

Thinking Beyond the State: Emerging Perspectives On Global Justice

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Themed Section

Thinking beyond the state in terms of global justice can be understood in two ways. First, the processes of neo-liberal globalisation necessitate looking beyond the nation-state to supra-national institutions for solutions to global injustice. Second, those same processes may require thinking outside of state institutions as such and instead taking seriously the potential of non-statist political and social movements to address global injustices. The dominant tendency within the academic debate on global justice literature is to understand thinking beyond the state in the first sense. This special issue, by contrast, aims to broaden the debate by examining both approaches to thinking beyond the state.

The standard positions in the political theory literature on global justice can be broadly divided into cosmopolitans on the one hand and various statistes on the other. Cosmopolitans believe that national borders are morally arbitrary and that moral obligations apply between all human beings irrespective of geographical or cultural distance, which is why they postulate that principles of justice extend beyond the nation-state. Statists are a diverse group that includes nationalists and communitarians who see an intrinsic value in the protection of specific cultural and national identities through nation-states, and liberal statistes who restrict justice to the nation-state because they see the state as a uniquely mutually beneficial cooperative venture which has the authority to enforce the distribution of benefits and burdens in accordance with principles of jus-

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tice. Recently, however, several theorists have become dissatisfied with these hard distinctions and attempted to transcend them. Theorists like Laura Valentini, Lea Ypi, and Mathias Risse have argued that although some principles of justice should apply globally, their implementation is often best left to the domestic domain.¹

In addition to these debates there is an emerging set of actors and theorists that challenge the state-centric framework as a whole. Much commentary has for example focused on the non-statist political practices of the anti-austerity movements, including 15-M in Spain and Occupy in the United States and the United Kingdom. These movements were characterised by their efforts to sustain a non-hierarchical structure, defending more localized forms of self-governance, distancing themselves from established political parties that seek state power, and, on a more theoretical level, refusing to recognize the state as the only legitimate framework for democratic decision-making. Apart from these more well-known examples there is a diverse set of practices and movements across the globe that incorporate a non-statist form of politics. The Zapatistas in the Mexican state of Chiapas, for example, have over the last twenty years exercised local self-government that has challenged the neo-liberalisation of the Mexican state and the historical marginalization and discrimination of indigenous peoples. The *Idle No More* movement has since 2012 combated the neo-colonialism of the Canadian state in terms of the erosion of indigenous sovereignty and unsustainable environmental exploitation. Refugees, asylum-seekers, and their political allies across Europe have started their own solidarity networks, such as *Kein Mensch ist Illegal* in Germany. In light of the unwillingness of many European states to provide adequate legal aid, language courses, and housing, these networks try to support asylum-seekers in these areas and to push for significant changes of existing asylum laws, which are, as they argue, in violation of international human rights law. Overall, these groups, though local in origin, have connected their struggle to calls for global solidarity. These movements have thereby demonstrated the need to think, theorise and act against beyond the statist framework, and they corroborate suspicion against “the ways in which cosmopolitanism and communitarianism are invoked to justify the exercise of power by states ... [and] ... the coercive logics inherent in both these world views”.²

One of the more dramatic applications of post-statist thinking is the European Union (EU). Indeed, one motivation for the construction of the EU was to transcend the nation-state, to pursue the Kantian dream of a ‘perpetual peace’ among a community of nations, rather than the lionization of the nation-state by fascist governments. Yet in recent years, especially since the debt crisis in the Eurozone, there has been a back-

lash of a kind, a resurgence of nostalgia for the nation-state, which has manifested in different forms in different countries throughout Greater Europe. At the time of publication, the 2014 European Parliamentary elections have delivered a challenge to the status quo, as Eurosceptic parties from across the political spectrum have made substantial gains in parliamentary representation. Against this backdrop, *STAIR* spoke to Professor Kalypso Nicolaïdis in the weeks before the elections about her theory of *demoicracy*. Although dedicated to the European project, she takes seriously this discontent, the complaints and concerns about the actualization of the EU. In response, Nicolaïdis offers a more nuanced style of thinking beyond the state, one that does not deny the possibility of a common, transnational purpose, yet does not attempt to displace the particularities of nationhood either. Indeed part of what Europeans have in common, she argues, is precisely this sense of complexity and diversity, as well as the capacity to recognize and accommodate it. From her work, we might draw the conclusion that in thinking beyond the state, we should not forget about the state, because its displacement from theory could contribute to its resurgence in practice.

The first paper in the themed issue, by Jack Joy, goes below the level of the state, examining how Islamist movements in Egypt and Jordan have come to dominate social welfare functions that were once controlled by the state. Drawing on the ideas of Michel Foucault and Pierre Bourdieu, this shift in redistributive power is conceived not only as institutional change, but also as a change in political subjectivities, driven especially by Islamic conceptions of what social welfare ought to be. For example, one important religious imperative is *zakat*, a call to donate a proportion of one's income to charitable causes. Another is *da'wa*, a call to proselytize and participate in the Islamic reform of society. Such concepts are highly contested, of course. As religious and community organizations fill the vacuum created by the withdrawal of the nation-state, these religiously informed norms of redistributive justice manifest themselves in locally specific ways. Nevertheless, this analysis also uncovers a species of transnationalism, bound by common threads among Islamisms. If we cannot expect regional consensus in conceptions of *zakat* and *da'wa*, we can at least expect convergence, if only fleeting or partial. Thus, the rise of Islamic redistributive justice involves forces that operate both within and across states, at the subnational and transnational level.

In Anthony J. Langlois's article, he engages in an in-depth critique of Iris Marion Young's influential work on responsibility and global justice. Iris Marion Young argues that traditional accounts of responsibility do not work for complex global structural injustices. She proposes a 'social connection model' of responsibility, where people are responsible

for structural injustice if their actions contribute to the processes that cause the injustice. Langlois is sympathetic to Young's social connection model, arguing that it provides a rich and insightful way to theorize responsibility. But he identifies several shortcomings in Young's application of the model. One problem is that though the social connection model is supposed to move away from individualistic understandings of responsibility, Langlois argues it in fact falls back into its own kind of individualism. This is because it fails to identify an appropriate collective subject that could be the bearer of responsibility. Young is hesitant to assign responsibility to states and international institutions for rectifying structural injustice because they are so often the cause of structural injustice. But Langlois argues that she does not adequately identify a suitable alternative, leaving the brunt of responsibility on the actions of relatively powerless individuals. Langlois illustrates this problem of application by discussing the anti-sweatshop movement. The movement is, on Young's account, an important example of non-state actors taking responsibility for rectifying injustice by pressuring companies to change their behaviour. Langlois however questions whether this is in fact a decisive example in favour of Young's approach. He emphasises that despite changes in the behaviour of some companies, these changes are voluntary and hence at the discretion of the company. That has limited the extent to which the structural injustices associated with sweatshops have been addressed. Instead more institutional solutions are needed that are not subject to the discretion of companies. Langlois's article thus strikes a note of caution in thinking about responsibility beyond state without determining who is to bear that responsibility.

In her article Anne-Sophie Reichert discusses the importance of local knowledge for creating legitimacy, with reference to the Palestinian Qalandia refugee camp. She shows how legal ambiguities have left Qalandia without adequate political representation: Qalandia is classified as part of the West Bank Area C and not as part of the Jerusalem municipality, which is why the Oslo II Accord (1995) provides the legal framework that applies to this territory. According to the Oslo Accord, Israel is the only appropriate authority to exercise power and responsibility over internal security and public order, which is why Qalandia is at the moment formally governed solely by Israel's civil administration. As a result, the Palestinian population cannot take part adequately in shaping the political decisions that affect them. The Palestinian Authority, in turn, cannot provide complete political representation either. In response to this vacuum an autonomous form of self-government has emerged in the camp, with a voluntary committee taking on much of its public administration. Reichert argues that the camp committee has

acquired its legitimacy on the basis of its extensive local knowledge. This, she claims, is not easily captured in traditional state-centric models of legitimacy. Instead, the committee's legitimacy must be understood as rooted in its context of local self-governance, and its legitimacy prevails even in the absence of formal democratic features like a constitution and universal suffrage. The committee takes on a variety of roles, but mainly arbitrates different kinds of disputes, given that the population of Qalandia is faced with a lack of sufficient and legitimate judiciary structures and police services. Understanding how this form of local legitimacy works could, as Reichert argues, help understand and address wider political dynamics in the Israel-Palestine conflict, since it emphasizes the potential of legitimate self-government in political structures in which the legitimacy of the nation-state is contested.

In the final article Marc Woons discusses the problem of how liberal nationalists should respond to multinationalism. His discussion produces a reinterpretation of liberal nationalism that is more open to plural national identities and sensitive to the history of power imbalances within nations. Woons argues that prominent liberal nationalists, such as David Miller and Will Kymlicka, have in contrast been insufficiently attentive to how people's identities can go beyond a single nation and the importance of self-determination for different national communities within the nation-state. In Woons's account liberal nationalism relates both redistribution and recognition to national identity, so that redistribution means internal redistribution within a nation-state, and recognition means the nation-state is the locus of self-determination. He takes each of these ideas and applies them to two important case studies of multinationalism, the European Union (EU) and Indigenous peoples in Canada. He argues that the emergence of a European transnational identity, that has been the product of largely voluntary processes, for example grounds a claim for greater redistribution within the EU. In contrast the case of Indigenous people in Canada the emergence of a national identity has been the product of violent and coercive state actions. In this case greater recognition through self-determination of Indigenous communities is, Woons argues, the more appropriate response. Woons thus concludes that plural national identities and the in/voluntary history of assimilation to a national identity must be central to accounts of liberal nationalism. Woons thus provides one way that liberal nationalism might be reconfigured to go beyond the nation-state in realizing global redistributive and recognitional justice.

The general section of this issue offers another perspective beyond the state, albeit of a somewhat different nature. In her article, Nina Gren recounts the stories of elderly Palestinian refugees during their flight in 1948 (i.e. *al-Nakba*). She argues this was a gendered experience. Focusing particularly on narratives (or silences) about dying children, she points out that men—as protectors of their communities—experienced events in a fundamentally different way than women. This influences not only their recollection of events, but also their past and present views on motherhood and fatherhood. Her article is based on extensive field-work in the refugee camp Dheisheh in Bethlehem.

STAIR continues to offer a platform for scholars of any academic discipline for articles related to international affairs. We remain highly committed to encouraging interdisciplinary debate, and are therefore delighted to present you with these articles. We hope you enjoy reading them as much as we have.

Book Reviews Section

This issue features seven book reviews, all of which tie into our theme of thinking beyond the state in terms of global justice. Immigration, for example, is one major subject that is relevant for this theme: Katharina Obermaier reviews Joseph Carens's *Ethics of Immigration*, while Olicia Vicol reviews Peter Higgins's *Immigration Justice*. Two other relevant and interlinked topics are social movements and political agency, and they are being discussed in Alison Hartnett's review of *Globalization and Social Movements* by Valentine M. Moghadam, and in Ardevan Yaghoubi's review of *Global Justice and Avant-Garde Political Agency* by Lea Ypi. Furthermore, this issue includes Katharine Brooks's review of Cara Nine's *Global Justice and Territory*, Geert Kamminga's review of Seyla Benhabib's *Dignity in Adversity*, and Aurélie Domisse's review of *Global Justice and International Economic Law* by Frank J. Garcia. ■

Notes

¹ Mathias Risse, *On Global Justice* (Princeton: Princeton University Press, 2012); Laura Valentini, *Justice in a Globalized World: A Normative Framework* (Oxford: Oxford University Press, 2011); Lea Ypi, *Global Justice and Avant-Garde Political Agency* (Oxford: Oxford University Press, 2012).

² Rahul Rao, *Third World Protest: Between Home and the World* (Oxford: Oxford University Press, 2010).

THINKING BEYOND THE STATE: EMERGING PERSPECTIVES ON GLOBAL JUSTICE

A Demoicratic Conversation: An Interview with Kalypso Nicolaïdis

In thinking beyond the state, perhaps more thinking has been done on the European Union (EU) than any other non-state entity. It is the grand experiment upon which the hopes of many cosmopolitans lie, proof that institutions may one day transcend the nation-state to realize Immanuel Kant's dream of a "perpetual peace." To others, however, the EU is precisely the opposite. It is a failure, a disruptive Leviathan that has suppressed the capacity for nations and communities to live their lives and solve their problems in ways that reflect their particular circumstances. Among the former, we find cosmopolitans, federalists, constitutionalists, and other kinds of supranationalists; among the latter, we find communitarians, sovereigntists, nationalists, and multiple variants of Eurosceptic.

Yet there is another perspective that weaves its way through these currents of optimism and pessimism, energized by but opposed to both. *Demoi*-cracy takes its name from the plural of *demos*, originating from the idea that there is not, and never could be, a European people *simpliciter*. Rather, there are European peoples, each with their own unique polities, histories, cultures, languages, subjectivities, and challenges. In so far as it makes sense to talk of "being European," it is the relationships between these peoples—sometimes cooperative, sometimes conflictual—that reflects the fleeting essence of Europeanness. Indeed, it is from the more workable patterns of Europe's engagement with itself that demoicracy derives its core principles, most notably the principles of mutual recognition—a commitment to recognize and be recognized by the other at all political levels—and non-domination—a commitment not to subjugate others. Thus the complicated realities of Europe serve as a source of political imperative, a wellspring of normative guidance, so that Europe might walk backwards into the future, guided by the successes and failures of its own peculiar past.

One of demoicracy's most vital and eloquent defenders is Professor Kalypso Nicolaïdis, who introduced the concept in its present form.¹ She is a Faculty Fellow at St Antony's College, Director of the European Studies Centre (ESC) and the Centre for International Studies (CIS), and a long-time friend and supporter of *St Antony's International Review* (*STAIR*). For this special issue, we asked her to elaborate on her unique way of thinking beyond the state.

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STAIR: Let's start with the thought that political theorists are never all that separate from the theories they endorse. In what way does the idea of democracy and its principles relate to your own life or history?

KN: I trace back my obsession with mutual recognition to the late 1980s when I was starting my doctorate at Harvard. The very idea of recognition and its philosophical lineage felt like a personal affair, as if I was myself somehow the product of multiple denials of recognition that had been overcome between peoples, between "intimate enemies."

As Greeks from Asia Minor, my father's parents were victims of a denial of recognition, thrown out of their homeland in 1922 along with a million others, an event referred to this day as "the Great Catastrophe" by Greeks and "the Great Miracle" by Turks. Although I was raised with the memory that eighteen members of our family died in these few months at the hands of Turks, I've spent much of the last twenty years working with Turkish friends on rapprochement and mutual understanding between our two countries and our compatriots.

My mother, on the other hand, had a French mother and German father who came to France as a worker to flee the Great Inflation of 1922. Because he forgot to take French nationality, they were deported during World War II and he became a resistor in his home town of Erfurt. But their post-war return as a French-German family was horrendous. They were abandoned by all sides and fell into the cracks of reconciliation.

Then, of course, I married a wonderful Englishman, so our kids are French and British—talk about intimate enemies!

These conflicts between intimate enemies and the negotiation of hybrid identities are what I was raised with. At school in France, I was always the other—and proud to be—and I have been the other in many different polities. I became comfortable with seeing myself from other points of view, as all of us who are multinational do.

The question, then, is how do you transcend or better live with these realities? How do you deal with your own multiplicity and that of the world? Some people, like my mother, say, "I'm European." But I came to see that being multiple does not require thriving to become one; I'm a rooted cosmopolitan, as Kwame Anthony Appiah would say, a multi-rooted cosmopolitan.² And these roots really matter, in and of themselves, not just as parts of a European tree. As I wrote once, why spin the rainbow white?³ I'm not some amorphous European—except perhaps for when I'm abroad in the US, where for fifteen years I took on the role of Miss Europe. But even then there are all these tensions underneath: mutual hatreds that one hates to understand, reconciliations that feel

shallow, and inescapable contradictions. I *really* know what it means to be French, in a way that I don't really know what it means to be Dutch or Swedish or Portuguese. I get intuitions of the latter when I spend time immersed there, but does this count? Can being European be anything else than confronting and engaging with the bits of Europe one is not? Isn't it more ambitious for the inhabitants of this small continent to entrench togetherness among distinct peoples than to try to be one? Such meanderings led me to the idea of demoicracy.

STAIR: What, then, is the relationship between demoicracy and the nation-state? Should we see the retention of "the nation" in demoicracy as a preservation and celebration of national difference? Or does it reflect a more pessimistic view about feasibility, an acknowledgement that you can't unify Europe in any strict sociological sense?

KN: I struggle with this question. The idea of demoicracy is rather simple: a union of peoples who govern together but not as one. To rally against "methodological nationalism"—that is, the tendency of social sciences to analyse all political forms, such as the EU, through the prism of the nation-state—should not lead us to dismiss the national form altogether. On the contrary, history tells us that the EU was created to transform the nation-state, not to transcend it.

Yes, there are those who come to demoicracy from a realist analytical perspective, because they believe that the concept reflects the world we're in, a world where our sense of national belonging matters, and where people engage in politics nationally even though the EU continues to centralize competences. But why do you call this a "pessimistic view"? Max Weber would argue that to be a legitimate polity the EU needs to conform to people's preferences. If it manages to do so, this is a good thing, not just a constraint. Isn't an EU that matches its sociological reality more desirable?

Nevertheless, you are right to imply that there is more to demoicracy than the acknowledgement of sociological reality. It is about the normative belief that the differences that matter are more than cultural or linguistic, which is what people usually have in mind when they pay lip-service to "unity in diversity". Rather, the EU ought to better acknowledge the diversity of national political realities and social fabrics that compose it: the varieties of state-society relations, social contracts, bargains between business and trade unions, political traditions and, of course, histories.

And you need to correct the belief in the desirability and legitimacy of difference with something deeper: mutual engagement, mutual respect, mutual knowledge, other-regardingness. The idea of demoicracy is not about essentializing national identity, or reinforcing an exclusivist sense of belonging, as sovereignists would have it. Demoicracy is not a celebration of differences *per se*, because this can easily become a call to mutual ignorance and segregation. It is far from being a Eurosceptic vision, yet its ambition is to offer a story about Europe that can resonate with and address Eurosceptic concerns.

I've always said that other-regardingness and mutual engagement are much more demanding than supranationality, because under a purely supranational ethos you only have to think of yourself as European or a world citizen from time to time. In a European demoicracy, however, if you're French you have to continually engage with what the Germans are thinking—and the Portuguese and the Latvians and so on. A demoicracy like the EU must ultimately aspire to the *radical mutual opening* of its peoples, not just gazing at other political communities from afar and being vaguely interested in them, but giving them voice in your own polity and seeking voice in their polity. You trying to understand their polity and them yours. Deep transformative mutual recognition presupposes tolerance but it is also more than this. Charles Taylor, Nancy Fraser, Axel Honneth, and Paul Ricoeur have all written beautifully on recognition,⁴ whether one agrees with their particular conceptions or not. Yet there is still a lot of thinking to be done on the relationships between the different levels at which recognition is or should be instantiated—between individuals, between groups, between nations, and in different realms. This is a tall order, though, because we're not just talking about any old respect for difference, but rather a highly demanding kind that may be too hard for our short and flawed lives.

STAIR: We want to ask about the state of Europe in relation to demoicracy now.⁵ In your work, you describe three streams of thinking about the EU: the sovereigntist, the supranational, and demoicracy as “the third way.” Since the Eurozone debt crisis, has there been any shift in people’s thinking in favour of one or other stream, both on the ground and in the corridors of power?

KN: We should begin from the premise that while the EU is a democracy in the making, it is a very imperfect one with various pathologies and flaws. Above all, it is subject to contradictory pulls, to forces of fusion and fission, and these translate ideologically into the pulls of sovereigntism and supranationalism that you refer to. Paradoxically, the

crisis tends to have reinforced the former on the ground and the latter in the corridors of power. The tendency of European elites, for whom the answer is always more competences at the EU level, has cut against heightened concerns for local self-determination among the citizenry. Then, of course, there are the many shades of Euroscepticism that are taking advantage of these popular sentiments—witness their surge in the 2014 European Parliament elections. Perhaps we will come to see hard-core sovereigntists in the corridors of power in the EU who will treat it as a normal polity, not questioning its existence but its policies.

So where does demoicracy fit in this picture? Some might argue that the EU is a demoicracy without demoicrats, that everyone fits ideologically in one of the other two camps, even if the EU operates as a third way. I disagree: I think that today, more than ever, the premises and prescriptions associated with demoicracy conform to the preferences of majorities in Europe who want their governments to cooperate better to address the debt crisis, but fear that dictates from above may hollow out their national democracies.

Like most crises, the Eurozone crisis has rendered visible structural flaws that were already there. There are, of course, pathologies that plague all democracies. Witness the capture of democracy by money and corporate interests in the United States. Or the growing authority of non-majoritarian agencies and institutions established for the admirable reason of protecting against special interests, yet which themselves become unaccountable and anti-democratic.

But the EU has unique flaws partly because transforming representative democracy to meet the challenges of transnationalism is such a tall order. The combination of indirect legitimacy through the consent of member states governments in the European Council and supposed direct democracy through the European parliament is perceived as less than the sum of its parts. Demoicracy is about the *kratos*, the governing together, but with the aim of letting each part do the work of internalizing externalities, and being accountable to individual *demoi* for that. But the Euro crisis has not only magnified the so-called “democratic deficit”.⁶ I would argue it has transformed its nature from one about democratic complexity—where people ask who is accountable for what in a complex multilevel system—to one of democratic pre-emption—where people witness the bypassing of democratic channels altogether. This is why we are now truly in need of demoicratization.

One of the biggest gaps between attitudes on the ground and in the corridors of power relates to direct democracy: the people’s voice. There was a silver lining before the crisis, in that to compensate for concerns about democracy, bureaucrats, officials, and politicians tried to make

the EU more participatory in Brussels and more accountable at home through referenda. The failed constitution was the first turning point when, after the French and Dutch “noes” in 2005 and the Irish “no” eighteen months later, the European elite turned unashamedly Brechtian: If you’re not happy with the vote of the people, just re-elect the people. The Irish were asked to revote, the French and Dutch told to shut up, and the Constitution reinvented as the Lisbon Treaty. I was in favour of a “yes” but very critical of the ensuing obfuscation; I called for democratic atonement on the part of the EU.⁷

Instead, the crisis has led to a radicalization of what Joseph Weiler has called “political messianism”, the missionary’s zeal to explain.⁸ If the people are not with you, it’s because the people got it wrong and don’t understand the mission. And because the end justifies the means, the people’s will can be bypassed. More than ever the corridors of Brussels are awash with fears of dangerous referenda; this is why we will not get a Treaty revision any time soon. But what elites don’t understand is that the European people simply want to retain control over their lives.

So the Eurozone crisis found the EU in a vulnerable state, with the institutional makeup of a democracy—albeit imperfect—but not its ethos. Although differentiated integration is in the spirit of democracy, fragmentation and mutual ascription are not. And when it comes to the governance solutions adopted to fix the Eurozone’s woes, they have tended towards excessive centralization on the part of the messianic elite, in spite of a lack of public support. Their reflexive response is to transfer the paraphernalia of the state to the EU, including a ministry of finance with some level of capacity to force macroeconomic recipes on individual member states. This leads to a circular logic: the call for the creation of a fiscal union, which calls for a banking union, which calls for a political union, which in turn calls for a stronger economic union. To sustain the EU’s democratic ethos, however, would instead require internalizing EU-compatible behaviours within member states, with common funds as backstops.

Part of the problem with these developments is that the EU has reverted to the logic of direct reciprocity and tit-for-tat, which it had put aside at its foundation and replaced with a logic of shared commitments enforced through rule of law mechanisms. Now, for the first time so blatantly in the EU, we are institutionalizing a logic of conditionality as a method of external governance, which in turn encourages the centralization of asymmetric power. But, of course, it’s creditor states that control the centre in order to control debtors, and also to control *potential* debtors—that is, any members of the Eurozone that might be deemed at

risk. So the question is: How far has this conditionality logic captured the logic of polity building and, in doing so, put democracy at risk?

STAIR: What role does conflict play in the dynamics of democratization? Must the democratic polity strive for consensus in the process of establishing procedural legitimacy, or is conflict valued as something that can transform the polity?

