subalternity as a framework for this paper.

Dru C. Gladney explains how subalternity fits within minority studies in China and that indigenous subaltern scholarship within China “has not yet developed.” Like Gladney, I argue that more subaltern scholarship for the Chinese context is needed in order to include those who have independent cultures, histories, and memories and should be understood in their own terms rather than as peripheral people that can only be understood as compared to a majority population.

I analyze what Mongolians of Inner Mongolia are displaced from by first discussing how a displaced person is defined. Then I provide a brief discussion on the two parts of the Mongolian culture I analyze, language and space, in order to show how displacement is happening and the meanings embedded within the displacements. Finally, I conclude with a discussion on why the topic of displaced persons in China is relevant.

II. Context

Inner Mongolia, one of China’s five minority autonomous regions the third largest province, is located in Northern China just below the country of Mongolia. It is part of the Chinese state and does not have any official connection with the country of Mongolia. Hohhot, capital of Inner Mongolia, has an estimated population of 2.5 million and is the education, business, and government hub of the province.^{vi} The auto-ethnographic accounts I analyze in

this paper occurred in Hohhot. Mongolians are one of China's 56 recognized ethnic groups. Thus, this paper refers only to ethnic Mongolians in China.

III. Displaced Persons

Koser and Martin assert that "The traditional distinction between "voluntary" and "forced" migration or "economic" or "political" migration, for example, are increasingly out of touch with realities."^{vii} The "realities" they mention include urbanization and the creation of displaced persons as a result of rapid development. Further, they posit that not all displaced persons fit into the United Nations definition for refugees. As such, the definitions for displaced persons need to expand in order to include the increasing populations of persons that are continually displaced throughout the world.

Two organizations provide definitions of displaced persons that are relevant to this project. The United Nations High Commission on Refugees states:

Person's or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human made disasters, and who have not crossed an internationally recognized State border.^{viii}

The World Bank expands on this definition by addressing "involuntary displacement," which happens when: [i]nvoluntary displacement can be caused by environmental degradation, natural disasters, conflicts or development projects. It is associated with loss of housing, shelter, income, land, livelihoods, assets, access to resources and services, among others.^{ix}

Arendt's *refugee*, Said's *exile*, and Ahmed's *stranger* all combine to inform the plight of the Mongolian displaced person within the Chinese nation-state. Their exiled state has, as Said says, "happened to them," but they still have some agency over their lives.^x In new urban

Much of Mongolian identity is rooted in the grasslands and the pastoral lifestyle that has been part of the Mongolian community for generations. Mongolian scholar Uradyn Bulag writes, “The emotion that pastoralism conjures up for Mongols derives from its importance as the quintessential historical cultural marker of Mongol-ness.”^{xiii}

For Mongols, their pastoral lifestyle informs their morality and their identity. It connects them to their history, their culture, their memory, and their community. It is necessary to understand that pastoralism is different than an agricultural lifestyle. Takashi Fujitami asserts that for Mongolians pastoralism is a “material vehicle of meaning that helped a memory....or served as a symbolic marker” whereas “agriculture is a site for the Chinese.”^{xiv} Here Malkki helps frame the connection Mongolians have with pastoralism as part of their strong collective identity.^{xv} That is not to say that some Mongolians are not farmers and that some Han are not shepherds, but generally speaking, there is a binary distinction between the two as they relate to the different cultural identities.

Herders and the grasslands are primary cultural markers of Mongolian ethnic identity. The grasslands, both the bounded space and the imagined territory within the Mongolian mythico-history, represent the homeland of the Mongolian people and distinguish them from other ethnicities, namely the Han, within China.^{xvi} I borrow the term *mythico-history* from Malkki in order to explain how the grasslands fit into the collective identity Mongolians pass down from one generation to the next. Tales of how the Genghis Khan initiated the Mongolian Empire in the grasslands continue to inform Mongolians of their great heritage. Within their history, the grasslands are the setting of their rise as one of the world’s great empires.

The grasslands not only remind the Mongolians of their medieval global reign, but also of their current rhythm of life which includes *gers* (nomadic homes), herds, and the open

environment of the grasslands. Therefore, the displacement of Mongolians from their cultural spaces to urban centers where a career as a shepherd is not an option disrupts more than just their career path; it transforms a foundational part of Mongolian identity.