KN: Democratization does chime with agonistics, as my friend Chantal Mouffe argues in her latest book.⁹ But is political conflict necessarily contradictory with the search for consensus? The radical pluralism that we need in the EU can actually better accommodate conflict by empowering “reasonable” veto players, rather than traditional majoritarian procedures which subsume conflict through procedures. Democracy means that the EU should not make decisions against the majorities of a majority of EU countries simply because they happen to have smaller populations. It starts with the premise that in certain settings you can’t address conflicts with majoritarian votes, whereas supranationalists tend to imagine improvements in European democracy on majoritarian terms, such as electing a European president. If a democracy resembles a territorialized version of a consociational polity, this means accepting that you can’t always satisfy the demands of Habermasian deliberative reason-giving, that there may be conflict between underlying primary beliefs, and that to create a polity among polities means accepting the transformative role of conflict.

STAIR: One worry here is whether the reconciliation of conflict and consensus is so easy in reality. If we have a highly contested issue, such as intergenerational justice, the underlying values may be so deeply entrenched that reaching consensus on a European level is too hard, even impossible. We need to ask, then, is an orientation towards consensus the best way to ensure the legitimacy of the outcomes of decisions? After all, what agonists are committed to is valuing conflict, even when the outcome of this political process does not correspond to their views. Consensus is not something agonists aim for—and this could be a strength of democratic politics too, because it leaves room for disagreement. It leaves room for the very real possibility that many decisions on a European level will be opposed to nationally entrenched values and policies.

KN: I agree. In fact, there are many ways to leave room for disagreement. You can’t embrace the need for consensus if you don’t at the same time believe that Europeans need to know how to agree to disagree,

rather than pretend to agree as they often do. And, in turn, it is easier to agree to disagree if you emphasize subsidiarity—that is, not shifting competences to the EU level—and, perhaps more importantly, proportionality, where the EU acts only to achieve its objectives. So, even when there is partial EU competence, if there is no consensus, we ought to let member states deal with the issue. It is the beauty of the lowest common denominator, providing as much leeway to the constituent units as possible, whether these are national, regional, or city-based democracies. At the same time, the demoicratic emphasis on the constituent *demoi*, rather than only their governments, implies that the EU needs to bring oppositions back in—at the national but also the supranational level. And if that is the case, we may have increasingly fluid dividing lines. To use your example, surely there is not a single national view on what intergenerational justice means.

To some extent, demoicracy is a second-degree concept. It is not just that we mutually recognize our differences, but that we do this *in different ways*. I think this point comes out very clearly in a forthcoming *Journal of European Public Policy* special issue on demoicracy, edited by Francis Cheneval, Sandra Lavenex, and Frank Schimmelfennig, which contains excellent contributions and for which I wrote an epilogue.¹⁰ Demoicratization will differ according to the different ways in which national democracies frame their relationship with the transnational whole. There are different ways of accepting differences, of internalizing a demoicratic ethos. So, in thinking about this, demoicratization needs to be a very open theory. There are some basic ideas—pluralism, mutual openness, mutual recognition, non-domination—that are non-negotiable as part of demoicratic theory. But beyond that, this is a vision that can develop in many different ways, both academically and more intuitively in an applied sense.

STAIR: A worry here is that when you agree to disagree, you might end up favouring the status quo. Therefore a key feature of agonistic theory is an orientation towards the progressive transformation of society. So we should ask, can the demoicratic model be progressive enough? If there's an orientation towards the lowest possible agreement, is it still possible to participate in progressive transformation?

KN: Progressive transformation comes through many paths. For example, advocates of experimentalism¹¹ would argue that actors for change are always *somewhere*, not everywhere or anywhere, and they need spaces where they can foster the conditions for change. In this light, a

demoicratic ethos is not only about protecting spaces for local democracies that are open, but allowing these to relate differently to the whole. But the experimentalist framework might be too mild here, because it eschews questions of relative power. Politics is about contestation, resistance, and “subterranean politics”.¹² With its distributive impact, a demoicratic lens on the Eurozone crisis raises many questions. For instance, are the fault lines of solidarity changing? In other words, shouldn’t a German worker close to the minimum wage feel closer to a Greek worker who lost his job during the liquidity crunch than to a German CEO? If this is the case, although the politics still play out in Germany or Greece, these localized struggles for recognition become increasingly connected among themselves.

On the other hand, demoicratization is about sustainability too. If we were speaking ten years ago, I might have said that, in the constitutional realm, the status quo is not a bad thing: the EU ought to remain on its demoicratic Rubicon and retain the kind of equilibrium that allows for open spaces for transformative politics. But the question is: How do we sustain this polity against those who want to get off the Rubicon?

This is why I defend an idea of “sustainable integration”,¹³ which is interesting from the progressive standpoint, because sustainability carries a double connotation of endurance *and* transformation. As Giuseppe Tomasi di Lampedusa famously says in *Il Gattopardo* [*The Leopard*], “For everything to remain the same, everything has to change.” While everyone cares about sustainability—sustainable development, sustainable cities, sustainable security—our societies have not yet found good ways of translating this amorphous ethos into a new kind of politics, which take into account the future generations you alluded to earlier. Short-termism reigns supreme in both markets and politics. Conflicts are now about degrees of preference for the future, discount rates, and exposure to risk. So perhaps the EU, after spending half a century managing space, should spend the next phase managing *time*. Because if the EU is to be relevant to the 30 million unemployed youth in its midst, protesting against a system that seems to steal their future, it needs to adopt an ethos of sustainable integration.

STAIR: So what is the relationship of democracy to social movements, to transnational, trans-European communities that arise through online social networks, popular protest, and so on? Are these among the *demoi* that democracy seeks to recognize and foster?

KN: There is room for disagreement here among democracy theorists. Samantha Besson, for instance, has argued that there are trans-territorial *demoi*, that the consumers of Europe, say, can be regarded as a people-across-borders. But in my view, although social movements are not polities themselves, they can transform polities, often more radically than territorially bound groups. Indeed, they play a critical role in inducing the kind of radical openness that is the hallmark of an accomplished democratic polity. We did not have to wait for the French Revolution to see social movements cross polities: they pollinate, they help each other, they inspire each other, they empower each other, and they empower the powerless. There are localized sparks that spread, literally at the speed of light in the age of the internet.

So, yes, these are trans-European communities that a democracy ought to recognize and foster. But why characterize them as *demoi*? For me and scholars like [Francis] Cheneval, democracy starts with territorially based *demoi*, where overlapping consensus have already formed, where conflicts have played out and trade-offs been made, even though these deals are uneasy, difficult, partial, and perpetually contested. On this view, a “people” encompasses individuals who deal with each other in many different political currencies, and who accept to be bound by a majority of its members.

But if social movements are not *demoi*, nor are they *the* European demos. Every time there are transnational protests in Europe, pundits say, “It’s the born-again people of Europe.” For instance, the pan-European trade union strikes against austerity in 2012, or earlier with the anti-Iraq war demonstrations. As Derrida and Habermas wrote at the time in 2003, this born-again European demos was supposed to ground a unified Europe.¹⁴ Yet they instrumentalize these social movements into something they are not. They are transnational movements of solidarity and protest; there are no banners in those ranks for “European institutional reform”! On the contrary, people protesting side by side in their different languages seem to me a great emblem for democratization, the togetherness of Europeans without a European people.

STAIR: This touches on the relationship between democracy and secessionist movements, such as Scotland, Belgium, the Basque Region, and Catalonia. Are these struggles for national autonomy consistent with the prescriptive dimension of democratic theory, something that ought to be encouraged or facilitated? Or is it more that democratic theory can help us to understand these inclinations, to see them as coherent and rational?

KN: As you are well aware, this takes us to the very root problem of democratic theory: What is “the original people”? The problem, in other words, is that we can’t go all the way down and delineate the boundary of the people who decide that they’re the people.

There have been many answers to this question—procedural answers, essentialist answers—that we don’t need to rehearse here. But the presumption of democracy, I think, ought to be that if there are grounds for a people to believe that they can and want to exist autonomously as a polity, and if they can agree on a democratic and peaceful procedure to make this happen, then the EU should respect this and allow for new member states to be counted and take on the requisite rights and obligations. This is true for Scotland and Catalonia. Democratic theory doesn’t exactly give you a recipe for when it is legitimate to give that right of secession, but there is a presumption that there should be a right to decide for those involved. This normative presumption can also be bolstered by an empirical understanding of the grounds for such demands, to the extent that democratic theory is particularly concerned with “looser consent” in the operation of the polity, the idea that no identifiable group—which may mean a country—ought to be permanently or structurally disenfranchised in the EU. If a region within a state comes to see that its preferences are never represented in Brussels by its nominal champion—namely, the member state to which it belongs—then its people might conclude that only by forming their own unit can they truly become EU citizens.

STAIR: Finally, what is the relationship between democracy and hard power, in the classical sense of military power and police power? After all, from the Weberian perspective, the legitimate exercise of violence is an essential feature of the state. In so far as democracy involves a reconception of state thinking, does it entail a different relationship to hard power?

KN: Hard power never disappears, but it can be tamed in international relations. This is the primary purpose of the EU itself: to make its use unthinkable within the EU and unpalatable outside it. During the great internal EU debate over the Iraq war, I wrote a piece entitled, “The Power of the Superpowerless,”¹⁵ where superpowerlessness refers to the fact that the EU is not a state, and therefore ought not to aspire to superpower status, but should instead seek to become a different kind of actor in the world. As a not-state, the EU should never aspire to the monopoly of the legitimate exercise of violence, in my view, neither internally or externally. This is the flip side of its democratic condition.

Indeed, part of the normative motivation for wanting the EU to exist as a democracy is that oneness breeds othering—turning peasants into Frenchmen requires Germans and Brits on the other side of the border—and othering leads to violence. In contrast, a democratic ideal is about perfecting a differentiated yet porous polity, where Europe does not need some enemy to exit, where European and non-European others are not somehow ontologically different. As a not-state, therefore, the EU does not always need to hang on to the “one voice” mantra, as if diplomatic success ought to be measured by the extent to which its states can reach a unified stance. Unity may or may not be desirable—it depends on the context and, crucially, the relevant power in that context. Market power may require unity, whereas normative power may be enhanced by showing off Europe’s value pluralism. Think of the recognition of Kosovo, for instance. Power as influence comes in many forms and bullying others is often not the most effective.

Still, we live in a Hobbesian world. The democratic ideal tends to go hand in hand with notions of civilian powerhood precisely because we cannot ignore the presence of security dilemmas in today’s world. The build-up of military capacity, even defensively, affects others’ perceptions, who may then act responsively. Should one avoid creating this perception in the first place? How does this affect one’s vulnerability? These kinds of judgements need to be reassessed continuously as circumstances, neighbours, technologies, and ideologies evolve. We can only make probabilistic bets. If you announce yourself to the world as an entity that is plural and democratic, then hopefully the world takes you as such and you’re less vulnerable. If you demonstrate that you can mediate conflict internally, you can act more credibly as a mediator externally—and so on. We may be a Kantian island in a Hobbesian world, as Robert Kagan once argued.¹⁶ But, contrary to his analysis, we are not Kantian because we are weak, because we fund welfare states instead of soldiers. We are weak because we are Kantian, because we choose to be a Kantian polity. The power game is not zero-sum if you can change the relevant currency of power in the world.

But there is another kind of imperialism that democracy could fall into, this persistent idea of Europe as an *avant-garde* that could serve as a model for the rest of the world, as a universal model of democracy beyond the state. Of course, this kind of “EU-niversalism” could just be seen as the civilizing mission of the nineteenth century in new clothes, where

Europe can decide that it deserves more agency than others, and should offer its standards to non-Europeans with sticks and carrots to boot.¹⁷

So how does a democratic polity engage externally without being imperialist? By really holding on to its plurality. This is very difficult, of course, and European officials often don't know how to do it. Think of our ridiculous and dangerous tug-of-war with Russia about Ukraine. We should respect the right of states not to have to choose between two hegemonic neighbourhoods. If we can do that, then maybe, just maybe, we can recover the ultimate power, which we risk losing if we abandon our democratic ethos: the power of attraction. ■

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Notes

¹ The concept of democracy was introduced in Kalypso Nicolaïdis, "We the Peoples of Europe", *Foreign Affairs* 83, no. 6 (2004): 97–110. Her most thorough formulation is: "The Idea of European Democracy," in *Philosophical Foundations of European Union Law*, ed. Julie Dickson and Pavlos Eleftheriadis (Oxford: Oxford University Press, 2012): 247–74.

² Kwame Anthony Appiah, *The Ethics of Identity* (Princeton, NJ; Oxford: Princeton University Press, 2005).

³ Kalypso Nicolaïdis, "The New Constitution as European Democracy?" *Critical Review of International Social and Political Philosophy* 7, no. 1 (2004): 76–93.

⁴ Charles Taylor, "The Politics of Recognition", in *Multiculturalism*, ed. Amy Gutmann (Princeton, NJ; Oxford: Princeton University Press, 1994); Nancy Fraser and Axel Honneth, *Redistribution or Recognition? A Political-Philosophical Exchange* (London; New York: Verso, 2003); and Paul Ricoeur, *The Course of Recognition*, trans. David Pellauer (Cambridge, MA: Harvard University Press, 2007).

⁵ Kalypso Nicolaïdis, "European Democracy and Its Crisis," *Journal of Common Market Studies* 51, no. 2 (2013): 351–69.

⁶ For example, see T. Burns and S. Andersen, "The European Union and the Erosion of Parliamentary Democracy: A Study of Post-Parliamentary Governance," in *The European Union: How Democratic Is It?* (London: SAGE, 1996): 227–51; Tapio Raunio, "Always One Step Behind? National Legislatures and the European Union," *Government and Opposition* 34, no. 2 (April 1, 1999): 180–202; and Andreas Follesdal and Simon Hix, *Why There Is a Democratic Deficit in the EU: A Response to Majone and Moravcsik*, European Governance Papers (EUROGON, 2005).

⁷ Kalypso Nicolaïdis, "Our Democratic Atonement: Why We Need an Agora Europe", *The People's Project? New European Treaty and the Prospects for Future Negotiations* (Brussels: European Policy Centre, 2007).

⁸ J. H. H. Weiler, "The Political and Legal Culture of European Integration: An Exploratory Essay," *International Journal of Constitutional Law* 9, no. 3-4 (October 1, 2011): 678-94.

⁹ Chantal Mouffe, *Agonistics: Thinking the World Politically* (London; New York: Verso, 2013).

¹⁰ Kalypso Nicolaïdis, "Epilogue: The Challenge of European Demoi-cratization," *Journal of European Public Policy*, forthcoming (2014): 1-9.

¹¹ Charles F. Sabel and Jonathan Zeitlin, "Experimentalism in the EU: Common Ground and Persistent Differences," *Regulation and Governance* 6 (2012): 410-26.

¹² Mary Kaldor, Sabine Selchow, Sean Deel, and Tamsin Murray-Leach, *The "Bubbling up" of Subterranean Politics in Europe*, Civil Society and Human Security Research Unit (London: London School of Economics, July 2012).

¹³ Kalypso Nicolaïdis, "The ICMS Annual Review Lecture: Sustainable Integration: Towards EU 2.0?," *JCMS: Journal of Common Market Studies* 48 (September 1, 2010): 21-54.

¹⁴ Jürgen Habermas and Jacques Derrida, "February 15, or What Binds Europeans Together: A Plea for a Common Foreign Policy, Beginning in the Core of Europe," *Constellations* 10, no. 3 (September 1, 2003): 291-97.

¹⁵ Kalypso Nicolaïdis, "The Power of the Superpowerless," in *Beyond Paradise and Power: Europe, America, and the Future of a Troubled Partnership*, ed. Tod Lindberg (New York; London: Routledge, 2004).

¹⁶ Robert Kagan, "Power and Weakness," *Policy Review* 113 (June 2002): 3-28.

¹⁷ Kalypso Nicolaïdis, Claire Vergerio, Nora Fisher Onar, and Huri Viehoff, "From Metropolis to Microcosmos: The EU's New Standards of Civilisation", *Millenium*, September 2014; and Kalypso Nicolaïdis and Nora Fisher Onar, "The Decentring Agenda: Europe as a Post-Colonial Power," *Cooperation and Conflict* 48, no. 2 (June 1, 2013): 283-303.

Islamic Social Welfare and Redistributive Justice in the Middle East

JACK JOY

ABSTRACT

In recent decades the welfarist operations of Islamist movements in the Middle East have expanded considerably. Following widespread IMF-induced state retrenchment in the region from the 1980s onward, these political actors now fulfil many distributive roles of the state. However beyond meeting certain charitable precepts of Islam, these operations also serve a strategic function that could help redefine how social justice is popularly conceived. After outlining the impact of fiscal retreat in the many formerly Arab-socialist states, and detailing the extent of healthcare and education provision by the Egyptian and Jordanian branches of the Muslim Brotherhood, this article explores how the traditional redistributive practices have evolved around political imperatives. It then argues that one of their principal strategic values is found in the avenues it affords for Foucauldian projects of governmentality that target the tastes, dispositions, and values of dependent communities. The article concludes with an assessment of how the “oppositional” nature of these practices has translated into state policies under the Freedom and Justice Party (FJP) in Egypt.

Introduction

Distributive justice can be understood as the conceptualization of how goods are allocated within society in an equitable manner. Throughout much of the Middle East’s constituent societies it has typically been popularly perceived with specific reference to a common experience of Arab social pacts. This implicit contractual foundation for state-society relations purportedly served as a means for many of the region’s authoritarian regimes to accelerate their ambitious programmes for industrial and economic development whilst also continuing the process of decolonization. By guaranteeing free healthcare and education, subsidized food and utilities, and utilizing the public sector to “sponge up” unemployment

Middle East states effectively bought the political acquiescence of their respective societies and the right to strictly manage legitimate associational politics through its own corporatist representative bodies. Accordingly this distributive tradition of Arab states can be said to have established a baseline standard against which their performance has since been measured.

Yet beginning in the early 1970s many Middle East states began to experience fiscal crises that forced regimes to question the scale of their distributive roles. Whereas the rentier oil-dependent nations of the Gulf have maintained high state revenues and accordingly sufficient levels of public spending, those without access to such resources have struggled to meet their welfare obligations. As exemplified by Anwar Sadat's *infitah* policy in Egypt, even formerly socialist Arab regimes swiftly began to liberalize domestic markets and to prioritize macroeconomic recovery over social stability. The resulting growth in unemployment and the privatization of state-owned enterprises was compounded by significant cuts in public spending, a range of new taxes, higher interest rates, large currency devaluations, reductions in tariffs, and the elimination of non-tariff barriers.¹ For ordinary citizens, particularly those dependent on the state for survival, these translated into rapid rises in the price of previously subsidized goods such as bread and fuel, the deterioration in the quality and quantity of state healthcare and education, and the growing scarcity of secure employment.

State efforts to offset this damaging impact on society have been noticeably poor. Instead political elites have focused on reconsolidating their own power and personal wealth in recent decades, resulting in a growing sense of injustice and inequality. In contrast the assurgent popularity of Islamist social movements during this period rested in part on the fashioning of their own *redistributive* role in society as they assumed responsibility for many of the day-to-day welfare needs of impoverished communities.

This article seeks to explore how these Islamist movements in the Middle East now conceptualize distributive justice and the political implications of their social welfare operations. After initially outlining the impact of state retreat on political society across the region, I will then draw upon empirical data from Egypt and Jordan to illustrate the scope of their redistributive roles. But I also discuss how far greater articulation is required by these political actors if they seek to impose mechanisms for extraction and redistribution at a national level that can be described as Islamic. Nonetheless, by analysing these redistributive *practices* from a post-structuralist perspective I will argue that their strategic significance lies in how they afford an opportunity for day-to-day engagement

with constituents. In her study of contemporary Islamist politics Salwa Ismail argues that the utilization of moral rhetoric within civic welfare organizations provides a new “modality of insertion” for such counter-hegemonic movements, without demonstrating an overt and potentially risky challenge for formal power.² This, she argues, has resulted in the growing tendency for these movements to redeploy religious idioms in secular aspects of daily life, leading to the “banalization” of Islamic cultural capital as they seek to gain greater control over the habits and conduct of the community.³ For Asef Bayat this growing trend is symptomatic of an impetus amongst Islamist movements to pursue “the gradual capture and possession of society”—a Gramscian “war of position” that betrays a strategic shift towards what he defines as “post-Islamism.”⁴ It is therefore through this regular interaction that Islamist movements are able to undertake a broader struggle towards the Islamization of society that seeks to reconstruct the values, norms, and priorities of constituents.

State Retrenchment and the Durability of Distributive Injustice

In order to fully determine the role that Islamist actors now play in fulfilling welfare roles it is essential to first outline how Middle East states have afforded space for this emerging aspect of their political operations. In the immediate post-independence era the region’s experience of social pacts can be understood to have established certain baseline standards of distributive justice within the region’s constituent societies. Mosque-led redistributive practices enjoy a long history, but the dramatic expansion of these roles in recent decades, typically by Islamist movements, represent a distinct modification of these benchmarks. To borrow from Christian Barry, these efforts can be understood as “purposive diachronic redistribution”—or socially caused changes in patterns of holdings.⁵ While the Middle East has long experienced relatively high levels of impoverishment, state retrenchment and International Monetary Fund (IMF)-imposed structural adjustment programmes have exacerbated this condition with damaging repercussions. As Harrigan and El-Said note, since the 1990s the region has registered the second-lowest levels in annual growth of income behind sub-Saharan Africa.⁶ Citing a 2002 United Nations Arab Human Development study they have highlighted how this period witnessed a stark rise in poverty, unemployment, and inequality, with roughly 12 per cent of the Arab labour force out of work in 2005 and a fifth of the Arab world’s population surviving on less than two US dollars per day. After a consistent decline between the 1950s and 1980s,

the incidence of malnutrition in Egypt began to rise again in the 1990s.⁷ Educational indicators fare no better with levels of illiteracy standing at around sixty-five million and an estimated ten million children going without any form of schooling.⁸

This correlation is not uniform throughout the region though. Syria refused an IMF bailout for example, while Tunisia accepted such assistance, but refused to impose prescriptions on public spending cuts. Furthermore Turkey has enjoyed substantial economic growth since receiving international fiscal aid. However Egypt, Algeria, Jordan, and Morocco all followed the Washington Consensus on macroeconomic reform, but have since experienced a significant decline in standards of living. This is perhaps best illustrated by recent data, particularly a 2004 World Bank report alleging that the number of citizens below the poverty line in Jordan jumped from 3 per cent in 1988 to 12 per cent in the late 1990s.⁹ A similar trend has been observed in Egypt where the state's Economic Recovery and Structural Adjustment Programme (ERSAP), launched in 1991, saw poverty levels almost double to 16.7 per cent by 2000.¹⁰ Only Turkey, whose 2001 IMF bailout came after an extended debt crisis, can be said to have experienced substantial economic growth following structural adjustment.

The extent of these policy reversals and their impact on levels of state welfare has led Nazih Ayubi to argue that they reveal the more foundational objectives of the region's ruling classes; or rather how social justice was never a sincere goal even for the Middle East's more radical post-independence regimes, despite their populist rhetoric. Arab socialism of the period is arguably best characterized by the economic nationalism of import-substitution industrialization (ISI), the subsidization of basic goods and services, and the over-extension of public sectors to "sponge up" surplus labour. For Ayubi though Arab socialism should be seen as a "hollow term" for what was actually a set of "*étatiste* control-based functions" best defined as "populist corporatism."¹¹ From this perspective "social-welfarism" in the Middle East was purely a functional means of confronting old oligarchies and expanding the power of the state, rather than meeting some Third Worldist conceptualization of distributive justice.

Such an understanding is central for appreciating the transformation of authoritarian Arab states in the period, and thus the durability of a popular sense of distributive *injustice*. This ability to survive in shifting social and economic climates is perceived by Steven Heydemann as "isomorphic" throughout the Middle East, defining it as a "bounded adaptiveness" or rather a capacity amongst Arab states for "adjustment and accommodation that is produced by the interaction of formal and

informal modes of conflict resolution, bargaining and coalition management."¹² These measures have enabled political elites to pursue retrenchment whilst simultaneously reconsolidating their power bases and private wealth through the careful forging of new class allies. In particular this has been achieved by cultivating a "bureaucratic bourgeoisie" out of patronage networks within vast Arab bureaucracies.¹³ As Ayubi argues, "the Middle Eastern state is not simply a reflection of the class reality of its society, but very often a creator of such realities as well."¹⁴ This emergent class has enjoyed access to state influence and resources to monopolize certain sectors, and thus allow regimes to retain a semblance of their former levels of control over some areas of domestic markets. Similarly Arab militaries have been afforded the chance to exploit these openings and utilize their technical expertise and manpower to dominate certain sectors. As Timothy Mitchell has highlighted in his study of economic liberalization in Egypt, its military now constitutes one of the nation's largest property developers and a major player in some consumer goods industries.¹⁵ By forming a commercial class of their own, militaries have thus become "parasitic actors"—wedded to political elites and aggravating a growing sense of inequality.¹⁶

For Burhan Ghalun a rising paranoia in light of legitimacy crises has encouraged the "Arab state ... [to] turn inwards, towards its own coercive forces, which are developed at great expenses—not to provide for the needs of the society but to maximize the means for crushing it."¹⁷ Salwa Ismail's study of the politics of security in urban Cairo also identifies a coercive state strategy aimed at "taming" the threat posed by society, ensuring "maximum docility," and thus "reinstating the state as a fetish."¹⁸ Cognitively such efforts achieve what Timothy Mitchell has defined as "a structural effect"—a popular impression of the state as "metaphysical" and "ghost-like," and of a world made up "not of a complex of social practices but of a binary order."¹⁹

Mitchell and Ismail can both be seen to draw here on Foucault's inter-related theories of governmentality and biopower, and the broader post-structuralist study of techniques of rule tied to technologies of the self and how forms of political government have recourse to "processes by which the individual acts upon himself."²⁰ Consequently such disciplinary efforts have cultivated a specific Bourdieuan habitus of political disengagement within the region. For its constitutive impoverished communities these "structured propensities to think, feel, and act" lead them to seek ways to meet their basic needs primarily through alternate and informal ways.²¹ With reduced access to state resources, and a fear of interaction with coercive regimes, many urban communities therefore revert to local and often kinship-based networks as a means of improving

their standards of living. Rather than subscribing to any specific political ideology the objectives of these informal networks are instead limited to what Diane Singerman terms the “family ethos”—the prioritization by its constituent family units of their material needs over the broader interests of the polis.²² This status quo has led Asef Bayat to conclude that for much of the Middle East political participation is grounded in a “politics not of protest, but of redress.”²³

Despite this contraction in the political aperture of both the urban poor and impoverished middle classes, a profound sense of injustice continues to prevail but without the associational means to affect macro-level redistribution. Accordingly the practices adopted by these communities to meet their basic needs are largely undertaken in an informal manner. This includes the regular siphoning of municipal services such as water and electricity, the construction of illegal housing on public land, and the creation of parallel economies, particularly informal credit markets, outside of state surveillance and regulation. All of these are made possible through a shared moral economy and system of social capital that promotes cooperation and mutuality based on a common distrust of the state. This desire for autonomy extends beyond material concerns however, with local notables (*biytkabarluk*) within these communities serving as a means of extra-judicial dispute arbitration and conciliation that avoids the need to involve much-feared police forces or an arbitrary legal system.²⁴ Ultimately such evidence serves to reflect how dependent communities in much of the Middle East now perceive the state, the formal political realm, and redistribution. This is perhaps best summarized by the attitude identified by Singerman following her ethnographic study of the *sha'b* (popular classes) in Cairo; that “the government was something to be taken from, an outside external force,” rather than its provider and protector.²⁵

Many of these societies can therefore be seen to have undertaken their own “inward turn” and for Labib al Tahrir the “space” between state and society was successfully de-politicized, creating a sense of “mutual exclusion ... rather than complementarity through dialectical conflict. What lies between the state and society in the Arab World is not a ‘space’ but a ‘vacuum’.”²⁶ This has at times been filled by nascent political forces, such as the Kifaya coalition in Egypt, the Reform Front in Iran, and periodic mobilizations of labour movements, but these have typically proved self-defeating either on account of internal divisions or, in the case of the latter, a common reversion to the types of informal networks detailed above.²⁷ However, as I hope to outline, fulfilment by Islamist movements of the state’s welfare functions, in addition to its humanitarian advantages, enables them to fill this “vacuum” and simultaneously

attempt a popular reconceptualization of how distributive justice should be conceived and where redistributive responsibility lies.

Islamic Social Welfare Operations in the Middle East: Evidence from Jordan and Egypt

According to contemporary Islamist discourse in the Middle East the essence of Islamic modernity, and thus its counter-hegemonic project, rests on its divinely ordained framework for fostering a deeper sense of community, a greater concern for social justice, and in general a more “trusting and trustful society.”²⁸ While Wahhabist and some Salafist proponents of *Shari’a* promote a literalist form of Islamic revivalism and the implementation of religious governance modelled on that exercised by Mohammad’s leadership of the early Islamic community, more pragmatic political Islam movements such as the Muslim Brotherhood, Hezbollah, and Hamas have tied their interpretation of *Shari’a* to the mundane socio-economic needs of their respective societies. For Francois Burgat the latter must therefore be seen as the direct product of the region’s leftist heritage, and he asserts in distinctly Third Worldist language that for modern Islamism “it is the return of the forgotten sons of the South, rather than a “return of God,” that has unquestionably been the most outstanding dynamic of the late twentieth century.”²⁹

The most readily apparent manifestations of this communitarian philosophy in practice can be witnessed through the charitable welfare operations undertaken by Islamic activists, of which a brief appraisal is required. Through the establishment of health clinics, schools, vocational training centres, and bolstered by material and financial hand-outs, Islamists have sought to fill some of the welfare gap left by state retrenchment. Moreover they have to some extent been permitted to do so by political elites as long as this civic engagement relieves popular discontent, and avoids evolving into overtly political threats. For Janine Clark such operations enable Islamists to fulfil their charitable obligations to both God and the community, and furthermore achieve a “demonstration effect” through the display of “an effective Islamic model in action” that stands in contrast with the failures and injustices meted out by secular political elites.³⁰ “Islam is the Solution” continues to serve as the slogan of the various national bodies of the Muslim Brotherhood and gains much popular credibility when, in the absence of sufficient state welfare, Islamic movements assume its obligations and manage them in a more efficient manner.

While Islamic social welfare provision in the Middle East continues to remain relatively underexplored several scholarly studies offer some valuable data on the size and scope of their self-appointed redistributive roles in recent decades. One such analysis is provided by Janine Clark's 2004 study of Islamic activism and middle class networks, which includes data on the operations of Jordan's Muslim Brotherhood-affiliated Islamic Centre Charity Society (ICCS)—estimated in a 2007 Danish Institute for International Studies (DIIS) report to provide regular services to around 50,000 citizens.³¹ Quintan Wiktorowicz determined in 2001 that up to half a million Jordanians, or roughly one in every twelve, had benefited in some capacity from its operations.³²

The ICCS is known to provide essential financial and material aid for Jordan's most impoverished communities, as well as running elaborate microfinance initiatives and even sponsoring Islamic weddings for pious couples.³³ Since the Society's establishment in the 1960s it is also reported to have established some fifty-three educational projects, including twenty-eight schools, twenty-three kindergartens, one university, a community college, and several vocational training centres. In total around 15,667 Jordanians were enrolled within its full time schooling programmes in 2005, which in turn provided employment for over 1,204 education professionals. These institutions enjoy much popularity amongst Jordanian families given their subsidized fees and superior teaching standards compared to the public school system. Similarly glowing appraisals are found for its health care sector, which manages two hospitals and fifteen medical centres across the country. According to data compiled by Harrigan and El-Said, in 1997 these institutions treated over 280,000 patients—a figure which by 2005 had risen dramatically to 485,503. Again its provision of employment opportunities cannot be overlooked, with 2,796 Jordanians working within these facilities and programmes.³⁴ Though some fees are charged by the ICCS its services are still provided “at cheaper prices than all other private or even public hospitals in the country,” while orphans and those deemed very poor are treated free of charge. Importantly the impressive quantity of its healthcare provision is paralleled by its quality, with the ICCS's flagship Islamic Hospital in Amman offering some of the most technologically-sophisticated range of medical treatments in the country, undertaking around 9,000 surgeries each year.³⁵

Much like the extent of the ICCS services footprint in Jordan, the Egyptian Muslim Brotherhood is thought to run around 20 per cent of all nationwide non-governmental welfare institutions.³⁶ Similarly its primary sectors are healthcare and education, managing twenty-two hospitals in addition to hundreds of local clinics and smaller medical cen-

tres attached to mosques. As Soheir Morsy has illustrated these should not be seen as efforts towards a revival of Islamic medicine, but in fact contribute to the hegemony of Western biomedicine by using imported state-of-the-art equipment from the United States and Europe.³⁷ Denis Sullivan acknowledged the high regard held for this healthcare provision in the mid-1990s on the basis of its charitable ethos and exceptional standards, noting a public perception that Islamic healthcare is characterized by “the concern for the poor that the public sector is supposed to have and has the efficiency and quality that the private sector is supposed to have.”³⁸

The demise of the public education system has also resulted in the expansion of Muslim Brotherhood operations in the private sector, with Harrigan and El-Said suggesting that the *Ikhwan* were running over 500 schools across every governorate of Egypt in 2009.³⁹ Again they are renowned for being cheaper than private alternatives and superior in quality to their public counterparts that are widely criticized for their poor standards. Though fees are charged these are thought to be lower and either waived or heavily subsidized in more impoverished communities. Consequently these redistributive roles earned the Brotherhood “a reputation of competence and honesty compared to the ruling National Democratic Party (NDP),” which was often perceived as “self-serving and corrupt.”⁴⁰ These proved major factors behind their success in the 2005 parliamentary elections, helping to offset the disadvantages resulting from its fragile legal basis. The state under Hosni Mubarak, aware of the success of the Muslim Brotherhood and Islamic private schools in general, had increasingly begun to regulate these educational settings prior to the 2011 revolution. Efforts included imposing standardized rules on dress codes to limit the proliferation of veiling and the strict supervision of teaching resources utilized in class. Some schools were even purged of teachers with Islamic political leanings. However popular backlashes against these heavy-handed efforts were fierce, and led Linda Herrera to conclude that the state was becoming increasingly “unsuccessful in controlling peoples’ desires for cultural manifestations of Islam.”⁴¹

Interestingly the findings of Clark and those of Harrigan and El-Said appear to differ on who the specific recipients of these redistributive programmes are and whether any criteria must be met by individuals and families in order to benefit from them. For example Harrigan and El-Said argue that:

In reality in order to benefit from the services of faith-based welfare organisations recipients have to conform to certain norms of behaviour. Often Islamic dress is

Yet Clark's various studies of health clinics in Cairo and throughout Jordan deny the imposition of such requirements, arguing that there is very little to identify these faith-based operations as religious especially as their employees are drawn from local communities and they too do not report excessive requirements to conform to Islamic codes. Instead through her interviews with staff and patients she notes that most of her respondents perceive the religious character of these institutions to lie predominantly in their economic character and communitarian outlook—two features which are certainly not unique to Islam. Though these movements are very much heterogeneous and shaped by local factors, further studies are required to help explain these discrepancies and determine when and where different Islamic movements might limit their welfare provision.⁴³

Conceptualizing Islamic (Re)Distributive Justice

The evidence above demonstrates that Islamist movements do make a significant impact in charitably rectifying the allocation of resources and social goods within both Jordanian and Egyptian societies. Less extensive studies of Hezbollah—which admittedly enjoys far greater autonomy within Lebanon's consociational system⁴⁴—suggest that their welfare operations are similarly wide-reaching, highly regarded, and central to their rising political capital.⁴⁵ Moreover Sara Roy's analysis of civil society in Gaza indicates how Hamas, albeit the de facto government within the Strip, has an extensive network of private welfare institutions which are popularly perceived as "Hamas factories."⁴⁶ The absence of sufficient primary data renders closer study of their respective redistributive practices difficult to undertake.

How are such practices conceived by the vanguard of these political movements though? It should be noted however that most Islamic social welfare operations do not cover all segments of these Middle East societies and often privilege communities from which Islamists draw political support. Furthermore in the post-Arab Spring era these movements that achieve power will increasingly be required to articulate Islamic systems of extraction and distribution applicable at a national level that must negotiate the pragmatic requirements of the global economy, and qualify their cultural rhetoric. Though such political organizations are heterogeneous and have been shaped by the particularities of their national set-

tings, I shall now argue that commonalities in their redistributive roles are indicative of a growing consensus amongst contemporary political Islamic movements regarding a benchmark level of social justice and similarly a highly decentralized system of redistribution.

As Harrigan and El-Said have noted such operations are increasingly seen to be doctrinally defined within current Islamic discourse, particularly how “the call to address social justice and the needs of the poor is part of and goes hand in hand with personal redemption. To ignore them is to ignore the main thrust of the Islamic faith.”⁴⁷ This conceptualization of the role of the individual and society in promoting greater social justice benefits from the religious legitimacy of an existing social mechanism for redistribution. *Zakat*, deriving from the verb *zaka*—meaning “to purify”—forms one of the five pillars of Islam and stipulates that Muslims above a certain wealth threshold (*nisab*) must donate a proportion of their income or assets to charitable causes each year. In his study of the practice Jonathan Benthall has described how *zakat* has typically constituted a metaphysical form of “financial worship” that serves as a vital material complement to an individual’s spiritual dedication to God. While the notion of private property is afforded a high level of protection within prevailing doctrinal interpretations, *zakat* is intended to remind believers that they are “merely vice-regents or trustees over the resources available.”⁴⁸ A similar assessment is made by Murata and Chittick who argue that “just as ablutions purify the body and *salat* (prayer) purifies the soul, so *zakat* purifies possessions and makes them pleasing to God.”⁴⁹ From such a perspective private wealth only becomes worthy once a certain proportion is responsibly reallocated towards philanthropic ends.

In practice however *zakat* is a highly contested field of Islamic economic and social policy whose understanding and application varies across time and space, commonly influenced by prevailing ideologies.⁵⁰ Historically its application has proven divisive over issues of how such funds are distributed, who or what it is levied on, and the responsibility for managing these redistributive programmes. Pakistan, Libya, and Sudan amongst others have experimented with state administered *zakat* without success, in part due to state corruption. As noted by Charles Tripp these revenues in Pakistan amounted to just 0.2 per cent of GDP in 1994.⁵¹ A similar record of inefficacy has been recorded in Iran where Khomeini attempted to introduce a clerically-administered system within the embryonic Islamic Republic without success.⁵² Consequently there is a common preference across the Middle East and the Islamic world to fulfil *zakat* in a more private manner—undertaken without recourse to

institutions, with pious individuals redistributing wealth amongst employees or the local poor.

Little data has emerged on the scope and administration of *zakat* within these parallel Islamic sectors, though as Clark has suggested most Islamic clinics in Cairo rely almost entirely on private donations.⁵³ While the charging of some fees enables the maintenance of Islamic welfare provision, could a system of *zakat* be effectively rolled-out across society to meet all welfare needs? With reference to Kuran's assessment of Islamic investment funds, the practice can so far only be seen as yet another superficiality of the Islamic economics.⁵⁴ As yet there are no clear answers for this question, primarily because Islamic social welfare has as yet only been administered at a sub-state level, and typically around the political needs of these movements. However it is essential to recognize that the significance of these welfare operations extends beyond the materialist aspect of redistribution given that such civic engagement serves as both a *means* and an *end* for contemporary Islamist projects in the region. Not only does this role fulfil the charitable precepts of the Islamic faith by helping to improve levels of social justice and endear Islamic movements to needy communities, it simultaneously provides a strategic opportunity through which to engage in the process of reshaping how these communities conceptualize justice itself, and provides its best guarantor. This is consistent with a social constructivist perspective that enables one to identify how social processes achieve epistemological change; or rather changes in popular perceptions of truth, and the distinct role of human agents in shaping these subjectivities.

As Kuran argues, such efforts ultimately aim to transform the "selfish and acquisitive *homo economicus* into a paragon of virtue, *homo Islamicus*."⁵⁵ The opportunity to undertake this is largely afforded by their day-to-day interaction with needy constituents through institutional networks at the grassroots level, and using socialization strategies that draw its dependents towards a greater religious communitarianism. This is embodied in *da'wa*—a "call to God"—a tradition of proselytizing which today is more grounded in a wholly civic framework. As such lay activists seek to inculcate "a duty incumbent on every Muslim, to participate in the Islamic reform of society and state" based on "a new ethic of civic obligation that mandated participation in the public sphere."⁵⁶ The provision of *zakat* and charitable volunteering serve as two foundations of this obligation. Crucially such efforts are not led by the clergy, and instead benefit from the decentralized organizational structure of Islamic movements that enable lay activists from within these communities to root their activism within local structures of meaning.

For Alastair Crooke, Hezbollah's "culture of resistance"—its own civic-nationalist variant of *da'wa*—must be regarded as an anti-modernist struggle against the depoliticization of culture and thus as "a version of the Habermasian concept of recovery of the public sphere from institutional moulding." Directly quoting the movement's political leader, Sayyid Hassan Nasrallah, Crooke notes that this normative project aims at "strengthening the individual as a human being and ... fortifying the relations of this human being with his immediate fellow human beings." This, in turn, is based on a "community esprit" which with regard to welfare operations involves "setting an individual member of the community on his feet is a part of the wider objective of enabling an individual to give, and to experience, respect reciprocated within a just community." The ongoing involvement of the "Party of God" in the Syrian Civil War undermines the universal humanism of his claims, but the strategic centrality of the Assad regime to Hezbollah goes some way towards accounting for such contradictions. Citing the practice of *zakat* as a social mechanism for supporting this ethos, Crooke alleges that such a calling aims to foster a detachment from material possessions and to inculcate the ideals of selflessness and sacrifice into the community. It represents an attempt to "transpose the norms of a just community into the life of contemporary *Shi'i* living in Lebanon today."⁵⁷

Understandings and applications of *da'wa* vary considerably, but there are distinct commonalities across the region particularly over its communitarian ethos. For Bjørn Olav Utvik its contemporary strategic calculus is demonstrated by the ongoing rearticulation by Islamic movements of the boundary between public and private life. By targeting constituents at the level of the individual they seek to seamlessly tie private conduct to the health and vitality of the Islamic community, and to encourage civic participation, greater levels of self-sacrifice, and heightened concern for social justice. To work diligently, maintain a good standard of hygiene, and to avoid vices such as tobacco, are amongst some mundane examples of human conduct extolled as contributing to a just Islamic society.⁵⁸

In her Foucauldian study of young Muslim women in Morocco, Connie Carøe Christensen has defined such practices as Islamist "programming" that consists of "practices which are at once constitutive of a self, suitable for implementing social reform, and of practices intent on social reform."⁵⁹ This dualism, I would argue, echoes the significance of both distributive justice and redistributive practices for Islamist movements. This "programming" rests on post-structuralist conceptualizations of power that recognize how its micro-physics can cumulatively impact on macrostructures. By targeting individual subjectivities *da'wa* can be

viewed through the theoretical framework of governmentality and therefore represents “‘a politics of truth,’ producing new forms of knowledge, inventing new notions and concepts that contribute to the ‘government’ of new domains of regulation and intervention.”⁶⁰ Given that rationality is tied primarily to historical practices rather than “transcendental truth,” the intended result of *da’wa* with regard to distributive justice is to render greater community participation a rational practice. This in turn will translate into the voluntary and willing reallocation of wealth by individuals who see it as an essential component of their spiritual dedication to God and their membership within the community. In this regard it can to some extent be seen as a form of social and religious insurance.

Assessing the Performance of the Freedom and Justice Party (FJP) in Power

Any attempt to measure the distributive policies of Islamist parties in formal power following the Arab Spring immediately founders on both the absence of extensive data on state welfare in this period, but also their relatively short terms in office. In the last year both the Muslim Brotherhood-affiliated Freedom and Justice Party (FJP) of Egypt, and Tunisia’s *Ennahda*—the two big Islamist winners of the Arab Spring—have lost their positions of power; the former having been removed in a military coup, the latter ceding power to a caretaker government in early 2014. Any study of *Ennahda* is immediately rendered more complex by its position within a coalition government, forcing it to compromise any economic policies it might otherwise have pursued. Meanwhile evidence from Egypt presents two contrasting arguments regarding the FJP’s performance—one in which it failed to substantively tackle the roots of pre-existing distributive injustice in Egypt, and another which indicates a far greater commitment to social development than its predecessors.⁶¹

It cannot be denied that despite decades pursuing state power Muslim Brotherhood/FJP political leaders had still failed to develop a model of economic reform that was markedly different from the policies of its predecessors. Following its 2012 electoral victory the party proved unable to tackle falling growth rates, currency devaluations, and escalating inflation on basic consumer goods—all of which had been exacerbated in the period after the fall of Mubarak. Political opposition to the FJP around the *Tamarod* alliance, and certain elements of the National Salvation Front, also alleged that Mohammad Morsi’s negotiations with the IMF over a \$4.8 billion bailout was a sign that NDP neo-liberalism would continue, albeit with an Islamic veneer. These accusations were further

supported by Morsi's ambition to establish a deep and comprehensive free trade area (DCFTA) with the EU that was anticipated to raise unemployment rates, whilst the reduction of state subsidies on butane and electricity and raising of taxes on cooking oil were likely to hurt Egypt's most impoverished classes the most.⁶²

Yet this picture is complicated by other tax hikes that clearly targeted the wealthier segments of Egyptian society, particularly a widening of high-income tax brackets and the doubling of stamp duties on bank facilities and loans. A demonstrated stubbornness over IMF-prescribed cuts on other subsidized goods and public sector employees also suggests that the FJP government was unwilling to hurt the Egyptian populace further in its attempt to reduce the public deficit. Morsi even sought to bypass the IMF's austerity demands by lobbying for bilateral loans from Germany and Russia, both of which rejected his overtures.

Beyond these fiscal efforts other aspects of the FJP's performance in power are marked by a distinct commitment to social development such as its ambitious twenty-year *Nahda* project.⁶³ Part of this renaissance was embodied by the "Together We Build Egypt" campaign in early 2013 which sought to extend healthcare provision to a further 1 million low-income citizens, beautify around 2,000 schools, and even plant 500,000 trees.⁶⁴ Regardless of whether the campaign really achieved 77 per cent of its aims within its first three months, as was claimed, even Muslim Brotherhood officials publically recognized that the *Nahda* project as a whole had stalled on account of internal conflicts and excessive bureaucracy.⁶⁵ Nonetheless its more explicitly stated objectives—such as the reduction of unemployment by 5 per cent per year and increased education expenditure from 3.3 to 5.2 per cent of GDP—set specific benchmarks against which its performance could be measured.⁶⁶

The Muslim Brotherhood's failure on this front was also compounded by allegations from within certain communities that these projects were solely targeted at the *Ikhwan's* support base, giving such forms of social justice a more politically pragmatic air. Furthermore there are no indications of any attempt to establish a system of *zakat* within Egypt, and by engaging with the IMF, continuing to draw US military aid, and attempting to encourage foreign direct investment, FJP economic policy does not appear to be in any way uniquely Islamic, nor to have substantially rectified the baseline of distributive justice. Instead their performance appears to corroborate Kuran's allegation that such epithets are largely superficial.

Whilst non-economic factors played an equally influential role in prompting the removal of Morsi and the FJP, the organization was

fundamentally posed with the same dilemma that faced its previous regimes, and also came to favour macroeconomic recovery rather than social stability. The evidence above does undermine such a simplistic dichotomy, but it also serves to underscore both the hegemony of global neo-liberal economic institutions, and the absence of an articulated Islamic “third way” between capitalism and socialism. With regards to tackling the condition of distributive *injustice* that it inherited, the performance of the FJP only contributed to the view that as yet “Islam is *not* the solution” when it comes to mundane economic matters. Olivier Roy’s “failure” thesis has argued that the ever-growing preoccupation with morals and human values illustrates the long-standing inability of Islamic movements to articulate a viable political alternative in the Middle East.⁶⁷ While Bayat’s concept of “post-Islamism” refutes such fatalist assertions, and gains credibility from studies into Islamist programming afforded by Carøe Christensen, the performance in power of the FJP and the discernible absence of any distinctly Islamic socio-economic restructuring arguably lends them weight.

The coup-cum-revolution of 2013 ultimately brought about the imprisonment of Morsi, the removal of his government, and more recently the criminalization of the Muslim Brotherhood. The implications of these steps for the extensive social welfare programmes that the movement has provided for decades are hugely significant. Will the material distribution and the educational and healthcare facilities funded and run by the movement survive these clampdowns, and if so could they be integrated into a state infrastructure? Given the close ties between the military elites and the NDP, would a government run by Abdel Fattah el-Sisi pursue an economic policy fundamentally different to that of Mubarak? The heavy-handed ballotocratic rule of the FJP has no doubt damaged the prospects of moderate Islamism in Egypt and elsewhere in the Middle East and given the ruthlessness with which Muslim Brotherhood leaders have been hunted down and arrested it is doubtful that its vast institutional basis and strategic use of charity as a form of counter-hegemonic struggle can continue. The lower-middle classes and urban poor will be impacted most by these developments, yet the repercussions on moderate Islamism are equally considerable and could well result in a growing militancy amongst its broad support base who feel that the movement’s democratic experiment has hindered the Islamization of both state and society.