V. Dual Displacement

Krause and Williams argue that “Nationalism is considered a consequence of state (or elite) choices and needs in their struggle for survival,” and assert that there is a relationship between nationalism and war, which includes internal conflict and separatist movements.^{xvii} China recognizes the need to create, establish, and propagate a national identity in hopes to secure sense of nationalism and avoid the possibility of war.

After China emerged from the Cultural Revolution the nation again began to establish a unifying identity. By the late 1970s, the nation’s leadership recognized the need to redefine their politics, economy, and identity in order to rebuild all that was lost during the Cultural Revolution.^{xviii} The need to craft and control a national identity was recognized and developed by Mao as he established the current nation-state. He said, “China’s culture should have its own form, the national form.”^{xix} Thus, the formation of a national identity has been a thrust of the Chinese state since the current government was established. In order to develop a strong identity, and policies to enforce that identity, minority identities had be folded into the national identity.

Internal colonization is already recognized by critics of China’s domestic policies and the rewriting of history that asserts that “the Chinese civilization has lasted for 5,000 years without a break.”^{xx} However, “internal colonization” does not fully capture what is occurring in many minority areas where the control and colonization of populations also affects their culture.



Mongolians that are moved to the urban centers undergo “cultural colonization.” Within the urbanization discourse it is increasingly evident that the state controls Mongolians through displacement. Without a “Mongol” identity to direct their interactions, urban Mongols will eventually adapt the new cultural norms of the Han-dominant environment in the city.

a. Displacement from Language

One shift in the “Mongol-ness” within the city is within the Mongol language. In Mongol dominant rural areas throughout Inner Mongolia, speaking Mongolian in everyday life is common. There is no need to speak, or even to learn, Mandarin. However, most residents in Han-dominant urban centers in Inner Mongolia use Mandarin. Further, in order to access educational and professional opportunities Mongolians may choose to promote speaking Mandarin over Mongolian in the home. Ethnolinguistic scholars recognize the strong relationship between language, culture, and identity. Language shapes how speakers of that language relate to the outside world and to one another; it is a core component of individual and collective identity.^{xxi}

Language use is way the Mongolian culture is grafted into the Chinese mono-national identity because “the basis of nationalism seems to be preexisting *linguistic groups*.”^{xxii} The city has now become a place where a national identity continues to be formed and secured through the use of Mandarin over Mongolian. To extrapolate the embedded meaning in the shift of language use it is helpful to insert Foucault’s work here. He argues that “Power exists only when it is put into action.”^{xxiii} He writes further on the power as it is manifested within governments and uses the term “governmentality” to refer to the power exercised over a group of people that may include national populations and argues that power can be exercised through

Another example of cultural colonization within the city is through symbolism. The image of a *ger* conjures up feelings of family, the grasslands, and prosperity for the Mongolian people. Additionally, blue is *the* Mongolian color. Hohhot means *blue city* in Mongolian. In the Mongolian culture, blue represents the skies (Inner Mongolia has some of the only blue skies left in China) and friendship. Red, on the other hand, is *the* Chinese color. China is still sometimes referred to as *Red China*. It remains symbolic of the nation (the collective group of people) and of the state (power). Thus, when Inner Mongolia University, a traditionally Mongolian Tibetan Buddhist University, was renovated, and a model *ger* was constructed on the top of the tallest building on campus to be visible to all, some assumed it was a reference to the Mongolian history of the campus. But, since it was painted red, rather than blue, the Mongolians received the clear message: any expression of Mongolian culture must be framed

to fit within the greater Chinese national identity. In this case, it was a coat of paint that framed the Mongolian culture for public consumption.