Despite the quantity and quality of Islamist sub-state welfare operations they as yet remain insufficient to offset entirely the retreat of many Arab states from their distributive responsibilities. Symbolically, however, they have served to achieve Clark's "demonstration effect" and depict an efficient and fundamentally compassionate Islamic alternative to mismanagement of the state by secular elites.

Olivier Roy's assertion that many formerly radical Islamist movements have "failed" suffers principally from its inability to appreciate how interactional practices afforded through welfare operations aggregate within cultural systems to change attitudes and codes of behaviour. As communities increasingly Islamize by changing dress codes and social mores, it will become more rational for individuals to follow suit and publicly perform their virtuous charitable commitment and civic ethos. Although this study has rested on many homogenizing assumptions with regard to Islamic movements and the evolution of political society across much of the Middle East, whilst also excessively relying on what little data is available on Islamic welfare provision, I believe that by adopting a social constructivist approach to these redistributive practices it becomes possible to identify how, beyond their charitable impact, they provide a hugely valuable means for socializing communities towards a more communitarian and participatory habitus.

Such strategies are not smooth processes though as power does not solely flow downwards. Rather, as Linda Herrera has identified through her study of Islamic education centres in Cairo, numerous other societal factors including the market and popular tastes will continue the dialectical shaping of how Islamists themselves perceive an idealized society. As with any conceptualization of distributive justice, it will always remain in flux as it is conditioned by prevailing economic and cultural forces.

Quite how Islamic movements envision managing and regulating the material needs of diverse groups within societies continues to provoke debate, and still remains largely a discursive exercise even in the post-Arab Spring era. Consequently while many secularists and liberals in the Middle East might perceive political liberalization as a threat to existing religious freedoms and civil liberties, Islamists too are likely to feel anxious about substantively translating their oppositional politics into pragmatic responses to everyday social needs, despite their long-standing desire for power. To gain a greater insight into how Islamic redistributive justice is strategically conceptualized by Islamists themselves, as well as the cognitive impact of redistributive practices on their welfare constituents,

further studies need to be undertaken. What factors have historically determined the allocation of welfare and thus how do these practices draw boundaries within and between social groups? What citizens are eligible to benefit and what requirements are placed on them? If Middle East states underwent Islamization, can non-Muslims, divorcees, and even political opponents expect the same level of justice? It is highly plausible that Islamic movements themselves are as yet uncertain and the process of governmentality outlined earlier in this article is only adequate for social explanation outside of the state system—becoming overwhelmed by traditional structural forces once a movement is brought into the state fold. Such is the limitation of the social constructivist approach. ■

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Notes

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Social Connection & Political Responsibility: An Engagement with Iris Marion Young

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ABSTRACT

Iris Marion Young's final work contains an innovative account of justice and responsibility, with a focus on social-structural processes and borders. In this paper I engage in two lines of criticism. The first concerns Young's account of how we should assume responsibility for global injustice. Her account of responsibility is critical of forms of individualism that deny collective responsibility for structures and processes, and force individuals to act alone. I will argue, however, that Young's own account manifests a similar weakness. I question her account of how collective political responsibility translates into collective agency against injustices. In particular, the role given to institutions and collective action remains voluntary and discretionary in a way that fails to live up to the expectations she elsewhere builds regarding collective agency and responsibility. My second line of criticism illustrates this by arguing that Young is mistaken in seeing the successes of the anti-sweatshop movement as an illustration of her political responsibility model. Instead, I suggest that Young's account of political responsibility needs further development with respect to collective agency for justice.

Iris Marion Young's final work, published posthumously after her premature death in 2006, contains an innovative account of justice and responsibility, with a focus on social-structural processes and borders.¹ In what follows I will explicate Young's approach, and consider the resources it brings to the debates about responsibility for justice beyond borders. I focus on Young's account of the role of the state and other international institutions and how they relate to the question of individual agency. Young argues that there is a problem with turning to the state and international organizations in struggles over injustice, because such institutions have usually been captured by the social processes that produce or perpetuate injustice.² This concern, however, gives rise to a

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weakness in her argument, with particular respect to *collective* agency against injustice.

I shall engage in two lines of criticism. The first concerns Young's account of how we should assume responsibility for global injustice. Her account of responsibility is critical of forms of individualism that deny collective responsibility for structures and processes, and force individuals to act alone. I will argue, however, that Young's own account manifests a similar weakness. While she very effectively articulates social-structural processes as *subjects* of justice, her account of how collective political responsibility translates into collective agency against the injustices these structures produce is inadequate.

My second line of criticism is intended to illustrate this claim. The premier example Young uses to illustrate her theorizing about political responsibility for justice is the anti-sweatshop movement. I argue that Young is mistaken in seeing the apparent successes of the anti-sweatshop movement as an unambiguous illustration of the efficacy of her political responsibility model. Instead, I suggest that this case illustrates some of the issues I raise in the first part of the paper—that Young's account of political responsibility needs further development with respect to (particularly collective) *agents* of justice.

In the first section of this paper I outline Young's social connection model of responsibility, showing how it is distinguished from the "standard conception" of responsibility, and the difference this makes. In section two, I consider the role of the state and global political institutions in Young's account. In section three, I address what Young says is her key motivating question: how individuals as moral agents should consider their responsibilities with respect to structural social justice. Here I argue that Young's account does not escape the difficulties she identifies in some other accounts. The final substantive section before my conclusion considers the central case that Young uses to illustrate her model of responsibility and social connection: the sweatshop. I argue that the case is not fully persuasive as an illustration of the purposes Young pursues with her social connection model of responsibility.

Young's Social Connection Model of Responsibility

Young opens *Responsibility for Justice*³ by reflecting back on an era when—for Americans and their policymakers—widespread poverty was perceived as a national shame. It was the dominant opinion, she suggests, that, "vulnerability to poverty is a function of complex institutional factors that leave too many people behind."⁴ In subsequent times there was

a “seismic shift” in the dominant opinion, in particular regarding the attribution of “responsibility.” Previously, structural accounts had linked an ethical sensibility of collective responsibility for social wellbeing with analyses of the complex institutional factors that may render one vulnerable to poverty. Such accounts were traded for accounts in which the vulnerable were to take responsibility for their own circumstances. These circumstances were in turn largely attributed to the attitudes and behaviors of the vulnerable.

This background sets the scene for the questions that animate Young in this volume: “How should individual moral agents think about our own actions in relation to the social-structural processes that produce injustice? What does it mean to take responsibility for altering these social processes to make their consequences more just?”⁵ The key concepts utilized to answer these questions unfold in subsequent chapters of the book. The first set of concepts deals with how we should understand structure as a subject of justice; the second develops the notion of responsibility that Young intends to deploy in the later part of her argument.

Structural injustice exists, Young says:

...when social processes put large groups of persons under systematic threat of domination or deprivation of the means to develop and exercise their capacities, at the same time that these processes enable others to dominate or to have a wide range of opportunities for developing and exercising capacities available to them. Structural injustice is a kind of moral wrong distinct from the wrongful action of an individual agent or the repressive policies of a state. Structural injustice occurs as a consequence of many individuals and institutions acting to pursue their particular goals and interests, for the most part within the limits of accepted rules and norms.⁶

It is through her conception of *responsibility* that Young links structural-social injustice with us as individual moral agents. Responsibility emerges out of *connection*—one may be innocent of committing a wrong, but if one is *connected* to the process which facilitates that wrong, one bears some form of responsibility.

But what form of responsibility? Here Young draws a distinction between the “standard conception” of responsibility, and the political responsibility she develops in her Social Connection model, which draws extensively from her work on Arendt.⁷ The standard conception might be thought of as the “who dunnit” conception⁸—or, more philosophically, the liability model of responsibility. This is a model of responsibility where there is a direct connection between, for example, a person who has done harm and the person harmed; there is a causal connection

between agents and the situation for which responsibility is held. This form of responsibility includes, says Young, all

practices of assigning responsibility under the law and in moral judgment that seek to identify liable parties for the purposes of sanctioning, punishing, or exacting compensation or redress ... these practices are generally backward-looking in their purpose.⁹

A liability model of responsibility is required for both moral judgment and a functioning legal system. It will play a key role in any general theory of global justice: as we shall see later, many of the injustices which cross borders are amenable to description under the liability model. But Young's key contribution here is to argue that the liability model is not sufficient on its own for addressing matters of global injustice—in particular, those aspects of global injustice that are structural.¹⁰ These injustices are not amenable to the kind of linear connections whereby one person's actions can be directly connected to the harms another suffers.¹¹ Young says, "responsibility in the liability sense should be reserved for persons who can be specifically identified as causing the harm, usually knowing what they are doing."¹² Thus, even adapted, attenuated, or weakened forms of liability (or complicity) are of little help when considering matters of structural injustice—where specific, knowing harm-doers are rarely identifiable.

The kind of responsibility Young sees is different in *kind*, not just *degree*.¹³ She suggests it is akin to the responsibility of a teacher for her students' progress—rather than, say, a thief's responsibility for his stealing. The example of the teacher illustrates a role or a position that is held by a person. That role or position comes with particular expectations—responsibilities that other members of society legitimately expect will be shouldered and met by the person in question. Young also illustrates this conception of responsibility by referring to the responsibilities that we share as citizens. In these sorts of cases, *responsibility* has a different meaning to that employed in the case of the thief. "In this meaning," Young comments, "finding responsible does not imply finding at fault or liable for a past wrong; rather, it refers to agents' carrying out activities in a morally appropriate way and seeing to it that certain outcomes obtain."¹⁴

Young seeks to supplement the liability model with her "Social Connection Model of Responsibility for Justice." In this model,

Individuals bear responsibility for structural injustice because they contribute by their actions to the processes that produce unjust outcomes. Our responsibility derives from belonging together with others in a system of interdependent

Young articulates five features of the social connection model which set it apart from the liability model and help articulate how we should understand the claims of justice that can and should be reciprocally held among interconnected human persons.

First, the social connection model is not isolating like the liability model, which seeks to identify a single responsible agent. Young's model recognizes that such an approach is not adequate for addressing injustices that accrue from processes involving thousands or millions of people. Young's model allows us to say that such people "bear responsibility ... without being specifically at fault."¹⁶

Second, whereas in the liability model responsibility is ascertained through consideration of an agent's deviation from the usual background structure, in the social connection model it is that background structure itself which can be brought into question. This is what it means to assert structural injustice: "that at least some of the normal and accepted background conditions of action are not morally acceptable."¹⁷ Importantly, though, Young provides various reasons to not hold people *at fault* (morally or legally) for their contributions to the background structure: people do not usually intend those contributions; they often have reasons for thinking that acting within "normal" parameters is good and virtuous; people may not have the reflexive distance that is required to understand their relationship to the background conditions, and people may in fact find themselves constrained by the same background conditions they would wish to alter if they were able.¹⁸

Third, the social connection model is forward looking in its "temporal emphasis and priority."¹⁹ Processes of structural injustice are ongoing—it is *because* they are themselves ongoing and future-oriented that they are of such concern. They cannot be fully addressed by punishing a perpetrator. Rather, we seek to transform the present to bring justice for the future.

Fourth, responsibility is shared. All involved in social processes and structures share responsibility, and bear it personally, for harms caused by those processes and structures that comprise the "inchoate collectives" to which we belong. "The ground of my responsibility", says Young, "lies in the fact that I participate in the structural processes that have unjust outcomes."²⁰

Fifth, from this it follows that this responsibility can only be discharged through collective action. The "rules, norms, and material effects of structural processes" can only be effectively challenged when

many diverse actors work together.²¹ Politics, Young emphasizes, is “public communicative engagement with others” oriented toward justice.²²

While Young’s theory does not offer prescriptions, rules or methods regarding collective action she does identify four “*parameters of reasoning* about individual and organizational action in relation to structural injustice.”²³ These are: power, privilege, interest, and collective ability. Young speaks of *power* in terms of energy, resources, and influence; agents should utilize whatever they have of each to respond to structural injustice, and should do so at the point where it will be most efficacious. Structures produce *privilege*, and those who benefit from this privilege have correspondingly more responsibility to undermine injustice within social-structural processes. Victims of injustice clearly have an *interest* in undermining injustice—in fact in Young’s model they have political responsibility along with other agents in this task. Their participation is crucial in the attempt to avoid paternalism or other inadvertent harms, which may be introduced by well meaning outsiders. For non-victims, Young says “one way of looking at what taking political responsibility means is to figure out how to align one’s own interests with those of agents that suffer injustice.”²⁴ Finally, *collective ability* is Young’s term for new ways in which individuals and institutions may be able to redirect their resources, acting cooperatively together against injustice.

The role of states and global political institutions in Young’s account

Young criticizes the view that the scope of our immediate political community exhausts our obligations of justice. In particular, the use of the nation-state as a container for moral obligations to others is rejected as arbitrary and misleading.²⁵ The nation-state view, as Young puts it, “makes prior what is posterior from a moral point of view”; “social connection is prior to political institutions.”²⁶ While the state may not be the appropriate boundary, its other characteristics make it figure imposingly in the discussion about how we should respond to and manage our responsibilities for justice.

Thus, Young imagines her readers asking about the role of states in our world, when confronted with injustice across borders. In the philosophical literature on global justice, Young argues, the pattern is to outline an account of the best combination of institutions and practices for just outcomes, and then to use this account to think about achievable reforms. She cites Thomas Pogge’s work in global justice as an exemplar of this approach.²⁷ However, Young suggests there is a certain naïveté in

the way many theorists think about the role that states and global institutions have with respect to “responsibility for justice.”

Pogge, Young notes, argues that we can resolve the problems of global justice by putting in place different basic institutions. Similarly, for Allen Buchanan, global justice will be enhanced by reforming international law.²⁸ There is no doubt that different or altered institutions and law reform will help,²⁹ but Young thinks these approaches are inadequate and mistaken. She says, “This way of conceiving the matter conjures the image of a global constitution that sets the rules determining major social and economic processes across the world.”³⁰

The error is in viewing global structures as differentiated and discrete components. One component is the international rules, one is the set of institutions; and then together these are applied to aspects of international and national economic or social activity. In an earlier part of the book where Young sets up her account of justice and social structure, she engages with John Rawls.³¹ Rawls, she says, “thinks about structure in the wrong way.”³² Her claim is that Rawls and subsequent thinkers are looking for a key part of society that is most fundamental for thinking about justice. If it can be identified and altered, a cascade of justice should follow through. Young declares this way of thinking “a mistake”:

Depending on the issue, the structural processes that tend to produce injustice for many people do not necessarily refer to a small set of institutions, and they do not exclude everyday habits and chosen actions. Social structures are not a part of the society; instead they involve, or become visible in, a certain way of *looking* at the whole society, one that sees patterns in relations among people and the positions they occupy relative to one another.³³

For Young, the point is “that structural social processes concern the *whole* of society looked at from a specific point of view.”³⁴ Adjusting one part of the process (the rules, the global constitution) is going to be inadequate to the task both conceptually and concretely. Conceptually, identifying responsibility for justice with the responsibility to ensure the alteration of a certain subset of global institutions, and tracing back through the processes and individual people needed for this task, gives us a mistaken view. Concretely, even if this were the case, it would not be sufficient to achieve justice. The key part—the basic or fundamental aspect of the structure, which in Young’s account of the Rawlsian paradigm is the determinant of justice—turns out to be a component, an aspect of a more complex process.

So, we return to Young’s question, “what about states?” She affirms that states and inter-state institutions are key agents in the endeavor to make the world a more just place. However, her full position on this

might be termed the “sometimes clause”—it is only sometimes that states and other global institutions fulfill any of their potential on this front. States can limit powerful agents; states can influence incentive structures and be action-coordinating agents; states can order policies and programmes such that they benefit the least well off.³⁵ And sometimes they do.

When they do not, which by implication is most of the time, it is *not* primarily because of corruption or incompetence:

... it is because the rules and practices of these institutions are more aligned with the powers and processes that produce or perpetuate injustice than with those who seek to undermine it. We cannot turn to the state or international institutions as arbiters in a struggle between the interests that produce structural processes with unjust outcomes and interests in changing those processes. The policies and programs that states and international organizations enact themselves tend more to reflect the outcome of those struggles than to balance between or adjudicate them.³⁶

Individual Moral Agents and Structural Responsibility

As we have observed, Young says that the motivating question for her study is “how shall moral agents think about our responsibility in relation to structural social justice?”³⁷ Young disagrees with approaches that emphasize only personal or individual responsibility, because they discount or ignore the role that structures and processes play in producing levels of justice in the social circumstances that individual moral agents find themselves. A major part of the burden of Young’s argument is to bring these structures and processes into view, to articulate the manner in which they are subjects for our ideals of justice, and to develop an account of responsibility for the justice of those structures.

It is in the development of this account of responsibility, however, that we are forced back to the question of individual responsibility. While social structures and processes are held up as the subject of justice, the tendency of Young’s account of how we assume responsibility defaults back to an individualism which causes moral agents to carry that responsibility alone. Young identifies a collective subject of justice, but her account of responsibility or agency for that justice is individualistic. Her attempt to think about how individual moral agents should regard their own action in response to these structures and processes fails to adequately place justice-seeking behaviour in collective processes and structures.

This makes Young vulnerable to a criticism which she deploys against others, such as holders of the “cosmopolitan-utilitarian view” attributed to Peter Singer and Peter Unger:³⁸

As articulated by writers such as Singer and Unger ... the cosmopolitan-utilitarian position is overly individualist and offers few guidelines to set action priorities. One gets the impression that each individual is obliged to act on her own to discharge her demanding cosmopolitan responsibilities, by, for example, giving away her individually owned property. The position has too thin an account of the role of institutions and collective action.³⁹

I suggest Young’s account ends up having similar individualist tendencies, and that the role given to institutions and collective action remains voluntary and discretionary in a way which fails to live up to the expectations she elsewhere builds regarding collective agency and responsibility.

This is partly a consequence of the framework she sets for her overall project. At the end of the initial chapter in which Young critiques the standard ideology of personal responsibility, she says that her ambition is to answer two key questions:

How should individual moral agents think about our own action in relation to the social-structural processes that produce injustice? What does it mean to take responsibility for altering these social processes to make their consequences more just?⁴⁰

Young’s immediate comment here is to emphasize, in keeping with many of her key arguments, that blame, fault and liability are not the ways in which we should assign responsibility in relation to social-structural processes. I question whether her alternative succeeds in escaping a return to some version of the individualism present in a similar manner in the volunteerist individualism of theorists like Singer. This individualism sits in tension with her ambition to theorize social structures and processes as subjects of justice enacted through collective agency; in particular, it leaves an imbalance between a recognized collective subject for justice, and the unequal and relatively un-powerful individuals who are required to assume responsibility. The framework seems limited by directing us to respond as individuals: Young does not develop a collective account of agency for justice that might be the counterpart to the social structures and processes she theorizes as the subject of justice.

This description might seem to be an unfair or even false interpretation of Young. At times she argues strongly for collective responses to injustice:

As I have emphasized before, responsibility for justice ... calls for pushing authoritative and coercive political institutions in directions that remedy injustice, where they exist, and bringing them into being where they do not.⁴¹

The wording here is interesting: responsibility for justice, “calls for pushing”—but who does this? Is it individuals or activist organizations? Or perhaps states? *Exactly* to whom this responsibility devolves and how it does so is not clear. She mentions “publics,” but this is under-developed:

For current global injustices, states, international organizations, private nongovernmental organizations, activist organizations of volunteer citizens, and private for-profit organizations all need to constitute a public for debating proposals for change and coordinating their implementation.⁴²

It is useful to cross-reference this account of assigning responsibility with an earlier formulation that she uses: “tasks of political responsibility.”⁴³ We might ask what these tasks consist in, but also, to whom they fall. This reference immediately precedes her discussion of the role of the state, which brings us back to this question of exactly who is responsible to act. But first, Young articulates what this action may be through her account of the tasks of political responsibility. There appear to be three tasks.⁴⁴ The first is to expose the structural fissures whereby a structure operates against the justice interests of a (usually) powerless class of people, while also serving the interests of others. The second task would seem to be publically holding to account those in whose interest it is to perpetuate such harmful structures. This task of public accountability generates the third task, which is that of political contestation – contestation between those who comprise opposing interest groups, but also and importantly, contestation from third parties who intervene in accord with their perception that they are responsible for justice and can act to make social change in such a context.

It is at this point in her discussion that Young senses readers might want to ask about the role of the state. As we saw above, while Young holds that states and other international institutions are key to affecting structural change for justice, she also argues strongly that states cannot be seen as the arbiters in struggles over social-structural processes, because more often than not they are already captured by those processes; their capture invalidates their justice-making potential, or at least, renders it an open question. In response, Young re-emphasizes the need for demands to be made on states and institutions—demands here meaning tasks of responsibility. Later she adds to this by saying that the capacity of the state to promote justice depends upon its citizens. There, Young includes the material dimensions of justice: many states have few re-

sources. In this context, “If we want our states to take the more difficult positive actions, then citizens must be willing to pay for them.”⁴⁵

There is a strong suggestion here that these positive actions default back to the actions of individuals rather than to those of collective agents. It is true that Young says we must debate how to enjoin states to engage in the difficult positive actions, that we must hold actors private and public accountable—but in this telling, the “we” seems to be individual private citizens. Despite wanting to go beyond the liability model’s isolation of individual moral agency, her social connection model also, in the end, seems to emphasize the individual agency of persons as the primary force for justice, downplaying the utility of institutions, states or other structures in themselves.

Serena Parekh agrees that Young is mistaken to downplay the role that states can play in addressing the question of structural injustice. Indeed, she enlists Rawls’ support in suggesting that states *can* be held “responsible for the background conditions that support political institutions.”⁴⁶ She argues that states are in a better position than individuals to take political responsibility, “because states have a unique and privileged position vis-à-vis unjust social structures.”⁴⁷ Parekh makes three key points. First, states can play a key role with respect to raising awareness of structural injustice. States have at their disposal significant resources for communication, and forms of access that individuals do not. Secondly, states have the capacity for mobilization against injustice. Parekh acknowledges the role of social movements here, but—using the environment as an example—points out the importance of states using their own resources to mobilize for action. Indeed, later she uses Young’s own example of sweatshops in this context too: once appropriate forms of action and policy responses have been formulated, the state’s capacity for mobilization plays a crucial role. Finally, “states can play an important role in changing social processes so that those processes are less unjust in the future.”⁴⁸ Here Parekh discusses the potential for states to change their approaches to human rights, and the way in which such changes can go beyond liability model approaches of addressing past human rights violations, to political responsibility approaches: putting in place policies, mechanisms and institutions which would actively prevent violations from taking place, thus reducing levels of harm and injustice.

These kinds of formulations, however, go beyond what Young develops in her work (while at the same time not adequately addressing Young’s point that states are already captured by unjust processes, and thus inappropriate actors as arbiters about justice). Young seems determined to focus on how we as individuals should come to understand our political responsibility within structures and processes, perhaps to the

point where she neglects the ways in which (even already compromised) institutions within those structures and processes could assume forms of political responsibility.

Structures and processes then are seen more as *subjects* of justice, and therefore as entities for which we as agents have responsibility; those same structures and processes are not articulated as *agents* of justice. To the extent that Young does conceptualize or theorize about states and other global institutions as *agents* of justice, it is to articulate that they are already compromised, and that any value they have is dependent on the value of the individuals acting within them.⁴⁹ Their value is not theorized in terms of collective agency or in terms of social-process/structure. One might even go so far as to suggest that social processes and structures, in Young's social ontology, are only about *injustice*. There is little discussion of social movements or civil society as social structures, processes and agents that might help with responsibility *for* justice.

This last statement, it might be suggested, is to push this criticism too far, so that it becomes a misinterpretation of Young. After all, Young's principle example of "responsibility across borders" is that of the anti-sweatshop movement—a key social movement in the civil society domain. Nonetheless, I will argue that her account of this movement retains an understanding of responsibility and agency which seems to undermine her stated purpose—in the end leaving her with an account more like that of Peter Singer,⁵⁰ for example, given the way it defaults to advocacy of individual action on the part of agents (people or corporations).

The Case of the Sweatshop

The sweatshop—and, tellingly, the role of the anti-sweatshop activist movement—are, then, the case Young uses to illustrate many of her arguments about responsibility, justice and social connection. I will argue here that while this example clearly illustrates social-structural connections, it is less effective as an illustration of Young's political responsibility at work—indeed, on the reading I provide it suggests areas where Young's model needs further development.