This example also highlights the subaltern position that Mongolians have within the Chinese state. Like Foucault, I argue that space can be used to express the power of the state and suppression of the subaltern subjects.^{xxiv} Additionally this example undergirds the notion that racial hierarchy is promoted by the ordering of various spaces. The racial tension between the Han and the Mongolians is already divisive and this example adds to the divisiveness as a way of communicating that the Chinese national identity is the framework in which all other cultures or identities may be expressed.

b. Displacement from Space

The grasslands have been disputed land for much of history dating back to the Khan takeover of the dynastic rule of China in the 13th century. It is still highly contested within the binary claims of the land that exist between the Mongolian people, who view the land as *their* cultural space, and the state that owns the land. Recently, as China has sought to “develop the west” (the western part of the country) and has focused on claiming its place in the international marketplace, there have been extreme transformations to the land and to the people inhabiting the land.^{xxv} The grasslands are representative of the Mongolian community and, in some ways, of their history as the Khan empire. Thus, leaving that space, as already mentioned, fractures the collective identity of the Mongolian people. Additionally, transforming that space to be used for industrial and commercial use further fractures that identity.

One example of the urbanization of space through urban development of the grasslands is the city of Erdos. This small town makes up part of what is referred to as the “Golden



Triangle” along with Baotou and Hohhot in Inner Mongolia. Erdos was once the cultural hub for Mongolians because of its proximity to the grasslands and the many Tibetan Buddhist temples. However, in less than a decade, this town, through urbanization and economic development by the national government, has emerged into a economic hot spot for Inner Mongolia and has a GDP that rivals Beijing.^{xxvi}

The loss of the cultural space is how Mongolians are displaced *from* the marked territory of land. However, the use or repurposing of the land by the state is another way Mongolians are displaced from their imagined connection *to* the land. Vast areas of the grasslands are now used for mining the natural resources like rare-earth, coal, natural gas and gold which has added to the already catastrophic environmental issues that plague Inner Mongolia like deforestation, desertification, and dust storms.^{xxvii} The development of industries surrounding the resources may benefit Mongolians so far as it benefits any Chinese citizen, but the financial benefits do not adequately make up for the cultural losses.

The state is repurposing the land in such a way that it will become, to invoke Foucault again, the *norm*. The power dynamics between the state and the Mongolian people are also a part of the urbanization discourse. The land that makes up the grasslands belongs to the state and as such, from the state’s perspective, there is nothing wrong with transforming it. However, the grasslands, as mentioned earlier, are a large part of the Mongolian cultural identity that ties them to that land. The destruction of the grasslands disrupts this mythico-history, distances them from the past, fractures their collective identity that is deeply connected to the land, and forces Mongolians to insert a new narrative of destruction.

There is also a notion of an “imagined geography” connection to the grasslands among urban Mongolians that may not have never lived in a rural setting. This population of people will

continue to increase as families migrate to the urban centers and have children that are urbanites rather than rural residents. That transition combined with the depletion of the grasslands will increase the imagined connection to the cultural space. In order for that connection to be maintained and brought into the present it must be cultivated in their imagination and validated in their history. Mongolians will continue to feel like they do not have a “home” within the Chinese nation-state. Said calls this phenomena a “generalized condition of homelessness” because globalization, of which urbanization is a part of, has led to the deterritorialization of cultural space.^{xxviii}

VI. Displacing Subaltern Separatists

Why is the recognition of the displacement of marginalized minorities within China relevant? The answer is connected to the larger hegemonic power discourse between China and the “rebel” minority groups. Only recently has there a shift in the national recognition of separatists. Policies to develop the western parts of the country and the increase in capitalism and globalization throughout the nation have led to both an increase in ethnic and national ideologies.

One Chinese scholar says:

Reform policies (in China) have led to the rise of ethnic consciousness and thus the emergence of ethnic nationalism as exemplified in Tibet....The aim of Chinese nationalism is to pursue national power and wealth through domestic development. As long as the leadership pursues its “interests,” its nationalistic “passion” can be constrained and remain rational.^{xxix}

Additionally, while many autonomous region leaders are asking the national government for true autonomy, communists leaders like Wang Lequan, Party Secretary for Xinjiang in 2002, says “There will be no compromise between us and the separatists.”^{xxx} His reward for his unwavering

position on separatist movements was a promotion within the government which shows the deep connection and ongoing interest that the national government has with separatists policies.

The shift in policies regarding separatists is connected to the hard line stance of maintaining a national identity which has become a “unifying ideology,” a term that is more palatable than communism and more manageable than capitalism.^{xxx} Displacement helps diminish strong identities that do not agree with the “party line.” However, the state recognizes that some separatists, especially extreme groups connected with international organizations or other foreign based advocates, are not going to easily give in to the demands of the national government. To this end, the state has found a way to promote any internal rifts amongst marginalized groups as evidence of the need for a national ideology. As a result, Mongolians find themselves in what Said refers to as “the interplay between nationalism and exile,” which is “like Hegel’s dialectic of servant and master, opposites informing and constituting each other.”^{xxxii} If Mongolians do not promote the national agenda, they will be labeled as rebels or separatists which will allow the state to continue to promote their own national agenda and frame it as a necessary for public safety.

Added to that agenda, the state has crafted a collective identity where they insert *all* subaltern separatists. Thus, Tibetans, Uyghers, and Mongolians, the three most marginalized minorities in the country, are all viewed by the state in the same way. Though they have separate histories, languages, customs, and geographic spaces, they are grouped together into the *role* of separatist. The presence of separatists reifies the need for a national identity and allows the state to justify the promotion of a national identity through cultural and spacial colonization and displacement. Further, the state keeps separatists outside of normal power



structures and further asserts the hierarchy of ethnicities within the national hegemonic structures. Subalterns are viewed only in light of their response to or opinions of national policies rather than as their own agents. If the nationalistic ideology prevails, subalterns will either continue to remain as such or they will be grafted into the nationalist identity at the cost of their own collective identities.

VII. Conclusion

Ongoing international wars and domestic conflicts continue to produce populations of displaced persons. However, global realities of natural disasters, environmental catastrophes, and planned development projects have also created a population of people that fit within the overarching displaced persons narrative even though they do not fit within the UNHCR's definition. Some definitions are general enough to make room for any displaced person but, at the same time, the general definitions gloss over specific situations that add dimension to the refugee discourse. I argue that urbanization will continue to create populations of displaced persons throughout the world. In China, urbanization is used to control and colonize minority populations. Two of the marginalized minorities that the Chinese state is most concerned with are Tibetans and Ughyers. This is due to the increase of riots among those populations since 2008 and the advocacy of the international community on their behalf through movements like "Free Tibet." Further, China's "floating population" that includes an estimated 140 million people are all put into one category that is comprised of migrant workers, street children, and abandoned elderly or disabled persons.^{xxxiii} The Chinese context gives further evidence of the ongoing research that is needed in order to accurately address the growing population of displaced persons.

“We take home and language for granted,” but Mongolian exiles do not.^{xxxiv} They grieve their lives, not looking back with Adorno’s “exile’s detachment,” but rather struggle to remember who they are.^{xxxv} One last auto ethnographic account best illustrates this struggle.

My last apartment in Hohhot was in a residential complex that had yards for the bottom floor apartments. Most families used the yards for their gardens, but my Mongolian neighbors, who recently moved from the grasslands, used their yard to keep their three sheep. I knew enough of the culture by this point to recognize that this was not just a cultural difference but that this family kept their sheep for deeper reasons than to provide the milk needed to produce the staples of their diet. Like Said’s exile, they had been “cut off from their roots, their land, their past” and had found that their “habits of life, expression or activity in the new environment inevitably occur against the memory of these things in another environment.”^{xxxvi} Keeping their sheep was a reminder to them, and a message to others, that they are Mongolian and cannot be displaced from that identity.

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BOOK ESSAY: Arjun Appadurai's *Modernity at Large: Cultural Dimensions of Globalization*

Can the Global Transmit the Local for Diaspora?

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In *Modernity at Large*, flows of global culture are examined through the neologisms of five various “scapes”: ethnoscapescapes, mediascapes, ideoscapes, financescapes and technoscapes. According to Appadurai, the cross-cultural nature of these strands informs the imagination of social life among both individuals and the collective. Unlike other area studies scholars, anthropologists, historians, economists, sociologists and the like, Appadurai’s project is to investigate the advent of mass media communication as it relates to cultural aspects of globalization. Specifically, he seeks to demonstrate the ways in which the effects of mass migration and media combine to create a force that ruptures our current understanding of the nation-state. To Appadurai, the inevitable break from the nation-state is made possible through the societal sphere of the imaginary that has been formed through images disseminated by mass media. It is precisely the interpretation and conceptualization of these imaginaries by diaspora communities that produce agency and allow for the construction of imagined and material worlds that cannot be understood through the current spatial center-periphery binary. Early on in his volume, Appadurai provides readers with ample methodological and explanatory framework for his theories and the existing models in which he situates himself. The groundwork for his volume is laid out in an organized and comprehensive manner and directs us towards anticipation of the explicatory cultural intersections of globalization.