Sweatshops, as Young presents them, are characterized by extremely poor conditions and workers being paid abysmal rates for long hours. The apparel items are usually sold in rich countries, under "respectable" and highly profitable market-leading labels. For Young, this is a classic case of a structural social process, global in scope, which conditions "the lives of many people within diverse nation-state jurisdictions."⁵¹ Young argues that these cases render otiose the arguments of those who think

the obligations of social justice are confined to the polity contained by the state in which one happens to live.

While outlining the basic contours of the sweatshop case, Young acknowledges that this is an issue that is referred to by human rights standards and institutions. The conditions of sweatshop workers violate a range of human rights norms: most obviously the actual working conditions of garment makers, which usually impact on health and safety rights as well as being violations of labour rights. She takes a strong stand for these human rights claims:

The meaning of such rights ... ought to vary little with local culture or level of industrial development. Exhaustion and the need to pee are cross-cultural experiences. The right to assemble and organize ought to be recognized everywhere, and to intimidate and beat people who try to exercise these rights is wrong everywhere. To say that these are rights is to say precisely that there is no valid moral argument for trading them off against profits, or policies designed to foster economic growth, or the earnings of the workers.⁵²

And some pages later, Young affirms that one of the key roles of state regulatory frameworks is to ensure that a “human rights floor” is maintained, below which firms may not sink in their attempts to maintain or buttress their economic fortunes.

In the pages that Young devotes to the sweatshop case, she demonstrates the way in which economic and social structures and processes connect consumers of apparel to the abused laborers who sew the clothes and shoes we wear. This analysis is a telling example of the social connection account of responsibility, and the way in which it is based on *active relationships* between parties.

We also find mirrored in it some of the tensions I identified in that account. To see this, I turn to the segue she makes from her discussion of the sweatshop case to the question of how that case helps us understand global structures. There are two separate points to bring out here. The first follows up Young’s comment that—apropos of her specific example of connection—“for thinking about issues of responsibility and structural injustice ... it seems helpful to focus on one system at a time, than on global capitalism in general, so that actors can be identified along with their actions and how they might be altered.”⁵³ At one level this seems correct, at another it runs the risk of forever treating symptoms and never addressing the cause. Nike, Nestle or Monsanto might find themselves taken to task over some infraction or another; but for every Nike who actively commits to the human rights programme, another

corporation will happily slip below the human rights floor to take the vacated space and its opportunities.

My claim is that Young's pragmatic approach here is of a piece with the weakness that I have identified in her theoretical approach as well. I want to illustrate this by drawing attention to the second aspect of the segue from sweatshops to global structures. There she highlights some of the welcome successes of the anti-sweatshop movement: awareness raising, consumer education and behavioural change, establishment of community, industry and union watchdogs, and policy changes on the part of the named and shamed apparel trademark owning corporations such as Nike, Reebok, Benetton, Gap and Walmart.⁵⁴

However, in a very telling comment, after having noted the behavior of some companies in developing codes of conduct and putting in place monitoring procedures, Young says this: "Large retailers cannot be counted on to promote the interests of garment workers; the movement must continue to demand information about their activities and publicize it."⁵⁵ There is a peculiar and consistent failure in Young's approach to interrogating the problems that accrue for her theory of political responsibility for structural injustice, given this *reliance on essentially voluntary responses* to evidence of such structural connectedness; there is a continued failure to theorize into this set of social structures a collective form of agency that does not have in particular the individualist and discretionary weaknesses she identifies in other theorists' accounts.

This is curious in an additional way, given that in this kind of case Young is talking about social practices that are clearly abuses of garment workers' human rights. Young analyses the plight of garment workers from the point of view of the success of the anti-sweatshop movement in its efforts to raise consciousness and alter the behavior of corporations by impacting upon their profit margin. As Young intends, by focusing on this one system, we end up with a success story that not only illustrates social-structural processes and connectedness, but also illustrates how individual moral agents can operate and collaborate to effect change within that structure and process.

What looks like success for Young's responsibility for justice paradigm at work in this story is not however a decisive example. There are two reasons for this. Firstly, many of the achievements celebrated (and justly so) are achieved through various applications of the standard liability model. These achievements may complement the goals of Young's model, but they do not necessarily stem from that model at work. Typically these are backward-looking assessments of fault, which bring some measure of blame to perpetrators and perhaps compensation to victims. Secondly, other gains which appear on first glance compatible with

Young's model—future-oriented behaviors which appear to be responsibility-taking with respect to justice outcomes—may in fact turn out to be more prosaic self-regarding and interest-preserving activities on the part of the “responsible” agents (global corporations).

Let us consider the first of these points: that many of the gains on behalf of sweatshop workers may have been, or should properly be made, using the liability model. Young is the first to attest to this—indeed, as we indicated before, she is not *against* the liability model: she does however think we can do more for global justice by adding to it the resources of the responsibility model. Young is very clear about the utility of the liability model with respect to the case at hand:

When factory owners and managers violate local labour law, for example, as they often do, they ought to be punished. If states in which factories operate fail to find offenders and punish them, as they often do, they ought morally to be blamed for this failure, and the international community should perhaps find ways to sanction them. Bosses who harass and intimidate workers, or managers who put productivity above workers' health, ought certainly to be held responsible in a liability sense for wrongful harms that workers in their employ suffer.⁵⁶

It is clearly the case then that the liability model has a key role to play, and both within states and between states, many of the gains made have been achieved through pressuring relevant agents to take action where they have jurisdiction using such tools. When the liability model functions, it is very powerful, particularly in its capacity to compel a remedy to an injustice. Young argues, however, that more can be achieved in the way of global justice if political responsibility is employed in addition to liability for fault and blame. It is crucial to stress here the *forward-looking* nature of her alternative—to *prevent* injustice, not just to remedy it. This brings us to the second reason, however, why I argue that the sweatshop model is not a good exemplar of Young's responsibility model.

If we put to one side the elements of the success of the anti-sweatshop movement that can be attributed to the liability model (prosecutions or new legal structures to hold the industries accountable for past action), we have on the face of it the story of a social movement which has forced global corporations to take political responsibility for the injustices—present and prospective—within their business supply chains. But in my view, it could equally persuasively be argued that this is to misread the behavior of the corporations who have responded to the anti-sweatshop movement. Are they *really* taking responsibility for *justice* or for something else?

The crucial variable for any corporation—at least for the neo-liberal corporation of the global world—is profit. For a corporation, what the global anti-sweatshop movement represents is a change in the market conditions that apply for their product. Changing those market conditions is a real achievement for social movements. A first point to notice, however, is that corporations' responses to changed market conditions are discretionary, voluntary and contingent.

Secondly, we must ask exactly what they are responding to. Is it a claim for political responsibility? Or is it a potentially threatened profit margin? I suggest that the best reading here is that certain corporations have opted to re-articulate their position as part of a broader profit maximizing strategy for themselves. This *does* involve engaging in less exploitation—but this may be more aptly described as choosing to bear higher costs in their supply chain in order to ensure returns on sales and maintenance of market share, rather than taking responsibility for justice. If this is a correct way to interpret the global corporate response to the anti-sweatshop movement, then it is not at all clear that this is a win for either political responsibility or for justice—even though it is evident that for some individual people caught up in these industries, their lives may, for a time, be significantly improved.

For this to be a story about responding to obligations of justice, about the fulfillment of political responsibility, further elements would need to be included. These elements would surely have amongst them mechanisms that take away the freedom of corporations to purely discretionary action in these kinds of cases. Political responsibility through institutional accountability is required—a line of critique which is developed against Young by Carol Gould.⁵⁷

Gould argues that the corporations themselves need structural transformation—corporations should be transformed so that workers can participate in their direction. And their place in our social structures needs alteration: new and representative systems need to be put in place in our social, economic and political structures to hold corporations to account. Beyond this, global governance institutions need democratic accountability: “institutional problems need institutional solutions.”⁵⁸

For Gould, as well, Young does not capture the complexity of the forms of our interconnectedness. In particular, she does not capture the way in which there are differences *in kind* within social-structural processes. Gould argues that Young does not draw out adequately, for example, the differences between those able to direct and manage social-structural processes, and those who merely suffer from them.⁵⁹ The executive and the sweatshop sewing machine operator, both involved in the same social-structural process, are not simply different by a matter of degree;

nor is the responsibility they hold. This has significant consequences for how we conceptualize the taking of political responsibility, and in turn for the institutional and inter-personal mechanisms we build into social-structural processes for taking that responsibility.

Turning back directly to the question of sweatshops, with Gould's injunction in mind, we can see that some movement in the direction of institutional change has been achieved in recent times. This has been mainly as a response to the major disaster in Dhaka, Bangladesh in April 2013, with the collapse of the Rana Plaza factory building and the death of over 1100 people involved in garment manufacturing. But while this high profile tragedy has had the effect of raising awareness and providing an opportunity for the civil society movements to make further advances, the overall structural plight of these workers has changed little and political responsibility as Young envisages it is rarely taken.⁶⁰

Indeed, this is well demonstrated by the response to this tragedy: one of the initially promising outcomes to be observed was the development of a binding five-year *Accord on Fire and Building Safety in Bangladesh*. However, attempts to establish a compensation fund for the families of the 1100 workers killed in the collapse seem fundamentally limited by the kinds of concerns I raised with respect to Young's account of "successes" in the anti-sweatshop movement. Initial efforts for this fund seem to be highly discretionary on the part of the companies involved, with only 9 of the 29 companies directly concerned appearing at a recent stakeholder meeting, and only one actually continuing to provide emergency payments.⁶¹ This is not adequate. Sharif As-Saber argues that

a network-based inclusive governance model needs to be developed with participation from all concerned, including foreign companies, local manufacturers, the government, and representatives of the worker unions, Non-government organizations and the ILO.⁶²

Such a model has the potential to match Young's conception of how responsibility might be applied across borders—indeed, to match it in ways that include the state, institutional, and corporate considerations we have discussed here. But it is an enduring and justice-jeopardizing reality that participation from the agents most contributing to injustice, but also most able to address that injustice due to their status, power and privilege, is highly voluntary and discretionary.

Young's utilization of sweatshops as her principle example of social-structural processes across borders was apposite and savvy. Sweatshops illustrate incisively the material realities of social connection through structures and processes that cross borders, and they do so in a way that both intuitively and upon analytical reflection establishes her normative claims regarding our responsibilities for justice across borders.

Two further elements make it uniquely appropriate: first, the gravity of the human rights abuses suffered by garment workers and their communities—to the point of injury and death—cannot be downplayed. Second—by stark contrast—is the way in which the garments manufactured become central to economies of extravagance and conspicuous consumption, and add to the economic wealth of already dominant and powerful companies and individuals thereby increasing social inequality and injustice. In such a setting, most readers will be compelled to a sober engagement—the intellectual challenge to *think* responsibly *about* responsibility for justice is palpable.

In my own attempts to do so, I have come to the conclusion that Young's account, while rich and deeply insightful, is incomplete. In particular, I think further philosophical work can be done with the resources she has already laid out for us, to answer questions about collective *agency* for responsibility. This question lies beyond the initial focus of her work in *Responsibility for Justice*, which has a tendency to account for the collective social, structural and process elements of social ontology on the *subject* side of the ledger, and neglect them on the *agent* side of the ledger. The result is a compelling account of why we have responsibility, but a somewhat weaker sense of how to engage that responsibility to make the world a more just place. It is my sense that Young would delight in presenting such a challenge to her readers, in the course of their own pursuits of justice in the world. ■

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Notes

¹ Iris Marion Young, *Responsibility for Justice* (Oxford: Oxford University Press, 2011).

² *Ibid.*, 151.

³ See also Iris Marion Young, *Global Challenges: War, Self-Determination and Responsibility for Justice* (Cambridge: Polity, 2007).

⁴ *Ibid.*, 3.

⁵ Young, *Responsibility for Justice*, 40.

⁶ *Ibid.*, 52.

⁷ Hannah Arendt, *The Origins of Totalitarianism* (Orlando, Florida: Harcourt Brace Jovanovich, 1973); Hannah Arendt, *Eichmann in Jerusalem* (Harmondsworth: Penguin, 2006). See also: James William Bernauer, *Amor Mundi: Explorations in the Faith and Thought of Hannah Arendt* (Boston: M. Nijhoff, 1987).

⁸ Young, *Responsibility for Justice*, 95.

⁹ *Ibid.*, 98.

¹⁰ See Ashford for an interesting attempt to use Young's own work to extend the remit of liability to structural injustice. Elizabeth Ashford, "Severe Poverty as a Systemic Human Rights Violation," in *Cosmopolitanism Versus Non-Cosmopolitanism: Critiques, Defenses, Reconceptualizations*, Gillian Brock (ed.) (Oxford: Oxford University Press, 2013): 129–155.

¹¹ Young, *Responsibility for Justice*, 100.

¹² *Ibid.*, 104.

¹³ *Ibid.*, 92, 104.

¹⁴ *Ibid.*, 104.

¹⁵ *Ibid.*, 105.

¹⁶ *Ibid.*, 106.

¹⁷ *Ibid.*, 107.

¹⁸ *Ibid.*, 107–8, cf. 143.

¹⁹ *Ibid.*, 108

²⁰ *Ibid.*, 110.

²¹ *Ibid.*, 111.

²² *Ibid.*, 112.

²³ Ibid., 144.

²⁴ Ibid., 146.

²⁵ See also: Anthony J. Langlois, "Is Global Justice a Mirage?," *European Journal of International Relations* 17, no. 1 (2011): 145–157.

²⁶ Young, *Responsibility for Justice*, 139.

²⁷ Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (Cambridge: Polity, 2008).

²⁸ Allen E. Buchanan, *Justice, Legitimacy, and Self-Determination: Moral Foundations for International Law* (Oxford: Oxford University Press, 2004).

²⁹ See also: Anthony J. Langlois, "Charity and Justice in Global Poverty Relief," *Australian Journal of Political Science* 43 no. 4 (2008): 685–698.

³⁰ Young, *Responsibility for Justice*, 142.

³¹ John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 2009); John Rawls, *Political Liberalism: Expanded Edition* (New York: Columbia University Press, 2013).

³² Young, *Responsibility for Justice*, 70.

³³ Ibid.

³⁴ Ibid., 142.

³⁵ Ibid., 151.

³⁶ Ibid.

³⁷ Ibid., 75.

³⁸ Peter Singer, *Practical Ethics* (Cambridge: Cambridge University Press, 1993); Peter Unger, *Living High and Letting Die: Our Illusion of Innocence* (New York: Oxford University Press, 1996).

³⁹ Young, *Responsibility for Justice*, 138.

⁴⁰ Ibid., 40.

⁴¹ Ibid., 168.

⁴² Ibid.

⁴³ Ibid., 148.

⁴⁴ Ibid., 148–9.

⁴⁵ Ibid., 169.

⁴⁶ Serena Parekh, "Getting to the Root of Gender Inequality: Structural Injustice and Political Responsibility," *Hypatia* 26 (2011): 683.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid., 151.

⁵⁰ See especially: Peter Singer, *The Life You Can Save: Acting Now to End World Poverty* (Melbourne: Text Publishing, 2009).

⁵¹ Young, *Responsibility for Justice*, 125.

⁵² *Ibid.*, 127-8.

⁵³ *Ibid.*, 133.

⁵⁴ *Ibid.*, 134.

⁵⁵ *Ibid.*, 134.

⁵⁶ *Ibid.*, 131.

⁵⁷ In Carol C. Gould, "Varieties of Global Responsibility: Social Connection, Human Rights, and Transnational Solidarity," in *Dancing with Iris: The Philosophy of Iris Marion Young*, by Ann Ferguson and Mechthild Nagel (ed.) (Oxford: Oxford University Press, 2009): 199–211.

⁵⁸ *Ibid.*, 207.

⁵⁹ *Ibid.*, 202d, 207.0

60 Jim Yardley, "After Disaster, Bangladesh Lags in Policing Its Maze of Factories", *The New York Times*, 2 July 2013, <http://www.nytimes.com/2013/07/03/world/asia/bangladeshi-inspectors-struggle-to-avert-a-new-factory-disaster.html> (access 1 February 2014)

⁶¹ "Bangladesh Workers Must Continue to Wait for Full Compensation," *Industrial* <http://www.industrialunion.org/bangladesh-workers-must-continue-to-wait-for-full-compensation> (access 1 February 2014)

⁶² Sharif As-Saber, "Bangladesh Disaster Shows Why We Must Urgently Clean up Global Sweat Shops," *The Conversation*, 2013, <http://theconversation.com/bangladesh-disaster-shows-why-we-must-urgently-clean-up-global-sweat-shops-13899> (access 1 February 2014)

Self-Governance in Contested Territory: Legitimate Agency and the Value of Local Knowledge in Qalandia

ANNE-SOPHIE REICHERT

ABSTRACT

Due to legal ambiguities resulting from the occupation, the area surrounding the Palestinian refugee camp Qalandia does not receive proper public services or adequate political representation by official Israeli or Palestinian authorities. Nevertheless, autonomous self-governance exists in the form of a local camp committee that is elected, financed and supported by the community of Qalandia. Specifically developed to handle the complex situation, Qalandia's self-governance is essential in maintaining the fragile stability in the tense environment of the Israeli-Palestinian conflict. I argue that through its local knowledge of the circumstances in the region, the camp committee possesses a form of political legitimacy that cannot be captured by frameworks that attribute legitimacy primarily to institutionalized nation-states. Qalandia's self-governance thus presents a case in which policy makers and scholars need to conceptualize the distribution of legitimacy among various actors. Understanding local legitimacy may help to address the complex political dynamics in the Israeli-Palestinian conflict more adequately.

Those who are excluded from existing polities, who belong to no nation-state or other contemporary state formation, may be "unreal" only by those who seek to monopolize the terms of reality.

Judith Butler, *Bodies in Alliance*

...they will govern themselves in the absence of any real, legitimate government as best as they can.

Sari Hanafi, *Governing the Palestinian Refugee Camps*

Introduction

On my daily commute between Ramallah and East Jerusalem in the winter of 2011, I noticed peculiar changes in the environment and atmos-

Anne-Sophie Reichert, "Self-Governance in Contested Territory: Legitimate Agency and the Value of Local Knowledge in Qalandia" *St Antony's International Review* 10, no. 1 (2014): 64-81.

phere while driving through the area surrounding the Palestinian refugee camp, Qalandia: burning tires, giant piles of garbage, swamped streets and plenty of children played on the street, apparently not attending school. In contrast, there were new shops every day, various multi-story buildings under construction and expensive cars on Jerusalem Street, which leads from Qalandia checkpoint to the city of Ramallah. When I asked Palestinian friends and colleagues about Qalandia, they described it as anarchic territory: an abandoned space for which no authority felt responsible. After visiting Qalandia and talking to the residents, it became clear that the legal vacuum in the area does not only lead to chaos and conflict, but also to powerful local self-governance in form of a refugee camp committee. This paper aims at a preliminary analysis of the political dynamics which play out in Qalandia. Since these dynamics must be understood as a ramification of the Israeli-Palestinian conflict, it becomes apparent that Qalandia is not “a set of abstract coordinates on which events of politics unfold, but something that is transformed and remade by every political action that takes place within it.”¹

The first part of this article analyzes the historical, political and legal circumstances that led to a situation in which the people of Qalandia are facing inadequate political representation. The second part characterizes the Qalandia refugee camp committee and contextualizes their local knowledge within regional politics, tracing the emergence of Palestinian camp committees and analyzing the committee’s links with Palestinian politics. I argue in the third part that current frameworks of legitimacy cannot capture how actors like the Qalandia refugee camp committee affect local political dynamics. I conclude that policy makers and scholars can only reach an unbiased understanding of such dynamics if legitimacy is seen as a distributed phenomenon, and not exclusively attributed to the authority of sovereign nation-states.

The Case of Qalandia: History, Legal Status and Political Representation

The name Qalandia primarily refers to an Israeli-operated separation barrier checkpoint² that emerged in 2001 and is one of the main gateways for Palestinians to Jerusalem, with about 15,000 Palestinians passing through every day.³ In addition, it refers to a village, a refugee camp, a women’s handicraft co-operative, and a former airport, all situated north of Jerusalem. In what follows, the main focus will lie on the political dynamics in the United Nations Relief and Works Agency (UNRWA)

Qalandia refugee camp and the area surrounding it, which is commonly referred to as the airport area by local residents.⁴

Following the Six Day War in 1967 and the adoption of the Jerusalem Law, Israel occupied East Jerusalem and annexed sixty-four square kilometres of surrounding West Bank territory including the airport area.⁵ With the construction of the separation barrier between 2005 and 2006, the airport area and other communities were disconnected from East Jerusalem.⁶ Now, the airport area starts right behind the Qalandia checkpoint on the West Bank side of the separation barrier and stretches along the major road that connects East Jerusalem and Ramallah until the village Kafr 'Aqab.

Qalandia refugee camp forms the geographic nucleus of the airport area. UNRWA established the refugee camp in 1949 in order to provide refuge to Palestinians who fled or were expelled during the Arab-Israeli War in 1948 and the preceding civil war in Mandatory Palestine from what became Israel on May 15, 1948.⁷ Around 11,000 refugees are registered with UNRWA as camp inhabitants but people who live in the camp report that approximately 16,000 people currently reside there.⁸ Initially, Jordan allocated state land or expropriated land from private landowners in the area for the purpose of establishing refugee camps.⁹ Today, the Qalandia Refugee Camp Committee and the Applied Research Institute Jerusalem declare that the territory of the refugee camp is situated in Area C and therefore under Israeli military rule, whereas since its annexation by Israel, the airport area is perceived by the state of Israel as belonging to the municipality of Jerusalem and is therefore treated as subordinate to Israeli legislative, judicial and executive authorities.¹⁰ At first glance, this might look surprising because the geographic territory of the refugee camp is situated the middle of the airport area which is designated as "Jerusalem municipality" on various Israeli maps of Jerusalem. Reading the spatial circumstances within the context of the conflict, it becomes apparent that the state of Israel was in favor of annexing land, but was not eager to adopt the burden of at least 11,000 Palestinian refugees. Accordingly, Qalandia refugee camp was excluded from the annexation of Jerusalem (see Figure 1).

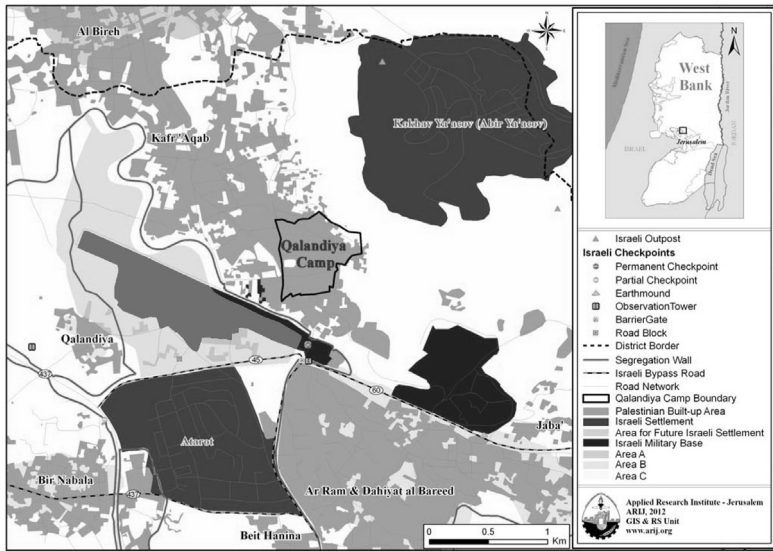


Figure 1: Map of Qalandia refugee camp and surrounding area

Because Qalandia refugee camp is classified as part of the West Bank's Area C and not as part of the Jerusalem municipality by the state of Israel, the legal agreements of the Oslo Accords within the context of the Israeli-Palestinian peace process constitute the regulatory frame for this territory. The division of the West Bank into Areas A, B, and C was stipulated in the Oslo II Accord in 1995.¹¹ The Accord states that Israel is the only authority to exercise power and responsibility over internal security and public order in Area C.¹² This means that the Israeli military forces (IDF) are the only armed forces allowed to operate in Area C. The civil administration (CA) of the Israeli military government is responsible for humanitarian, infrastructural and economic services in Area C of the West Bank. Initially, the Oslo Accords envisaged the transfer of powers and responsibilities from the Israeli military government to the Palestinians. In order to facilitate this redeployment, the Palestinian Authority (PA) was established as the temporary governmental organization of the West Bank and the Gaza during the Oslo Accords. The PA is formally constituted but does not have the same status as any other sovereign state government in so far as the Occupied Palestinian Territories (OPT) have not officially been recognized as a state by all of the UN member states.¹³ It has no municipal or planning authority in Area C, but disposes of partial authority for the delivery of health and education.¹⁴ Additional powers and obligations which were supposed to be assigned to the PA within five years according to the Oslo Accords have not yet

been transferred. Therefore, the PA has *de facto* no control over Area C.¹⁵ Although the PA has recently tried to implement infrastructure projects in Area C, it has not been able to do so due to Israeli opposition, and despite international support.¹⁶

The refugee camp, as Area C territory, is governed by the CA. The CA does not politically represent Palestinians, because it is solely composed of Israeli citizens. This strong national corporate identity of the CA results in a biased treatment of Israeli settlers and Palestinians respectively, although its mandate includes serving both populations alike.¹⁷ This bias manifests in the fact that the CA does not carry out its duties to maintain public order and implement public services sufficiently.¹⁸ The lack of Israeli services in Qalandia refugee camp is confirmed both by local residents and OCHA reports of the overall bad camp conditions due to unemployment, an insufficient sewerage network, and destroyed roads.¹⁹

One can discern a lack of Israeli services in the refugee camp, and the airport area faces a similar situation with regard to the duties that the Jerusalem municipality is supposed to fulfil there.²⁰ While paying the Israeli property tax *Arnona*, airport area residents are not receiving services such as garbage collection, the maintenance of roads and public spaces, and postal service. Private Palestinian service providers, hired by state-commissioned private Israeli companies, partially fill in these gaps (for example, an educational centre and garbage removal). However, the residents lack access to adequate education, employment opportunities, or health and social services. There is an Israeli Office of Interior Affairs, a post office and a social security office (which operates twice a week) at the actual checkpoint of Qalandia, but usually no Israeli police cars or ambulances drive beyond the separation barrier. Thus, injured people have to be carried to Qalandia checkpoint in an emergency, or are sometimes evacuated by specially designated ambulances from the Palestine Red Crescent Maternity Hospital, which is allowed to enter the East Jerusalem communities on the West Bank side of the barrier for one hour in the case of an emergency.²¹ In the case of threats or violence, the Israeli police do not provide any aid to residents of the airport area and the refugee camp. The only Israeli cars that frequently enter the airport area and the refugee camp are military vehicles on patrol or night raids.