For Appadurai, to properly comprehend intricacies of globalization, one must view them through the lens of the reified local. Unlike other accounts of the local, Appadurai posits that it

must be contextualized according to constantly shifting economic, social, political and cultural perceptions, spatial and temporal arrangements and identities. An amorphous acceptance of the local and subsequently, the transnational is necessary for moving beyond fixed notions of global cultural processes. The five “scapes” presented by Appadurai allow for the dismantling of current discourses that maintain the marriage of space and culture as indispensable logical models. The implications of these theoretical instruments are realized in the phenomenon of deterritorialization enacted by “diasporic public spheres”ⁱ. As Appadurai effectively articulates:

The suffix *-scape* allows us to point to the fluid, irregular shapes of these landscapes, shapes that characterize international capital as deeply as they do international clothing styles. The terms with the common suffix – *scape* also indicate that these are not objectively given relations that are the same from every angle of vision, but rather, that they are deeply perspectival constructs, inflected by the historical, linguistic, and political situatedness of different sorts of actions: nation-states, multinationals, diasporic communities, as well as subnational groupings and movements (whether religious, political or economic), and even intimate face-to-face groups, such as villages, neighborhoods, and families.ⁱⁱ

In short, to think about globalization effectually, space and culture must be separated due to the inability of the nation-state to provide adequate contextualization for the increasing influence of diasporas and media. Modernity likewise cannot be confined by current limitations of boundaries that demarcate not only lands, but also identities—hence the title *Modernity at Large*.

Appadurai’s theoretical framework provides valuable insight into the ever-changing nature of the local, national and international by taking into account multiple dimensions of culture. The use of neologisms is not only clever, but useful in signifying the disjuncture inherent in each “scape” as it occurs beyond the scope of the nation-state. Appadurai positions himself in such a way that we expect ethnoscapas, mediascapas, ideoscapas, financescapas and technoscapas to provide the basis for threading together his bricolage through ensuing essays. Yet, this is not the case as the cohesion of his arguments is difficult to ascertain due to

the fact that they often do not refer back to these principles. This could be due in part to the expansiveness of these themes, which arguably could constitute individual (though not independent) projects deserving of further inquiry. Additionally, while these five “scapes” certainly broaden previous notions of global cultural flows, they certainly are not all-encompassing of processes impacting globalization. Moreover, further exploration of these terminologies would have been beneficial in synthesizing his arguments.

While Appadurai claims his reach extends mainly to the realm of culture (which arguably is impossible to limit without problematizing effects in a discussion of globalization), he engages with economic, political, financial, ideological and historical areas. Of course, intricate relationships between these exist and impact the imaginations of people, but the reader is largely left to speculate as to how. Appadurai provides us with a multitude of diverse real world examples that intimate the interrelatedness of these concepts, but does not effectively expound the relationship between not only the five “scapes,” but also other dynamics affecting global cultural movements. In an effort to consider Appadurai’s possible rationale for this seemingly unsystematic theorizing, we could conjecture that it is representative of the disjunctured “scapes” in which he is entrenched.

One of Appadurai’s fundamental tenets lies in the expanding power of diaspora owing to increased migration and mass media. He states, “electronic mediation and mass migration mark the world of the present not as technically new forces but as ones that seem to impel (and sometimes compel) the work of the imagination”ⁱⁱⁱ. For Appadurai, the imagination becomes a key component to the remaking of a culture of dimension and differences rather than a culture of substance. This reshaping of the cultural (as opposed to culture—he prefers the adjective to the noun as it is more “contextual, heuristic”), occurs through the dissolving of time and space as static paradigms, achieved through the insertion of mediascapes and technoscapes as impetus. Media, in the forms of television, radio, newspaper, film and so forth, permit the connectivity of

diaspora with other diaspora as well as their native countries. As Appadurai acknowledges, migration and media present issues of instability in the formation of identities, but he maintains they are beneficial in decentering dominant ideologies as they foster the development of the “scape” of the imagination. Wide access to media also allows for the emergence and preservation of identities due to the democratization of societal imaginings as “ordinary people have begun to deploy their imaginations in the practice of their everyday lives”^{iv}. The imagination then becomes the metaphysical and/or physical space in which dreams of equality, leisure, freedom, etc. can be realized. It is in this space that society, and the individuals that comprise it, have imaginative agency to resist the homogenizing effects of globalization. Appadurai contends that prior to the inception of mediascapes and technoscapes, the nation-state prevented the formation of unified identities between diaspora and homelands due to the geographic boundaries as well as ideologies pertaining to nationalism. Indeed, the last feature of this argument offers a certain level of expediency in a world in which networks have emerged that have been forged through interactions permissible through media.

One of my points of departure lies in the images produced by mass media. Appadurai challenges us to view them as positive motivations for realization of the self in context to the local and the global. Yet, he does not sufficiently engage himself with the hegemonic structures informing these images. At times, he considers Americanization and commodification as potentially destructive forces in the formation of identity, but quickly dismisses their deep penetrability by proffering a method of resistance through indigenization.

In an effort to illustrate the potential of indigenization, he explores the sport of cricket introduced to India by British colonizers. Appadurai relies on its inculcation and appropriation by Indian men to demonstrate how it has become a national symbol of Indianness and hence a tool for identity formation that derived from the imagination. Appadurai looks primarily to the radio as a technoscape that changed the colonial landscape of India by transmitting games,

announcements and news pertaining to cricket. While I commend and admire his effort to reclaim a colonial enterprise, I find this anecdote to be of limited utility in forwarding his concept of indigenization for several reasons. As aforementioned, Appadurai fails to take into consideration (but yet mentions) the dominant messages imbued in radio as a one-way medium, namely the use of English as a primary means of communication, the capitalist nature of the spectacle of cricket, the hyper-masculine modes of thinking perpetuated (including an inciting of violence) and the repercussions of racial segregation on the playing field. He does not convince me that cricket has been indigenized or that participating Indians (players and observers alike) have successfully derived their own identity and agency as a result of the sport. Without an examination of the hegemonic standpoints entailed in cricket (specifically those of white colonial Englishmen) and the medium of radio (which McLuhan would argue is most important in this understanding), we cannot conclude that the indigenization of cricket is not simply a product of false consciousness.

This postulation of false consciousness can be related to Appadurai's perception of consumer society and consequently to cultural diversity as he suggests that media are the avenue for rupturing cultural homogenization. Appadurai situates the media at the center of global cultures in an attempt to separate globalization from imperialism—an undeniably difficult feat, and one I am not sure he accomplishes. Here, he gives credence to diaspora communities as capable of opposing hegemonic ideology such as commodity fetishism and hierarchal systems of power that dictates the terms of consumerism (a diatribe Appadurai embarks on with his “wear and tear” account between the haves and the have-nots). The fallacy of diaspora as *the* mutable site of resistance lies in the fact that diasporas continually negotiate their own imaginings with those of the real world. Migration generally is motivated by economic, religious, political determinants and even romanticized ideals that promise passageway to the dreamscape (pun intended). This dreamscape (often the West) as a comparison becomes

relative to countries of origin, and is frequently viewed as the materialization of imaginings (or Westernization) negotiated with the inescapable conditions of reality. To put it simply, diasporic communities are more inclined to perceive their environments as the best of (available) possible worlds—a fact that Appadurai seems to overlook. This is not to say that diasporic societies do not maintain identities connected to homelands, rather that appropriation into the dominant society is exceedingly difficult to resist based on the justification above as well as due to the highly influential span of capitalism and cultural imperialism.

This leads me to my last point of departure from Appadurai's theory concerning the imagination as a site of resistance and agency. As noted, he concedes that media and migration contribute to instability in identity creation. But for him, media also provide a means for democratizing the imagination through deterritorialization of social-life^v. Again, I will emphasize the lack of deliberation devoted to power structures (consumerism, division of labor, racial/ethnic/religious/gender taxonomies and so forth) implanted through dominant ideologies, mental colonization and imperialism that quite possibly govern the imagination to the extent that unimagined realities distinct from these coercing apparatuses are not imaginable. In other words, the imagination is severely vulnerable (and possibly even aspires) to indoctrination of preexisting normative structures, customs, beliefs and standards prevalent in modern society, which potentially reduce agency and the occurrence of improvisation.