The national identity of the airport area residents has been a legally contested issue and a source of severe difficulties for the resident Palestinians. When unilaterally annexing the defined territories, the state of Israel did not grant Palestinians full citizenship but only a conditional permanent residency status. Although born and at home in Jerusalem, these Palestinians hold the same status as foreign citizens who freely

choose to live in Israel. Like Israeli citizens, permanent residents can live and work in Israel and receive social benefits and health insurance. They are entitled to vote in local elections, but not for the Knesset parliament. Unlike citizenship, permanent residency is not passed on to the holder's children automatically, if the spouse is not a permanent resident.²² Since a startling decision of Israel's High Court of Justice in 1988, *Awad v. Prime Minister*, the permanent residency status can be revoked if the holder cannot prove to the Israeli Ministry of Interior that their centre of life is located within the municipal boundaries of Jerusalem. Holders of the permanent residency status are granted a special identity card (Jerusalem ID or Blue ID), which is the decisive criterion for official residence in the airport area.²³ However, not everybody who lives in the airport area holds a Jerusalem ID. Airport area residents reported that Israel conducted an arbitrary "census", in which Israeli soldiers walked into their homes and pointed haphazardly at people who would then be documented and granted permanent residency. The people who were not granted permanent residency status did not necessarily leave the airport area. Anybody who was not present at the actual moment of the census lost his or her right to permanent residency forever.

There are no official population numbers, but a member of the Qalandia Refugee Camp Committee reckoned that there are approximately 60,000 people in the camp, of whom about 50,000 hold a Jerusalem ID.²⁴ The peculiar residency status is also one among many factors that contributes to the continuous population increase in the airport area. Approximately 6000 Jerusalem IDs have been confiscated since 1967, mainly with the argument that the holders of the IDs could not prove that their life was centered in East Jerusalem.²⁵ Consequently, Palestinians who hold a Jerusalem ID and previously lived in the West Bank move to the airport area to avoid endangering their residency status. Furthermore, the airport area is the only place where Palestinian families of mixed residency statuses can live together. The family member with a Jerusalem ID cannot permanently move to the West Bank, as this could cause the permanent residency status to be revoked, while the partner with the West Bank residency status is prohibited from residing within the municipal boundaries of Jerusalem. But as the airport area is an East Jerusalem community on the West Bank side of the separation barrier, the partner without a Jerusalem ID does not have to pass through a checkpoint in order to live within the municipal boundaries. Further contributing to population growth within the airport area are Jerusalem's municipal practices that cause a severe shortage of housing space for Palestinians in East Jerusalem, such as the expropriation of land, the denial of building permits and the demolition of houses. This leads to a

disproportional rise in rent prices, which the majority of the Palestinian population cannot afford. In order to retain their status as permanent residents, Palestinians from East Jerusalem move into the airport area where housing is a less scarce resource.

In light of above description, the current situation in the airport area appears to be the most bewildering aspect of the case of Qalandia: due to the arbitrary legal citizenship and residency regulations, more and more people are driven to inhabit a political twilight zone—lacking access to basic public services, functioning legal prosecution or political representation. This situation is reinforced by the political dead-lock in which neither the Israeli nor the Palestinian side of government is willing or able to properly support the needs and interests of the residents. The Palestinian incapacity to act results from the discrepancies between the airport area's international status and the local political reality: while most UN member states disapprove of Israel's annexation of East Jerusalem and further land of the West Bank *de jure*, the airport area remains *de facto* under Israeli control.²⁶ Thus, the PA is not authorized to provide basic public services or to carry out any further governmental acts, even though the airport area is considered part of the OPT under international humanitarian law.²⁷ The Jerusalem municipality, in contrast, creates the actual policy for the airport area. The political claim that Jerusalem is the unified capital of Israel commits the state of Israel to conceive of the airport area as a district of Jerusalem. Yet, the lack of services and the limited budget that is spent there in comparison to West Jerusalem shows that the municipality has little strategic interest in the area. One municipality official described the predicament as follows:

The Jerusalem municipality has no hand in managing these neighborhoods, and doesn't have the power to address the difficult situation facing the 55,000 people who live there. The State of Israel has given up. [The neighborhoods] are outside the jurisdiction of the state, and certainly the municipality. For all practical purposes, they are Ramallah. Outside the half delusional right wing camp, *I don't know anyone who wants to enforce Israeli sovereignty over this area*. In order to address the problems of East Jerusalem, we must decide on the city's political future. It is difficult to convince decision makers and the treasury to enlist in helping East Jerusalem when its political future is uncertain.²⁸

A consequence of this predicament of political uncertainty is that it is extremely problematic to speak of sovereignty on a state level in the Qalandia case: while Israeli authorities could but do not enforce their sovereignty, the Palestinian Authority would be inclined to but cannot provide a unified political representation of the Palestinians in Qalandia. Although airport area inhabitants with permanent residency status

are formally represented by the Jerusalem city council and mayor, they perceive these bodies as never acting in their interest. In contrast, inhabitants without residency status (refugees and West Bank residents) are politically represented in so far as they participate in Palestinian elections, but their place of residence does not fall under the jurisdiction of the PA. In either case, the political relationship to state-level authorities leaves the Palestinians of Qalandia deprived of public structures that provide for basic human needs.

The Qalandia Camp Refugee Committee: Palestinian Refugee Politics and Local Knowledge

In order to provide a political forum for the community, to develop strategies that counterbalance the lack of municipal services and to organize and represent the interests, needs, and claims of the camp inhabitants externally, the Qalandia refugee camp committee was founded by the camp inhabitants in 1995. Although the exact political mechanics of the committee need to be determined by further research, it bears a resemblance to various refugee committees at other camps in the West Bank, Jordan, and Syria.

Historically, Palestinian self-organization began before the formation of the Palestine Liberation Organization (PLO) in the 1950s when refugees in the camps started to form clubs.²⁹ While Hanafi dates the emergence of popular committees in the OPT to the early 1990s, the PLO had initiated the formation of popular committees in Palestinian refugee camps in Lebanon, Syria, and Jordan by the end of the 1960s. These committees were supposed to represent all political factions present in the camp in a ratio representative of the political opinions of the camp's population.³⁰ The committees were (and still are) dependent on the political and financial backing of the PLO and various political factions.³¹ Their duties are comparable to that of a municipality: maintenance of public services and the upholding of public order through conflict mediation and reconciliation and dialogue with external authorities.³² The popular committees in the OPT are headed by a "general secretary whose political alliance rotates between the current political factions; often Fa-tah, Hamas and Popular Front."³³

General organizational principles of local committees can hardly be discerned since "governance practices are informal, inconsistent, changing and variable from camp to camp."³⁴ An example is the variability of how committees are established. In Nahr el-Bahred camp in Lebanon, the popular committee is not elected, in Yarmouk camp in Syria, commit-

tee members are selected from camp inhabitants, while in Shatila camp in Lebanon, a local committee was democratically elected as an alternative to an unelected popular committee that did not carry out its duties sufficiently.³⁵ Although popular committees are the most common form, the character of the respective committees is discerned on a case-by-case basis. The Qalandia camp committee was referred to as “camp committee” in various conversations while UNRWA sources usually refer to it as “popular committee.” In the following, I will refer to it as “Qalandia camp committee.” Although popular committees stand out as the most important political actors in the camps in the OPT, the overall governance of a camp is usually composed of a complex web of actors, e.g. “a security committee, UNRWA camp officers, notables, political factions, Palestine Liberation organization (PLO) popular unions and organizations... community-based organizations, non-governmental organizations and the Palestinian Muslim Scholar’s League,” whose respective power relations vary from camp to camp.³⁶ More research would be necessary to give a comprehensive analysis, but my findings so far support a similarly complex distribution of power in the case of Qalandia.

Membership in the refugee camp committee of Qalandia is voluntary. An established council of twenty representatives elects the five to nine members of the committee. In personal conversations, I was told that the majority of the committee members do not belong to any political party. However, I also heard others claim that some members in the committee are affiliated with the Fatah party.³⁷ The committee is officially registered in the Committee Administration of the Ramallah Area. Within the last few years, the committee has implemented several development projects, which were financed by international donors. Among other things, they coordinated the construction of a youth recreational center, a child center and a women’s center, as well as the rehabilitation of part of the water network.³⁸ In addition, the committee has proposed a number of projects for the future and thus serves as a connecting and advising link between donors and the community. Furthermore, it administers a shop on the Jerusalem-Ramallah road where community members volunteer as salespersons. All income from sales is used to improve overall camp conditions.

In order to address the legal vacuum in the area and replace missing police services and judiciary structures, the refugee camp committee functions as a traditional board of arbitrators. The presence of the committee as an arbitrating body provides an informal regulatory system. The committee holds hearings for low-level crimes and sanctions offenders accordingly. Additionally, it mediates family and neighborhood cases of dispute. Its decisions are perceived as similarly binding as formal legal

rule by local residents. A member of the camp committee told me that the Palestinian police in Ramallah occasionally drop charges in cases of low-level crimes upon the provision of a treaty from the committee stating that the case was resolved successfully. The effective power of the committee reaches well beyond the walls of the actual camp territory since airport area residents profit from the public services it provides as well. Furthermore, people from all over the West Bank consult the committee for dispute mediation.

Echoing James C. Scott's concept of a "knowledge embedded in local experience," I suggest that the political structure and agency of the Qalandia camp committee can be understood as *mētis*: "a wide array of practical skills and acquired intelligence in responding to a constantly changing natural and human environment."³⁹ Scott initially developed the concept of *mētis* to illustrate and overcome the drastic failures caused by the authoritarian, high modernist social engineering of nation-states which solely relied on formal epistemic knowledge and neglected the significance of localized practical knowledge. The application of the concept of *mētis* in the case of Qalandia helps to highlight two distinct issues. First, the committee's *mētis* is crucial because it was specifically developed to handle the complex local situation. In the light of the extremely difficult circumstances it functions comparatively well and thus encourages fragile stability in the tense environment of the Israeli-Palestinian conflict. As shown so far, neither the formally-responsible Jerusalem municipality nor the PA have an understanding of the airport area that is as comprehensive and applicable as the local knowledge of the committee. While Scott argues for "institutions that are powerfully shaped by *mētis*," in the case of Qalandia it seems first of all important that the prevalent formal political actors are attentive to the prevailing local knowledge. From here, conceptions for *mētis*-inspired cooperative political structures could be further investigated.⁴⁰ Second, although the committee's ability to critical and powerful agency is limited due to its informal character, it is a central point of reference for both refugees and the growing population in the airport area who do not feel represented by the Jerusalem municipality. From this direct support emerges a force of the committee that is locally acknowledged as normatively binding. If this effective power of the committee is overlooked as a result of its informal organization, the political dynamics in Qalandia cannot be understood comprehensively—in either practice or theory.

The Political Legitimacy of the Qalandia Camp Committee

The observation that the camp committee exerts a normative force that is locally binding raises the question about its status as a legitimate political actor. The informal character of the camp committee's local governance resembles "nongovernmental activists [who] operate outside the realm of sovereignty," because both "[...] do not have what is required of a political actor to be legitimate, namely, a mandate conferred by a constituency."⁴¹ Currently, the committee does not hold any legal or formal legitimacy as a governmental actor, since the state of Israel recognizes the PA as the only negotiating partner on the Palestinian side. The committee's options for claiming legitimacy are furthermore constrained by the context of the Israeli-Palestinian conflict. The only possible position it could assume if Israel *would* recognize it as a governmental actor is one which opposes Israel's national and municipal efforts to control the Qalandia region. This potential political status stands diametrically opposed to the previously reported situation in the airport area. Here, the *failure* of the Jerusalem municipality to provide basic services undermined the output legitimacy of the state of Israel, which in turn *created* room for the committee's actions to become normatively binding for the residents.⁴²

From the perspective of political theory, Israel's position towards the committee stands in a long tradition that takes the state as the primary unit of political legitimacy. According to that tradition, the recognition of the right to govern presupposes the legal-formal authority of institutions (e.g., police, justice system, bureaucracy etc.) commonly found in modern nation-states.⁴³ More recently, however, various scholars have questioned whether the connection of legitimacy and the state via its institutions is justified or without any alternative. Historically, the compliance to a current political order was justified with reference to an external normative source (e.g., God, Natural Law or moral principles).⁴⁴ Without the reference to such an indisputable source, it is unclear "why this form of legitimacy rather than [any other form of legitimacy] predominates."⁴⁵ Additionally, in the face of nation-states that are surrendering significant aspects of their sovereignty to supranational organizations, the privatization of former state duties and the globalization of trade, work, or financial regulation, cosmopolitan theorists of democracy argue that issues of representing marginalized groups need to be solved on the global scale of the international community.⁴⁶ But neither the critique of state-based accounts or cosmopolitan alternatives adequately

account for the local role of micro-level actors such as the Qalandia camp committee and the potential of their participatory practices.

In order to see the positive political role of such unrecognized micro-level actors, Hannah Arendt's concept of the "right to rights" is instructive. According to Judith Butler, Arendt's concept implies that for granting legitimacy to those who are excluded from the sphere of political recognition, "we cannot be led by the political body that produces such exclusions to furnish the conception of politics itself, setting the parameters for what counts as political."⁴⁷ Accordingly, the right to have rights does not depend on established political institutions for its legitimacy and comes into being when exercised in concert, as in refugee protest marches, undocumented worker strikes or in the political practices in Qalandia. This right is not granted by any institution or existing law, it is not derived from natural or positive law. The existence and action of those who are excluded from the sphere of formal politics form an *active claim*; resistance "against the forces that seek its debilitation or eradication"⁴⁸ becomes the very exercise of their rights. Their concerted action creates a new space for expression and therefore questions the existing forms of legitimate politics.

If the camp committee's actions are positively understood as exercising the resident's right to rights on a micro-political level, then the normative force of its actions can be claimed to have *democratic legitimacy*: out of all the political actors in Qalandia, it is the only one which can be described as implementing a "self-governance of the governed."⁴⁹ The PA does not have this form of legitimacy because occupation and heterogeneous residency status prevents a uniform political representation of the local Palestinian population. Israeli authorities can neither be claimed to have democratic legitimacy from Palestinian permanent residents, because their interests are not locally implemented by the Jerusalem municipality, nor can they be nationally represented in absence of a right to vote in Israeli parliamentary elections. Because the local knowledge of the committee make its actions an effective form of self-governance—even though formal democratic features like a constitution and free elections are absent—it holds an authority in the fragile situation of the Qalandia region where "states are unable to provide basic security and services [...] where local, customary practices and relationships continue to shape everyday social reality and provide vital support for basic livelihoods."⁵⁰

My argument for the local, informal but direct democratic legitimacy of the Qalandia refugee camp committee also has important consequences for international solidarity. Justice for Palestinians is usually articulated by adhering to international law with its inextricable connec-

tions to the legal systems of nation-states. This narrow focus, which is usually defined as the arena for debate by institutionalized actors, leads to the disconnection of international advocates for Palestine and local political actors in the OPT.⁵¹ Thus, the case of Qalandia presents both cosmopolitan theorists and international policy makers with the challenge that its legitimacy functions both *below* and *beyond* the sovereignty of the nation-state. In order to address that challenge, a discussion of recognizing individuals or informal groups on a global scale must reach beyond international legitimacy.⁵²

Conclusion

In this paper, I investigated how the historical, geopolitical, and legal circumstances of the Israeli-Palestinian conflict led to a complex and ambiguous distribution of political legitimacy in the Qalandia region. The conflict over the status of Jerusalem and its geographical borders as well as the Israeli occupation of the West Bank result in a lack of municipal services and a disputed citizenship status of Palestinians in the area of Qalandia. In the case of the airport area, the absence of active rule by the state of Israel leaves the residents without any proper political representation on the municipal or national level. In this political and legal vacuum, the Qalandia refugee camp committee emerged as a powerful actor that draws on local knowledge that both Israeli and Palestinian authorities are lacking. I finally argued that the normative force exerted through the camp committee's actions possesses a form of legitimacy that is not linked to formal institutions of the nation-state or the logic of international law and thus cannot be accounted for sufficiently with prevalent theories of legitimacy. In light of the incompatibility with the majority of current frameworks of legitimacy, I cannot answer whether the informal practices of local self-governance found in Qalandia are more desirable than the formal and legal authority that is commonly the source of legitimacy in nation-states. Rather, I argued that the Qalandia camp committee *does* possess legitimacy in a place where nation-state sovereignty is practically suspended or absent. Once such an informal structure is recognised, state actors and scholars would have to treat such alternative sources of power and authority as meaningful and powerful components of the local political environment. ■

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¹ Eyal Weizman, "Forensic Architecture: An Interview with Eyal Weizman," in *Sensible Politics*, Yates McKee and Meg McLagan, eds. (New York: Zone Books, 2012): 429–451, 431.

² A checkpoint is a barrier that is erected and operated by the Israeli Defense Forces (IDF). The checkpoint system controls and restricts the movement of the Palestinian population in the West Bank. For an ethnographic and historical account on the checkpoint see Helga Tawil-Souri, "Qalandia Checkpoint: The Historical Geography of a Non-Place," *Jerusalem Quarterly*, no. 42 (2010): 26–49, 27.

³ United Nations Office for the Coordination of Humanitarian Affairs (OCHA) "West Bank Movement and Access Update September 2012," <http://www.ochaopt.org/documents/ocha-opt-movement-and-access-report-september-exec-2012-english.pdf> (accessed February 28, 2014).

⁴ Interview with a member of the Qalandia refugee camp committee by author, Qalandia refugee camp, January 2012. I have considered the issue of how to deal with information from residents of Qalandia thoroughly. My aim is to not reveal sensitive information that could do harm to or be counterproductive for the local population. I have thus decided to withhold the names of the interviewees in order to protect their sensitive position within the Israeli-Palestinian conflict.

⁵ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), "East Jerusalem Key Humanitarian Concerns Special Focus March 2011": 2, <http://www.ochaopt.org/documents/ocha-opt-jerusalem-report-2011-03-23-web-english.pdf> (accessed February 28, 2014). East Jerusalem refers here to the Jerusalem borders as defined under Jordanian rule.

⁶ Tawil-Souri, "Qalandia Checkpoint," 4. The United Nations Office for the Coordination of Humanitarian Affairs in the Occupied Palestinian Territories (OCHA) defines these areas as "East Jerusalem communities on the West Bank side of the Barrier."

⁷ United Nations Relief and Works Agency (UNRWA), "Kalandia Refugee Camp Profile," <http://www.ochaopt.org/documents/opt-campprof-unrwa-qalandia-oct-2008.pdf> (accessed September 15, 2013).

⁸ A review of official reports on the camp resulted in no decisive explanation of this quantitative difference in refugee numbers.

⁹ Isshaq Al Barbary, "The Emergence of the Unbuilt," in *The Unbuilt. Regenerating Spaces, Campus in Camps Initiatives* (Dheisheh, 2013): 13–21, 14.

¹⁰ The Applied Research Institute Jerusalem, "Qalandiya Camp Profile," <http://proxy.arij.org/vprofile/jerusalem/pdfs/vprofile/Qalandiya%20Camp-EN.pdf> (accessed February 28, 2014).

The Knesset, "Basic Law: Jerusalem, Capital of Israel," (July 30, 1980), <http://www.knesset.gov.il/laws/special/eng/basic10-eng.htm> (accessed February 28, 2014). In personal correspondence, the general director of the Jerusalem Municipality confirmed this information.

¹¹ Article XI, Interim Agreement on the West Bank and Gaza Strip.

¹² Annex III: Protocol Concerning Civil Affairs, Article IV, Interim Agreement on the West Bank and Gaza Strip.

¹³ As of 2013, 134 of 193 UN member states have recognized the State of Palestine. Eva Centanni “Map: Palestine Recognized by Two More Countries (134/193)”, *Political Geography Now*, May 10, 2013, <http://www.polgeonow.com/2013/11/map-palestine-recognized-two-more-countries.html> (accessed February 28, 2014).

¹⁴ European Union Head of Missions Report 2011, “Area C and Palestinian State-Building,” *Council for European Palestinian Relations (CEPR)*, <http://thecepr.org/images/stories/pdf/area%20c%20%20final%20report%20july%202011.pdf>, (accessed February 28, 2014).

¹⁵ Annex III: Protocol Concerning Civil Affairs, Article IV, *Interim Agreement on the West Bank and Gaza Strip*.

¹⁶ Ibid.

¹⁷ European Union Head of Missions Report 2011, “Area C and Palestinian State-Building,” *Council for European Palestinian Relations (CEPR)*, <http://thecepr.org/images/stories/pdf/area%20c%20%20final%20report%20july%202011.pdf> (accessed February 28, 2014).

¹⁸ The CA’s duties are defined by the Israeli “947 Military Order,” <http://www.israelawresourcecenter.org/israelmilitaryorders/fulltext/mo0947.htm> (accessed February 28, 2014).

¹⁹ OCHA, “Kalandia Refugee Camp,” <http://www.ochaopt.org/documents/opt-campprof-unrwa-qalandia-oct-2008.pdf> (accessed February 28, 2014). Because the UNWRA provides education, health and social services, however, the humanitarian situation is better than in places such as the Jordan Valley, where there is no other official governmental body in operation.

²⁰ OCHA, “Barrier Update,” 4. Additionally, access to services in East Jerusalem has been impaired for residents since the erection of the separation barrier.

²¹ OCHA, “East Jerusalem Key Humanitarian Concerns,” 108.

²² B’Tselem, “Legal Status of East Jerusalem and Its Residents,” <http://www.btselem.org/jerusalem/legal-status> (accessed February 28, 2014). Permanent residency can be passed on under the condition that the holder submits a request for family unification on behalf of his or her non-resident spouse. Since Israel has introduced the *Nationality and Entry into Israel Law* in 2003, however, meeting this condition “has become virtually impossible” (OCHA, “East Jerusalem Key Humanitarian Concerns,” 2).

²³ The Palestinians inside the Qalandia Refugee Camp cannot obtain the permanent residency status and thus cannot move to the surrounding airport area because they are officially registered as Palestinian refugees. For information on the politics of ID card distribution see Helga Tawil-Souri, “Colored Identity: The Politics and Materiality of ID Cards in Palestine/Israel,” *Social Text* 29, no. 2 (2011): 67-97.

²⁴ OCHA estimates that there are about 55,000 Palestinians who live in the

municipal boundaries of Jerusalem but are cut off from the city by the separation barrier (OCHA, "East Jerusalem Key Humanitarian Concerns": 69).