There are numerous well formulated, innovative arguments in Appadurai's text, *Modernity at Large*, that make it a substantial work worthy of reading. Though it is not without limitations, Appadurai initiates a significant dialogue addressing the ever-changing effects of media and globalization as viewed through a cultural lens. The feasibility of adhering to cultural aspects is questionable as the subject matter encompasses countless other dimensions of life. However, these essays provide a starting point for scholars to elaborate on the foundational building blocks laid by Appadurai.

ⁱ Arjun Appadurai, *Modernity at Large* (Minneapolis, MN: Regents of the University Minnesota, 1996), 33.

ⁱⁱ Ibid.

ⁱⁱⁱ Ibid, 4.

^{iv} Ibid, 5.

^v Ibid, 55.

BOOK ESSAY: Emily Epstein Landau's *Spectacular Wickedness: Sex, Race, and Memory in Storyville, New Orleans*

Antebellum Fantasies and Southern Legacies: Memory and Sex in Turn of the Century New Orleans

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At the turn of the twentieth century, “there was at least one red-light district in virtually every American city with a population over 100,000”—and New Orleans was no different.ⁱ However, neither New Orleans, nor its vice, was a typical American establishment, as Emily Landau’s study on New Orleans’ mixed-race prostitution in Storyville, the emergent red-light district that encompassed it, argues. Like the city itself—with a long history of colonialism and racial intermixing that “made New Orleans resemble a Caribbean enclave more than a Deep South city”—Storyville was a melting pot.ⁱⁱ The district was an interracial sexual laboratory that bred whiteness as Southern white men satisfied sexual fantasies of racial domination and exoticism, while Jim Crow segregationists and Progressive moral reformers fought to restrict the “racially inferior” and rid the United States of moral depravity outside of its confines. But Storyville was not an exception from larger social processes, and it was certainly not a throwback to an era of ethical laxity in New Orleans. Instead, the district was representative of the historical processes that constituted, and altered, American racial, gendered, and sexual identities at the cusp of the nineteenth and twentieth centuries.

The first three chapters situate Storyville’s establishment—roughly nineteen blocks outside of New Orleans’ French Quarter—within the city’s longer history of illicit sex and reputation for wickedness. Additionally, Landau employs a wide array of sources (government documents, jazz lyrics, guide books, and personal reminiscences by the likes of Louis



Armstrong) to trace Storyville's transgressive sexual heritage through New Orleans' antebellum auctions of light-skinned slave women known as "fancy girls" and organized "quadroon balls" where free Creole women could contract with white men as their mistresses. It is no accident that Storyville's opening on New Year's Day, 1898, came almost two years after the landmark Supreme Court ruling in *Plessy v. Ferguson* and amid the flourishing City Beautiful Movement that sought to engender a harmonious social order through beautification and precise urban planning. That is, the same forces that desired racial segregation and city clean-up also demarcated the red-light district from the "legitimate" residential and commercial areas of greater New Orleans. By doing this, the white, reform-minded business classes got perceived civic cleanliness, Democratic machine politicians profited from the bribes of madams and property owners within Storyville, and both attempted to utilize the district's boundaries as "a *cordon sanitaire* around New Orleans' past and its reputation for wickedness, clearing a path for a more respectable future" in other city districts.ⁱⁱⁱ City authorities thus relegated prostitution to one small area of the city while they simultaneously benefitted from it.

The following chapters of Landau's study connect Storyville to the modernized American culture of the early twentieth century. For instance, in chapter four, Landau utilizes New Orleans' guidebooks to situate the district in the racial and gendered contexts of American popular culture and the growth of commercialized leisure that is best exemplified by vaudeville, movie palaces, and pageantry. Then, in a provocative chapter on Lulu White, Storyville's "Diamond Queen of the Demi-Monde," the notorious madam is shown to have forged an image that toyed with turn-of-the-century racial hierarchies: she referred to herself as an "octoroon," meaning seven-eighths white, while simultaneously "denying having even one 'drop' of 'negro blood.'" ^{iv} White navigated this manipulative line of sexual self-representation successfully and profitably