²⁵ Israeli Committee on Housing Demolitions (ICAHd), "A Submission to the UN Human Rights Council by the Israeli Committee Against House Demolitions—March 2012," <http://www.icahd.org/node/458> (accessed February 28, 2014).

²⁶ United Nations Security Council, Resolution 478, August 20, 1980, <http://unispal.un.org/UNISPAL.NSF/O/DDE590C6FF232007852560DF0065FDDB> (accessed February 28, 2014).

²⁷ OCHA, "East Jerusalem Key Humanitarian Concerns": 69.

²⁸ Nir Hasson, "Jerusalem Official: Areas East of Fence Not Part of City," *Haaretz*, January 8, 2010, emphasis added. In the following I will use "sovereignty" only in reference to the nation-state, while "legitimacy" refers to a broader phenomenon of the right to govern at various levels.

²⁹ Rosemary Sayigh, "Palestinian Refugee Camps in Lebanon: Migration, Mobility, and the Urbanization Process," in *Palestinian Refugees: Identity, Space and Place in the Levant*, Are Knudsen and Sari Hanafi, eds. (New York: Routledge, 2011): 50–64, 58.

³⁰ Sari Hanafi, "Governing the Palestinian Refugee camps in Lebanon and Syria," in Knudsen and Hanafi, eds., *Palestinian Refugees*: 29–49, 32, 37. Manal Kortam, "Politics, Patronage and Popular Committees in the Shatila Refugee Camp, Lebanon," *ibid.*: 193–204, 199.

³¹ Hanafi, "Governing the Palestinian Refugee Camps," 37.

³² Kortam, "Politics, Patronage and Popular Committees," 199.

³³ Sari Hanafi, "Governing Palestinian Refugee Camps in the Arab East: Governmentalities in Search of Legitimacy," *Working Paper Series 1* (Beirut: Issam Fares Institute for Public Policy and International Affairs and the American University of Beirut, 2010): 9–10.

³⁴ *Ibid.*, 6.

³⁵ Hanafi, "Governing the Palestinian Refugee Camps," 39–41; Sayigh, "Palestinian Refugee Camps in Lebanon," 59; Kortam, "Politics, Patronage and Popular Committees," 194.

³⁶ Kortam, "Politics, Patronage and Popular Committees," 193; see also Hanafi, "Governing the Palestinian Refugee Camps," 8.

³⁷ Despite the fact that Hamas won the Palestinian elections in 2006, Fatah remains the ruling political party in the West Bank.

³⁸ Applied Research Institute of Jerusalem, "Qalandiya Camp Profile," 18.

³⁹ James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998): 311, 313.

⁴⁰ Scott, *Seeing Like a State*, 353.

⁴¹ Michel Feher, "The Governed in Politics," in *Nongovernmental Politics*, eds. Michel

Feher, Gaëlle Krikorian and Yates McKee (New York: Zone Books, 2007): 12–27, 15.

⁴² On output legitimacy in the contexts of fragile nation-states and non-Western forms of political organization, see OECD, “The State’s Legitimacy in Fragile Situations: Unpacking Complexity,” <http://www.oecd.org/dac/incf/44794487.pdf> (last accessed on February 28, 2014): 27.

⁴³ The state historically assumed its status as the primary unit of legitimacy through the Westphalian system of sovereign nation-states, which do not possess any internal equal or external superior political actor. See Chris Brown, *Sovereignty, Rights and Justice: International Political Theory Today* (Cambridge: Polity Press, 2002): 26. The connection between modern states and the legal and formal authority exercised by its institutions is most prominently articulated by Max Weber, but the diverse and complex reactions to Weber’s account cannot be reiterated here. For an overview, see William Connolly, ed., *Legitimacy and the State* (New York: New York University Press, 1984).

⁴⁴ Max Weber was the first to introduce bureaucratic administration as the decisive criterion for the monopoly on legitimate use of force in a state, thus transforming the claim for sovereignty from normative (princely rule, church) to empirically ascertainable. Since then, political theorists have discussed the legitimacy of sovereign rule mainly within the frame of the state, as the political system that provides the organizational framework to structure and rule society. See Max Weber, *Wirtschaft und Gesellschaft: Grundriss der verstehenden Soziologie*. (Tübingen: Mohr, 1980 [1922]) and John Emeka Akude, Anna Daun and David Egner, “Legitimität und Funktionsweise politischer Herrschaft im synchronen und diachronen Vergleich,” in *Politische Herrschaft jenseits des Staates. Zur Transformation von Legitimität in Geschichte und Gegenwart*, eds. John Emeka Akude, Anna Daun and David Egner (Wiesbaden: VS Verlag für Sozialwissenschaften, 2011): 11.

⁴⁵ David A. Lake, “Relational Authority in the Modern World: Towards a Positive Theory of Legitimacy”, paper prepared for the workshop “Legitimacy in the Modern World,” University of California, San Diego, (December 8–9, 2006): 15. weber.ucsd.edu/fldlake/documents/LakeLMWworkshoppaper.pdf (accessed February 28, 2013)

⁴⁶ David Held, *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance* (Stanford: Stanford University Press, 1995). Seyla Benhabib, *Another Cosmopolitanism: The Berkeley Tanner Lectures* (Oxford: Oxford University Press, 2008).

⁴⁷ Judith Butler, “Bodies in Alliance and the Politics of the Street”. In *Sensible Politics: The Visual Culture of Nongovernmental Activism*, Yates McKee and Meg McLagan, eds. (New York: Zone Books, 2012): 117–137, 122.

⁴⁸ *Ibid.*, 124.

⁴⁹ Comp. Rodney Barker, “Democratic Legitimation: What Is It, Who Wants It, and Why?”, *Legitimacy in an Age of Global Politics*, Achim Hurrelmann, Steffen Schneider and Jens Steffek, eds. (Basingstoke: Palgrave Macmillan): 19–34, 29.

⁵⁰ OECD, “The State’s Legitimacy in Fragile Situations,” 19. The importance of

the authority of local self-governance in Palestinian camps of the Arab region is equally stressed by Hanafi, "Governing Palestinian Refugee Camps," 6

⁵¹ Mezna Quato and Kareem Rabie, "Against the Law," *Jacobin* 10, spring 2013, <http://jacobinmag.com/2013/04/against-the-law/> (accessed February 28, 2014).

⁵² Thus far, the only transnational institutions that could represent local groups like the camp committee would be INGOs like UNWRA. It is disputed however, whether such INGOs in general can legitimately represent individuals or local groups on a global level (See Clark, I. "Legitimacy in International or World Society?" in Hurrelmann and others, *Legitimacy in an Age of Global Politics*, 193–210: 208). With respect to the particular relationship of INGO's in this case, I was told that the local population is dissatisfied with role that UNWRA plays in the Qalandia region. On the ambiguous status of UNWRA as exercising a "phantom sovereignty" in Palestinian refugee camps, see Hanafi "Governing Palestinian Refugee Camps": 6, 16.

Social Justice Beyond the Nation-State: Liberal Nationalism in Multinational Contexts

MARC WOONS

ABSTRACT

Within global justice debates, liberal nationalists defend the nation-state ideal as the best approach to social justice because only bonds between co-nationals provide the sense of community necessary to promote redistribution and motivate mutual sacrifice for others. Beyond the nation-state, only minimal obligations such as non-interference and humanitarian assistance exist. Liberal nationalist social justice is therefore twofold: recognition between and redistribution within discrete national communities. Though I leave this nation-state ideal largely intact, I suggest that prominent liberal nationalists like David Miller and Will Kymlicka misapply its core principles in multinational political communities because they avoid challenging the dominant role of existing nation-states, only granting partial recognition within and little redistribution beyond their boundaries. First, they overemphasize the idea that individuals have a dominant political national identity, to the exclusion of all other identities. Drawing attention to the example of the European Union and the emergence of European identities, I suggest that the conceptual (and physical) boundaries of recognition versus redistribution have blurred. Since identities have become transnational to some extent, there is now a role, however small, for redistributive policies vital to sustaining the European project. A second challenge examines the ways in which liberal nationalists downplay power imbalances that weaken national identities and make self-determination difficult for Indigenous peoples. Cases where Indigenous identities have changed and moved closer to dominant national identities are assumed to lead to reduced claims for self-determination. I argue against this view, proposing instead that power imbalances stemming from historical injustices (i.e., colonialism) and ongoing economic advantages themselves ground claims of self-determination, irrespective of the amount of cultural adaptation or assimilation. Greater self-determination is needed in such cases because of the involuntary nature of identity change. The upshot of these arguments is an improved liberal nationalism that is more finely attuned to the emergence of transnational identities and the ensuing need for transnational redistribution, as well as more robust forms of protection for smaller national communities and their claims for self-determination.

Global justice debates thrive because of disagreement over the moral place of the nation-state in the world. Globalists, on the one hand, believe that equal respect for all human beings demands that liberal egalitarian principles previously confined to the domestic sphere² apply universally, irrespective of arbitrary factors such as place of birth or nationality.³ They seek “a way of constructing an identity for oneself that is different from, and arguably opposed to, the idea of belonging to or devotion to or immersion in a particular culture.”⁴ Statists push back by emphasizing the moral importance of specific relations, adopting a dualist approach that defends the domestic as the proper sphere of liberal egalitarianism, with lesser obligations existing between nations or states.⁵ Liberal nationalism, a dominant statist position within the debate, characteristically asserts that obligations of social justice only arise among co-nationals who are entitled to a state of their own.⁶ Their conception of social justice follows what I call the nation-state ideal, proposing recognition between and redistribution within self-determining nations. The unresolved tension within global justice debates has led some to call for a “third wave” offering a “fresh perspective helping us to steer a middle course between [globalism and statism].”⁷ Third wave theorists promote new approaches that show greater consideration for real world contexts, even to the point of arguing that this should sometimes constrain normative claims.⁸

My own contribution to the ongoing debate is to offer a reinterpretation of liberal nationalism based on a more pluralistic understanding of national identities and the negative effects of national power imbalances on marginalized nations. With respect to the first contribution, I highlight how national identities form and change to create new multinational political communities and to transform existing ones. Specifically, I suggest that national identities can, and do, shift upwards in our globalizing world as international interactions strain the conceptual and physical boundaries of the nation-state. When such changes are voluntary, greater consideration must be given to forms of redistribution between national communities in an effort to promote stability and solidarity within emerging multinational communities. Yet, we should not assume that involuntary national identity shifts resulting from unjust power imbalances between nations necessarily reduces the need for national recognition. When identity changes are the result of historical injustices or material imbalances that hinder the self-determination of nation-state members, social justice may require greater recognition to establish balance within the broader multinational community.

Prominent liberal nationalists like David Miller and Will Kymlicka generally underestimate, though do not deny, the possibility that people can hold multiple identities, as well as the possibility that historical and economic circumstances may have an effect on the self-determination capacities of weaker nations. Though I support and thus leave unchallenged their belief that national identities play a crucial role in determining the basis for social justice as recognition between and redistribution within nations,⁹ greater consideration must be given to these complicating empirical factors. Despite paying significant attention to empirical and contextual factors themselves, I intend to show that Miller and Kymlicka arbitrarily defend existing nation-states from acknowledging the full normative force of minority nation claims in difficult multinational cases involving the European Union (EU) and Indigenous nations in Canada.¹⁰

The European Union is an excellent example of how the voluntary emergence of multinational identities alongside existing national identities necessarily leads to legitimate claims for redistributive justice beyond national boundaries. This is based on the fact that, more than ever, Europeans identify with people beyond traditional borders and see this as part of what it means to be members of their respective nation (a point I discuss in greater depth below). The emergence of complimentary transnational identities within the European Union implies that, according to liberal nationalist principles, recognition of the primary national identity alone no longer suffices as people become attached to the emerging European community. This is in contrast to many liberal nationalists who give little consideration to the idea that identities can change or that people can simultaneously hold multiple national identities.

In other challenging cases involving Indigenous peoples in Canada and Europe, Miller and Kymlicka underestimate the obligations that arise between national communities due to dramatic power imbalances resulting not only from economic advantages, but also from historical injustices. This leads to a tacit endorsement of the assimilative effects that coercive identity change has had on the self-determination capacities of smaller nations. It also leads liberal nationalists to overestimate the possibility that more limited forms of recognition, and greater forms of redistribution within the shared state, suffice in granting them equal self-determination capacities. This not only shows that they inconsistently recognize changing identities, endorsing (partially) assimilated Indigenous identities and not emerging European identities, but that they also do not consider how power imbalances might demand greater national recognition (to establish greater balance) and not greater integration into the redistributive policies of the wider community.

Ultimately, recognizing the pluralistic and dynamic nature of national identities and the implications of unequal positions with respect to existing power structures (e.g., states or the global economy) can have dramatic implications for liberal nationalist ideals of social justice as recognition between, and redistribution within, neatly defined nations equally capable of pursuing self-determination. My argument is developed over four sections. The first provides a brief justification for adopting a contextual approach that focuses on difficult cases. This is followed, in the second section, by an overview of Miller's and Kymlicka's liberal nationalist positions on complex multinational cases. The third and fourth sections respectively elaborate on the challenges presented by the European Union and Indigenous nations.

Ideal Theory in Non-Ideal Contexts

The third wave's appeal stems largely from its greater emphasis on context, even to the point of imposing demands on ideal theory.¹¹ There is "growing interest in and support for non-ideal theory ... philosophers often want something more than formal possibility from a political theory; they want a theory whose recommendations could actually be implemented in the world as we find it."¹² Central to the pragmatic approach endorsed here is that ideal principles must give greater attention to the way things actually function and how that constrains the manner and extent of their implementation. Although practical considerations stemming from the real world (being fact-sensitive) do not eclipse normative considerations, they nevertheless become important in justifying, transforming, and even discrediting theories that simply are unattainable. This process helps theorists reformulate their ideas with the ultimate aim of promoting real world justice.

Global justice debates are not alone in shifting toward greater reflection on context. As multiculturalism debates entered the twenty-first century, there was growing concern that a sense of purpose was lost in the never-ending struggle between liberals and communitarians. Some felt that the debates had become increasingly rigid, abstract, and distant from the very political policies, practices, and institutions they meant to implement or improve.¹³ The idea of introducing context gained popularity, which a number of leading multicultural theorists felt could rejuvenate the debate and give their theories greater impact on public policy formulation.

One of the most notable contributions of this sort has been that of Joseph Carens in *Culture, Citizenship, and Community: A Contextual*

Exploration of Justice as Evenhandedness.¹⁴ Carens articulates three interrelated benefits that come from showing greater consideration for real-world contexts. First, focusing on what abstract principles entail in certain contexts can bring greater clarity to the nature and extent of theoretical agreements or disagreements. Using an example informed by the famous liberalism-communitarianism divide that dominated multiculturalism debates, Carens suggests that liberals might find that liberal institutions do not follow from the implementation of their principles, or communitarians might find that they would endorse liberal institutions when forced to consider actual circumstances.¹⁵ Of course, scholars might attempt to shield their theories from the burdens imposed by such inconsistencies, though solely blaming ‘the world’ might limit the effectiveness of one’s theory and is done at one’s own risk. Second, context also “encourages us to consider whether existing institutions and practices may embody forms of wisdom that are missed by the prevailing theories.”¹⁶ In certain cases, institutions and practices may have outpaced theoretical developments, highlighting the benefits of entering into a never-ending “reflective disequilibrium” defined as “the mutual unsettling of complacent certitudes in theory and practice by their juxtaposition against one another.”¹⁷ Finally, challenging cases put otherwise rigid theories to the test, forcing their supporters to reconsider assumptions and reveal limits to, ultimately, expose opportunities for further explanation and potential refinement.¹⁸ Even if those involved in global justice debates are not totally fact-insensitive, Carens’ approach places much greater importance on practicalities than most who, according to Lea Ypi,¹⁹ have since Rawls (and even perhaps all the way back to Plato) generally first constructed formal (i.e., ‘ideal’) theories and only afterwards reflected on contextual problems that deviate from ideal conditions.

In short, third wave theorists, like Carens, strive to align their theories with institutions, policies, and practices by showing greater consideration for unique empirical factors found in specific cases. For example, Gillian Brock’s most recent book tries to “close the gap between theory and practice” on global issues like taxation and global poverty, humanitarian intervention, and immigration.²⁰ Some might feel that this practice leads to support for less-than-ideal outcomes, though it should only indicate when trade-offs might be unavoidable and when we must be content with more justice and not justice tout court. The purpose of adopting a contextual approach here is to consider the limits of liberal nationalist theories that push the nation-state ideal too far in the wrong direction, overshadowing some of its negative implications in multinational contexts.

Liberal nationalists, myself included, endorse a number of congruency principles. They include the following three that together outline the liberal nationalist social justice argument:²¹

Table 1: Congruency principles within the nation-state ideal

CP1: Congruency between individual freedom and national identity (i.e., the autonomy principle).

CP2: Redistributive congruency between national identity and internal redistribution within a territorially-defined political community (i.e., the liberal egalitarianism principle).

CP3: Recognition congruency between national identity and the locus of self-determination (i.e., the principle of national self-determination).

As CP1 shows, liberal nationalism begins with an argument about liberal autonomy that leads to support for moderate forms of nationalism and national identity. Alan Patten summarizes the link as follows: "Given the importance that liberals attach to individual choice and freedom, and given that a rich and healthy culture is an essential condition of the realization of freedom, liberals have a very 'good reason' to think that the state ought to preserve and promote national culture(s)."²² National communities are therefore important and need to be protected and promoted in the name of individual freedom and autonomy.

CP1 is the basis for CP2 and CP3, which together propose that territorial political units should coincide with national identities so that national communities can make decisions on matters affecting them, free from external interference. This forms the basis of the nation-state ideal. Miller, for instance, believes that national identity defines our foremost ethical obligations. He says, "Nations are ethical communities. They are contour lines in the ethical landscape. The duties we owe to our fellow-nationals are different from, and more extensive than, the duties we owe to human beings as such."²³ The contour lines are both conceptual and physical, demarcating a distinction between national insiders and non-national outsiders that translates into real-world state boundaries between nations.

CP2 speaks to the internal view of social justice as redistribution within the nation-state. Each national community requires its own political institutions so that it can sustainably reinforce fundamental liberal

principles like individual freedom, deliberative democracy, and social justice as redistribution.²⁴ Only co-nationals share bonds of solidarity and the communicative means necessary to facilitate mutual sacrifices within a common political community. "A viable political community requires mutual trust, trust depends on communal ties, and nationality is uniquely appropriate here as a form of common identity."²⁵ Social justice, for liberal nationalists like Miller "is justice practised among people who are citizens of the same [national] political community. ... There is no equivalent to this at [the] global level."²⁶ There is also no equivalent beyond the nation within multinational political communities according to this view.

Lastly, CP3 suggests that nation-states must treat one another fairly, highlighting a much more limited set of obligations. Liberal egalitarian principles of social justice do not, therefore, apply across national self-determining communities (i.e., between all individuals) or between them (i.e., as communities). Instead, Miller talks of "fair terms of (international) cooperation," which demands that richer nations do not use their greater power ("material advantage") as a means of exploiting weaker nations, primarily because it hampers their ability to self-determine.²⁷ CP3 could also be called the universal principle of self-determination.

It is worth noting that CP1, CP2, and CP3 are mutually reinforcing. Within the nation-state ideal, these principles exist in concert, with everyone belonging to only one nation and one state. These facts become important later on when considering practical deviations from the nation-state ideal that arise either because identities have shifted CP2 or because power imbalances have violated CP3. When one aspect shifts, it impacts the rest of the system, sometimes with dramatic and irreversible effects. Also, within the ideal, CP2 and CP3 are typically taken to be in a zero-sum relationship. For instance, greater forms of recognition should logically entail lesser forms of redistribution within a federal state. Of course, this zero-sum understanding should not rule out other forms of recognition and redistribution that might sit outside this framework based on other forms of compensation for past injustices or based on agreements such as treaties entered into voluntarily by self-determining nations. These claims do exist and can cause some confusion. Because of this, I only discuss the congruency principles unless otherwise mentioned.

The above account suggests that social justice in an ideal world starts with recognition: all nations should have a state of their own.²⁸ This allows each nation to promote redistributive social justice within its borders. In practice, liberal nationalists like Miller and Kymlicka have tried to be sensitive to contextual factors that create practical deviations,

outlining some interesting exceptions to the ideal and admitting the possibility of alternative constitutional arrangements that establish “a representative institution for the people in question ... [with] legislative and policy-making powers over matters that are essential to their identity and material welfare.”²⁹ Miller cites three examples where secession loses its practical appeal: when national groups are too small to effectively govern themselves independently, when there are enclaves of the national majority within the potentially-seceding minority, and when people hold “ambivalent” identities.³⁰ Many of these factors, which they feel weaken or void CP3, typically coincide. In such cases, CP3 can only lead to limited and highly decentralized decision-making within a federal structure with many or most issues falling under the jurisdiction of the central state – a state typically controlled by one dominant nation. Kymlicka, who supports federalism more than Miller, advocates such a position on national questions when secession is undesirable.³¹ For instance, he sees a pressing need for strong intergovernmental bodies between constituent nations, suggesting that greater forms of national recognition (e.g., self-government) leads to reduced participation in strictly federal institutions.³² Thus, federalism in the Canadian context, for Kymlicka, seems to partially reflect the “ambivalent” identity of people as citizens of two (or more) national communities. As he himself admits, the ambiguity around when and how Canadian institutions (like Parliament) should apply intergovernmental rather than federal decision-making rules leads to some confusion when put into practice because Canada’s institutions struggle to fulfil both roles at once.

The above account mirrors many important aspects of existing multinational political communities. For instance, the current nature of the European Union largely reflects a predominantly voluntary association of self-determining political communities, all seemingly capable of sustaining their differences. It prioritizes the recognition of nation-states while having no comprehensive social policy of its own.³³ Miller endorses existing exceptions to the CP3. He suggests that the Sámi of northern Fennoscandia are sufficiently recognized by the creation of Sámi parliaments within Sweden and Finland (and outside the European Union, in Norway) that lobby for greater control over resources, education, and culture within their traditional territory.³⁴ Other national differences within EU member states are also largely dealt with through forms of regional autonomy instead of secession, such as the Catalans in Spain and the Scottish in the United Kingdom, both of which are reduced to ‘ambivalent’ identities and therefore are not deserving of a state of their own.³⁵ The argument is not made that remaining together violates those who only see themselves as Catalan or Scottish, with the suggestion be-

ing that weaker forms of self-determination short of an independent state should satisfy them.

Kymlicka largely shares these views and applies them to Canada in equal measure. He supports the ability of federalism to promote self-government in cases where a national group forms a majority within a political subunit as the Québécois do in Quebec or the Inuit do in the territory of Nunavut (whose boundaries were enacted by the Government of Canada in the 1990s).³⁶ Yet, Kymlicka has surprisingly few answers on how to promote Indigenous self-determination in Canada. On the one hand, he recognizes that the Canadian people do not negotiate in good faith with Indigenous nations, that the federation was constituted without Indigenous participation or consent, and that colonialism has decimated their communities.³⁷ He even calls this “our most urgent obligation of justice in Canada.”³⁸ On the other hand, he ranks Canada the highest in the world in its treatment of Indigenous peoples, giving it full marks in eight of nine policy areas.³⁹ In short, Kymlicka suggests that Canada is on the right track based on the fact that Indigenous peoples have been weakened to the point that self-determination is beyond their reach and that they now feel a genuine sense of being Canadian—positions I take issue with in the remainder of this paper.

The next two sections suggest that these accounts by Miller and Kymlicka reflect a bias in favour of existing nation-states because they hold on to some “bad idealizations”—a term Ingrid Robeyns defines as “ignoring the existence of certain forms of injustice that need to be theorized rather than simply ignored in the theorizing. Often this amounts to leaving out aspects of life that are more relevant for some groups in society than for others.”⁴⁰ Ignoring may be too strong a word, though certain factors are certainly underemphasized with potentially drastic consequences. I do not take issue with CP1, focusing instead on the redistributive and recognition status of liberal nationalist arguments and how misapplying them in multinational contexts can limit individual autonomy by either not supporting identities beyond the state or by sacrificing weaker nations within states. The next section looks at CP2, suggesting that Miller and Kymlicka remain overly committed to the idea that individuals have only one dominant national identity. The final section, which follows, looks at their take on CP3, suggesting that they have an overly idealized view of the world as one where national power imbalances are minimal and the consequences of historical injustices—sometimes dating back generations—have diminished. I suggest the opposite is the case and that this requires stronger forms of recognition to ensure that the universal principle of national self-determination is maintained.