sold sex with light-skinned women to white men of means. But, as one New Orleans' newspaper proclaimed, "the notorious negro enchantress" was also a threatening character, racially and sexually, to the city's white inhabitants.^v When Lulu White left the confines of Storyville, she embodied New Orleans' "wicked," miscegenous sexual past and was verbally assaulted as the racial ambiguity of the brothel gave way to the racial binaries of Jim Crow. But do not mistake Lulu White as a signifier of increased black or female equality. As Landau proclaims, "[Lulu White] was a madam who trafficked in the ambiguous body and interracial sex; her success relied on the continued subordination of women of color and the image of the erotic octoroon."^{vi}

The most novel part of Landau's study is her analysis of memory and Storyville. At a time of rapid social change, Lost Cause-inspired Southerners produced images of an idealized antebellum civilization and landscape. Southerners thus utilized this nostalgia to memorialize certain elements of antebellum culture and to reinstate Old South social hierarchies. Chief among these were white supremacy and a patriarchy that was organized around white sexual power. Under these hierarchies, both wife and slave were subordinate to the patriarch who, as the master, had the right to have sex with both. Thus, Storyville highlighted "the recollection of white male sexual advantage over black women, [and] fashioned the memory of the exclusive and patriarchal social order of the Old South into a New South sexual theme park."^{vii} The bordellos were even complete with antebellum plantation decorum and barred black men from entering. Storyville and the octoroon prostitute were thereby linked to the reimagining of the antebellum past during Jim Crow. Today, they continue to live on as part of the collective memory of New Orleans, but only as symbols of an idealized New Orleans that accommodated skewed narratives of laissez-faire race relations and tolerance. Additionally, "Storyville is remembered to add an element of danger" to jazz music and the prostitutes have been

relegated to the background of a vibrant Creole musical heritage.^{viii} The places that they do appear are for marketing purposes: a now defunct lingerie store named Lulu White's and numerous clubs, jazz groups, and a magazine have adopted Storyville as their namesake. Remembering these women, Landau suggests, has become increasingly more difficult as the popular memory of Storyville now obscures the racism, poverty, and gender inequality that overshadowed the material reality of its prostitution.

Landau's study would have been enriched by an analysis of why women, especially women marketed as octoroons, engaged in prostitution in New Orleans. However, her analysis is thorough, exhaustively researched, and will prove useful to scholars of the American South, African American history, and memory studies. Storyville, as a functioning red-light district, was destroyed in a relatively quick passage of time: madams, prostitutes, and the city's expanding rail system eroded its borders by exposing interracial sex and vice to late-Progressive Era Americans. In other words, middle-class white citizens had no tolerance for a visible Storyville in an era that increasingly stressed racial segregation and sexual cleanliness, especially after the onset of the sexual hygiene movement during World War I. Landau's book helps to erode the complex myths surrounding contemporary New Orleans and highlights the city's darker, less carefree history under Jim Crow.

ⁱ Emily, Epstein Landau, *Spectacular Wickedness: Sex, Race, and Memory in Storyville, New Orleans* (Baton Rouge: Louisiana State University Press, 2013), 2.

ⁱⁱ Landau, *Spectacular Wickedness*, 4.

ⁱⁱⁱ Landau, *Spectacular Wickedness*, 199.

^{iv} Landau, *Spectacular Wickedness*, 159.

^v Landau, *Spectacular Wickedness*, 153.

^{vi} Landau, *Spectacular Wickedness*, 154.

Fringes and Interiors: Transverse and Ascending

Medium: Acrylic on paper

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When I initially conceived this piece, I was considering the concept of borders as essentially edges, limits, and boundaries. While trying to allow my understanding of that concept to visualize itself and letting the color flow, I began to think about the layering of the paint, allowing for both transparent and opaque, smooth and textured overlap of shapes and colors. I hoped (paradoxically) to obscure 'borders' as I delineated them in order to call to mind the constructed nature of real-world borders. As I considered people in relation to them, I focused on the variety of texture, on deep versus shallow spaces, and on the subtle change in the appearance of color depending on its position in relation to other hues. For me, these elements represent the multifaceted, fluid relationships of individuals to borders.