As liberal nationalists know, CP2 faces serious challenges when applied to the real world. Colonialism has displaced Indigenous nations from their territories and attempted to break their political communities and their identities through centuries of assimilative policies. Historical nation-building projects in Europe and Canada have also led to weaker nations absorbed into stronger nations as war and diplomacy took their course. In the last century, largely self-determining peoples have come together in the European Union to form a new political community. In other words, the world looks less like Japan (or Iceland), with their near-perfect congruency between national and state boundaries, than liberal nationalist ideals would have it. Yet, in every case discussed, a two-test approach has been used to discover the proper application of CP2. The first test is whether each nation can easily have a state free from affecting others. If this test is not satisfied, ambiguous or weaker nations must remain content with lesser forms of recognition (and greater forms of redistribution).

Here, I consider a different reading of national identities, which suggests that both Miller and Kymlicka mistakenly resist the idea that national identities are plural and evolving, not ambivalent and static. As a result, they overlook implications stemming from the reality that people can hold multiple national identities, that they can have equal value, that they can be compatible, and that they themselves can transform to create new identities that are more than the sum of their parts. In other words, Miller and Kymlicka overlook the complex and dynamic nature of identities, leading them to sometimes promote redistribution when they should not (e.g., with Indigenous peoples) and sometimes promote recognition when they should be more open to redistribution (e.g., within the European Union). The implication is that emerging transnational identities resulting from voluntary shifts—linked to economic integration, freedom of movement, and so on—should entail greater forms of redistributive justice spanning the entire multinational community. This does not mean that the idea of decentralized intergovernmental relations between nations has been negated, but that people hold multiple identities that complicate the dichotomy between insider and outsider. Honouring CP2 therefore requires greater promotion of many things as part of multinational-building previously only promoted within the nation-state such as solidarity, democracy, and individual freedom. In other words, a concurrent multinational-building project is emerging that should be under-

stood as coexisting with, and complimenting, ongoing nation-building projects.

The thrust of my argument against the typical application of CP2 is grounded in recent challenges to the “monistic authenticity”⁴¹ or “monolithic account of nationhood”⁴² constraint they place on national identity. They believe that each individual has one predominant and largely fixed national identity. In multinational contexts, many liberal nationalists look at the national identities that are present, count them and their place with respect to existing states (e.g., size, territory, concentration), and assign congruent political institutions that promote self-determination as best as possible. Dominant nations control the existing state and smaller nations get protections through self-government, federalism, delegated powers, and so on. This not only risks perpetuating power imbalances, but it also represents a poor institutional approximation of the true nature of people’s identities within and beyond dominant nation and state boundaries. Many national identities—especially ones that are as open as liberal nationalism demands—are becoming increasingly compatible, plural, and complex. Though some people only hold one national identity to the exclusion of all others, this is now the exception within in the European Union, where most people have plural identities.⁴³ Institutional changes both reflect and perpetuate pluralism. For instance, citizenship laws increasingly recognized dual citizenship and allow both parents to pass on citizenship. In a move that could have dramatic implications if widely adopted, Germany now allows its citizens to take on any other EU citizenship without renouncing German citizenship.⁴⁴ Far from creating “ambivalent” identities, such trends highlight the emergence of truly multinational identities, which express hybrid-, nested-, and trans-national sentiments that easily and naturally come together for those who hold them.

This in turn creates equally authentic plural identities that may not have existed before or been taken into account in liberal nationalist applications of congruency. What political institutions should follow from this more complex reading of national identities? At minimum, Helder De Schutter suggests that this provides a better argument against secession, a point I support in many cases, and that goes against many liberal nationalist sentiments.⁴⁵ Yet, there are reasons to go beyond this. In contrast to liberal nationalists who see mononational recognition and decentralization as key to promoting justice within nationally divided communities, respecting current empirical trends suggests that central governments (i.e., Canada’s federal government and the European Union) also have an important role to play in not only ensuring fair recognition is accorded to all national identities to ensure that they thrive,

but also that redistribution reflects the increasingly complex relationship between multinational communities, national communities, and individuals. The overarching central state, following this application of CP2, would then have an obligation to promote new forms solidarity and trust—and modify old ones within nation-states to reflect changing relationships—among various national groups as groups and as individuals.

The implications of this interpretation for multinational political contexts should not be underestimated. It challenges the fundamentally binary view of social justice obligations between people. Instead of asking whether two people stand in a relationship of recognition as members of different nations or a relationship of redistribution as members of the same nation, we must be open to the idea that both forms can, and often do, coexist. The sceptic would rightly take the EU example first and say that no forms of redistributive justice are required that span the Union. They would point out that less than ten per cent of people in the European Union feel only or primarily European, looking past the fact that almost 60 per cent of EU citizens now feel attachment to both their European and national identities to varying extents.⁴⁶ They would also be wise to take note of the fact that that number has risen slowly, even during a time of rapid expansion and uncertainty. Yet, many prominent liberal nationalists inadequately acknowledge the full social and identity implications of greater economic integration, believing instead that historical national identities alone will continue to predominate even as market integration deepens and spills over into social domains.

Kymlicka, for instance, believes economic globalization makes expanding social justice through social unions between nations unnecessary.⁴⁷ However, there is evidence to suggest that economic integration and liberalization pressures strain domestic social redistribution policies beyond the usual internal demographic and global competitiveness pressures felt globally. In response to the practical pressures that come from reducing internal borders, some increasingly believe that social Europe must go alongside fiscal Europe to protect its robust welfare systems.⁴⁸ Far from suggesting that these processes are replacing national identities, it is increasingly part of being Spanish, French, or Romanian to call for European social solutions (compatible with, if not transcending, national systems) as people move across traditional borders in ways that reshape their national and European identities and those of the next generation who feel more European than their parents.

For Indigenous peoples, monolithic accounts of identity are used to cut the other way, highlighting a possible double standard in Miller and Kymlicka's work from an Indigenous nationalist perspective. Centuries of settler imposition on Indigenous nations, fuelled by factors such as

intermarriage that have constituted new national identities (such as the Métis) who often feel they do not belong to any other nation, has led some to believe that redistribution is appropriate in cases where recognition would be the better fit. But why do Miller and Kymlicka apply CP2 to the emergent Canadian (or Swedish or Finnish) identity of Indigenous people and ignore it when applying CP2 to the emergent European identity? This is even more perplexing when one considers that the emerging EU identity has been largely a voluntary shift, whereas the Canadian identity held by Indigenous peoples has—and continues to be⁴⁹—imposed on them (as part of a vicious circle that supposes they freely identify as Canadian). Many Indigenous peoples reject the idea of being part of the larger community precisely because the state forced its citizenship, culture, and way of life on them.⁵⁰ Even though Indigenous peoples now rely on many services provided by the state, such as health-care and education, this is often only necessary because redistribution has been forced on them and recognition has been denied. This is not to refute the fact that some Indigenous people might freely see themselves as Canadian and Indigenous. Cases of partial or total assimilation resulting from involuntary policies do exist, but this should be seen as entirely unjust for any liberal nationalist. There may even be cases where some have chosen to assimilate, though proving this would be another story altogether given so much is stacked in favour of such a shift. Teasing out the voluntarism would prove challenging. It seems safer to say that the majority of Indigenous peoples would positively and easily identify with being Canadian (or Swedish or Finnish) if it first recognized their strongly held identities as Mohawk, Cree, Mi'kmaq, Sámi, and so on. The contemporary reality is complex, but perhaps best understood as one of Indigenous and Canadian identities being constantly in tension. So, the first step is not redistribution but greater recognition and respect to members of such nations so that the shared (or imposed) multinational identity can redeem itself as compatible with, and even mutually reinforcing of, Indigenous national identities.

Miller seems to disagree, suggesting that Indigenous peoples do not have an “identity that is clearly separate from that of the larger nation from which they wish to disengage.”⁵¹ Kymlicka, too, suggests that most Indigenous peoples in Canada “have a genuine sense of loyalty to Canada.”⁵² I believe Kok-Chor Tan better summarizes the reality facing Indigenous peoples when he says that “this account of nationality seems to hold groups hostage to arbitrary historical factors: it seems to say that a cultural group that needs self-determination most (because its identity has already been corroded) is not entitled to it.”⁵³ So, even if Miller is correct to point out that assimilation has been partial, the involuntary

nature resulting from power imbalances shows that more self-determination is needed, not less. Redistribution may still indeed be necessary on other grounds stemming from colonialism, but it is important to know which claim is being made. Applying redistribution (CP2) to Indigenous peoples on the assumption that they are Canadian is not only a mistake within a liberal nationalist framework, but one that many rightly feel keeps colonialism and its impacts in motion.

Qualitative factors, like the possibility of pluralistic identities and the voluntariness of identity change, need to take a more central place in liberal nationalist thought. Merely supporting the nation-state by default in complex cases leads to the misapplication of CP2. A better account considers the complexity of national identities and the nature of their transformation. This is not to say that Indigenous nations must be able to separate from Canada, or that European institutions should replace those of its member states. Both will remain multinational political communities for the foreseeable future, suggesting that getting the balance right between recognition and redistribution plays a pivotal role in promoting social justice at all levels. Doing this wrong risks further alienating Indigenous peoples and could lead to problems within the European Union—outcomes that go against peoples' identities and therefore what it means to promote social justice in multinational political communities. To further muddy already murky waters, the next section challenges the liberal nationalist application of the self-determination principle (CP3).

Applying the Universal Self-Determination Principle (CP3)

The second problem has to do with the unjust outcomes that result from supporting lesser forms of CP3—a problem most obvious in the case of Indigenous peoples. By supporting limited forms of self-determination, some liberal nationalists underestimate and thereby perpetuate power imbalances that cut short the self-determination capacities of weaker nations. In the worst cases, it leaves marginalized nations and their members hanging on to their national identities against all odds, individually and collectively facing assimilation save for those who are united in resisting dominant national identities imposed on them. This is because such liberal nationalists underestimate the power imbalance between nations and its effect, which also explains why liberal nationalists overestimate the ability of more limited forms of self-determination to sustain national communities.

I argue that Indigenous people deserve greater recognition through a variety of factors including returning traditional lands, honouring treaties, and accepting the implications of prior and unceded Indigenous sovereignty.⁵⁴ This might not always mean that non-Indigenous nations must physically make way for the restoration of Indigenous nations, though the onus for explaining why this is not possible rests with the non-Indigenous majority. When this is either impossible or undesirable, greater recognition does demand that Indigenous peoples have a say in all matters affecting them or forced on them, as well as a say on whether they wish to promote their national identities alongside or in isolation from the redistributive policies of the shared state. Perhaps the most common account raised by scholars of Indigenous nationalism in such cases is Iris Marion Young's idea of relational self-determination as non-domination instead of non-interference.⁵⁵ At its core, relational self-determination is fundamentally based on national recognition, not redistribution, "providing positive support for units that are weak or poorly resourced, to a level that enables them meaningfully to pursue their way of life, autonomy, and competence to interact and negotiate with other self-determining units."⁵⁶ Though others have discussed the practical implications in greater detail than I can here,⁵⁷ the central message is that CP3 demands that Indigenous peoples have an equal say—alongside nations that dominate within the multinational state—on all matters affecting them and on how correcting for the power imbalance is carried out. This is more than Miller and Kymlicka seem willing to grant.

Miller and Kymlicka misapply their own guiding principles when looking at the real world. Miller, who suggests a hands-off approach between nations generally, makes the following exception: "Since states are enriched and impoverished in seemingly arbitrary ways by [international commodity markets], this triggers an obligation on the part of resource-rich states to aid those that are resource-poor."⁵⁸ It is important to note that Miller restricts the factors that explain such power imbalances by focusing on international trade and ignoring historical injustices, not the least of which has been colonialism.⁵⁹ Valentini suggests that this leads to two problems, one moral and one practical.⁶⁰ Morally, it suggests that stronger nations only have an obligation to help, thus overlooking entirely any collective responsibility they may have toward creating and therefore rectifying the imbalance. Practically, it suggests assistance can substitute for much-needed and oftentimes substantial institutional reform.

To what extent do these ideas hold up in multinational contexts? Indigenous nations, forced to live within national contexts imposed on them and on lands that leave them a fraction of the resources they once

had and now desperately need, forcefully reject the idea that any forms of redistribution or recognition are anything less than (partial) compensation for past and ongoing injustices.⁶¹ To this day, Canadian governments negotiate agreements that fall far short of ensuring sustainable self-determination for Indigenous peoples. Critics of the often-hailed Nisga'a Final Agreement,⁶² which took effect in 2000, suggest that, despite giving them full control of 8 per cent of their traditional lands and transferring approximately 200 million dollars, "Nisga'a people will find themselves having to sell off land, mineral, fish and timber rights to fund their government and social programs."⁶³ They are locked into agreements that only slow the bleeding. Sadly, legal experts see such agreements as the best current example of Indigenous self-determination because they seem to grant full sovereignty—a fact that remains to be tested in Canadian courts—albeit still surrounded by the wider community and now having less say beyond their newly-negotiated borders.⁶⁴ The same sense of helplessness pervades Sámi communities, who have similarly made gains in recent years that fall short of full self-determination. A recent report by the United Nations discusses the fact that Sámi parliaments, the main vehicles for their self-determination, only have an advisory role and "with a few exceptions ... lack specific decision-making powers in matters pertaining to the use of lands, waters and natural resources."⁶⁵ When industrial and other state-supported developments threaten to encroach on their self-determination capacities, the Sámi have few guarantees that they will be heard.

Some are not so easily convinced of the need for equal self-determination for all nations. We have already seen how Miller suggests the erosion of Indigenous identities and reduced capacity—promulgated primarily through unjust means by dominant nations—eliminate their equal claim to national self-determination. This was rejected in large part because it supports and reinforces power imbalances between nations, arguably violating Miller's own criteria of how nations should justly interact with one another. Yet, Kymlicka offers a variation of Miller's argument in defence of limited self-determination. He says that the basis for Indigenous self-determination is "not so much the scale of mistreatment in the past but rather the scale of cultural difference."⁶⁶ Again, liberal nationalists find exceptions to the self-determination rule—exceptions that come across as arbitrary and debilitating for weaker nations. By linking self-determination to cultural distinctiveness, he once again exposes himself to an apparent double standard. Michael Murphy rhetorically questions whether the same logic applies to Canada or New Zealand, who may be absorbed by their larger neighbours—respectively, the United States and Australia—the more their cultures converge. "A group may

in such circumstances choose to forfeit its right to self-determination in favour of equal citizenship in another national group, but this is a choice which it nevertheless continues to claim as a democratic right attached to its distinct and autonomous political status.”⁶⁷ In other words, it is not based on cultural status. Similarly, demanding that a nation maintain cultural distinctiveness places an unequal and unfair burden on weaker nations to lock themselves into traditions that they themselves may wish to reform and adapt in an effort to secure what little self-determination they have left.⁶⁸

What would provide a better basis for determining the content or form of self-determining Indigenous nations? For starters, the Indigenous nations themselves know they still exist despite centuries of assimilationist and even genocidal state policies. It is commonly accepted that between sixty and eighty nations exist within (and across) Canada’s borders. A serious problem in both cases is that the state still plays a role in determining Indigenous status against article thirty-three of the US Declaration on the Rights of Indigenous Peoples, which states: “Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. ... [They] have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.”⁶⁹ For those wanting something more robust, I defer to Patrick Macklem, who suggests that a combination of factors taken together help define the contours of Indigenous nations. He pays particular attention to their right to self-determination (and therefore self-definition), prior occupancy of lands, prior sovereignty, treaties, and political control over cultural matters.⁷⁰ Failing to honour the strength of such normative arguments leaves Indigenous peoples vulnerable in ways nations controlling states are not.

Perhaps the worst outcome stemming from ignoring the need for equal self-determination for Indigenous peoples is the overwhelming empirical evidence that suggests prioritizing redistribution over recognition can lead to tragic socioeconomic outcomes. Despite generous redistributive programs in Canada, Indigenous people live seven years shorter on average,⁷¹ are twice as likely to live in condemnable housing,⁷² and have suicide rates about six times higher than the state-wide average.⁷³ According to some, the average Human Development Index (HDI) of Indigenous communities is comparable to Albania.⁷⁴ They are collectively poorer than the poorest in Europe, while Canada ranks among the richest. It is apparent to anyone who has visited enough Indigenous communities that many have drastically lower standards of living than the non-Indigenous majority. For those who believe redistribution is the solution, such results are shocking considering that Indigenous peoples

have equal access to Canada's robust social system. Moreover, the federal government alone spends over ten billion dollars annually on Indigenous peoples, including programs for improving housing, settling past injustices (e.g., residential school abuse), and compensation for development typically forced on traditional territories. Though mainstream Canada focuses on redistribution, it has proven an imperfect solution that only seems to lead to combinations of assimilation, dependency, and poor socio-economic outcomes.

Why have things not improved? One hypothesis receiving attention is that Indigenous nations require greater control of resources and stronger forms of self-determination to thrive once again.⁷⁵ In perhaps the largest and most renowned project of its kind, the Harvard Project on American Indian Development summarizes years of extensive empirical work as follows: "When Native nations make their own decisions about what development approaches to take, they consistently out-perform external decision makers—on matters as diverse as governmental form, natural resource management, economic development, health care and social service provision."⁷⁶ This is because,

The rapid changes and development progress we see in Indian Country is not the product of injections of resources from outside governments. Importantly, research also consistently finds that the economic, social, and political transformation that is occurring across the Indian nations is not the product of cultural change, or at least is not the product of the cultural assimilation of Native Americans into non-Indian society and norms.⁷⁷

Their findings strongly suggest that neither assimilation nor redistribution have worked historically, and only a recent shift in American policy toward greater national control over healthcare, education, and almost the full range of services counteracts many years of decline. Though such comprehensive empirical studies have not been done with respect to the Nisga'a, Sámi, or the Inuit of Nunavut to see whether their more limited forms of self-determination are working, the lesson should not be ignored. Nor does their study show conclusive evidence that the limited forms of recognition have dramatically closed the gap with the rest of society. They simply show that a strong relationship exists between greater recognition and better socio-economic outcomes—a relationship that redistribution could not generate. It appears that redistribution is a poor substitute (if it is a substitute at all) for a lack of recognition, which seems to have a dramatic psychological effect on those unable to live within a context that gives their lives meaning. When put this way, it seems to violate CPI, which states that honouring national identities is critical to promoting individual freedom and autonomy.

Before closing it is worth considering whether CP3 is applied correctly within the European Union. The possibility that it is not is weak at best, but worth discussing briefly. Most liberal nationalists would rightly point out that Europe is made up of self-determining nation-states and that the European Union itself reflects a voluntary association of states (except for the Sámi and perhaps the Roma). This is a difficult assertion to challenge; therefore, I offer the following comments only as a reflection on how much the argument might indeed hold. Consider the following reasoning: EU member states have very different standards of living. Bulgaria's minimum wage is less than 10 per cent of the Netherlands' minimum wage, and its adjusted GDP per capita is roughly a third. This example mirrors the EU as a whole, with the first fifteen member states (EU15) being much wealthier than the thirteen states (EU13) that have joined since 2004. Defining poverty as 60 per cent of the EU-wide median income, about 15 per cent of the EU15 lives in poverty whereas more than seventy per cent of the EU13 fall below the line.⁷⁸ Potential member states outside the EU, such as Albania, are poorer still. Can we say that these power imbalances have no dramatic impact on the self-determination capacities of weaker nations within Europe? Some symptoms suggest this might not be the case, with the stronger, earlier member states calling the shots to the potential detriment of the EU's weaker national communities.

Consider the journey new member states take and its potential longer-term impacts within the European Union. Accession negotiations practically force the *acquis communautaire* upon new member states who, tempted by the redistributive gains and economic growth that often come with EU membership, make significant changes to their laws and regulations to match the EU's already agreed-upon legal structures. The term "negotiation," understood as compromise and mutual adjustment, is misleading when applied to EU enlargement "as in every case of enlargement to date, accession negotiations conclude successfully because no candidate government has ever been prepared to jeopardize the goal of accession."⁷⁹ The one-sidedness of accession negotiations has led Europe's newest citizens to resent the changes, even feeling less European as a result. Moreover, when problems occur within the Eurozone, it is the weaker states that are told that they need to get in line and change their socio-economic models to more closely match the stronger EU15.

While liberal nationalists, as we have seen, overlook the impact of market liberalization on national identities, the two are often linked. Nancy Fraser argues, "The economy is not a culture-free zone, but a culture-instrumentalizing and culture-signifying one. Thus what presents itself as 'the economy' is always already permeated with interpen-

etrations and norms.”⁸⁰ To highlight this point, it is useful to examine why some potential EU members stay out—richer members who cannot easily be forced by power imbalances do not want to sacrifice culture at the altar of redistribution. For instance, Rune Bjåstad, Minister Counsellor for Culture and Communication at the Royal Norwegian Embassy in Paris, recently said that “membership was a threat to the sovereignty of Norway, the fishing industries and agriculture would suffer, that membership would result in increased centralization, and there would be less favourable conditions for equality and the welfare state.”⁸¹ One could take a strictly economic reading of his points, but it is interesting that he mentions fishing and farming, two industries with powerful lobbies that preserve a way of life deeply engrained within rural Norwegian culture. On the whole, the EU example is admittedly borderline, though it does suggest that power imbalances within the European Union do potentially lead nations to trade self-determination for redistribution in ways that they may not like or that create negative views of the entire process. It might indeed be the case that stabilizing Europe in ways that honour its emerging transnational identity also requires showing greater tolerance for economic (and other forms of) pluralism that are stifled by the unilateral imposition of the *acquis communautaire*.

Of course, this could lead to more problems as integration becomes more challenging and therefore slower as a result, but it might also make for a more stable Europe where everyone can see their nations recognized in their entirety within the multinational project. It ultimately boils down to whether new member states see this is an acceptable trade-off, a positive development as part of their own journey of self-determination. It is also worth noting that European nations have less diversity among them than exists between Indigenous and non-Indigenous peoples in Fennoscandia and Canada. This makes the possibility of consensual, transnationalism easier—but by no means easy—to achieve.

This section and the previous section have tried to show that liberal nationalists have often overlooked important contextual factors when applying CP2 and CP3 in multinational contexts, highlighting an apparent bias in favour of existing state structures over more dramatic and necessary institutional or policy changes. Indigenous peoples are assumed to require greater redistribution resulting from greater identification with the state, whereas European identities forming on the transnational level entail no such redistribution. Similarly, nations who control states deserve full self-determination, whereas nations that have been weakened by such state-building enterprises can only claim more limited forms of self-determination. These contradictions result from an idealized view of national identities as monolithic and an underestimation of the effects of

Conclusion

The modified application of CP2 and CP3 leads to a radically more complex understanding of the place of each person and each nation within multinational political communities. The original two-level application of national recognition and then redistribution no longer applies, if it ever did, because identities and power relations are more complex in our interdependent world—aspects that are only increasing due to globalization. This leads to a stronger role for central governments in Canada and the European Union in promoting multination-building projects that mimic some of the aspects of nation-building projects. Solidarity within Canada and Europe should become prominent goals. Both regions must work to recognize national differences while forming overarching, consensual, and complementary multinational identities. Such identities may be asymmetrical in content as well as in form, as some groups may prefer decentralization and others may not. The important point to make here is that each national group should be given enough space and control over their collective futures so that the choice is theirs.

Perhaps the biggest irony in all of this is that liberal nationalist identities themselves perpetuate such complexities. To the extent that one can say the European Union is a liberal nationalist project, the opening of borders makes it possible for someone to be born in France to Polish parents. They may choose to attend university in Spain and work in Slovenia. Along the way, they learn languages, make friends, and start families. All of this is perpetuating a new identity that simply cannot be reduced to traditional identities, but that is certainly becoming a part of such identities. Multination-building will be not easy, given the challenges related to solidarity and democracy. It will almost certainly be turbulent and highly contested. To expect it to be anything less than an arduous journey would be naïve. But, then again, nation-building was never a straightforward process either. ■

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Notes

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² Early globalists typically had in mind John Rawls' *A Theory of Justice*, originally published in 1971. See John Rawls, *A Theory of Justice*, rev. ed. (Cambridge, MA: Harvard University Press, 1999).

³ For example, Charles R. Beitz, "Cosmopolitan Ideas and National Sentiment," *The Journal of Philosophy* 80, no. 10 (1983): 591–600; Thomas W. Pogge, *Realizing Rawls* (Ithaca, NY: Cornell University Press, 1989).

⁴ Jeremy Waldron, "What is Cosmopolitan?," *The Journal of Political Philosophy* 8, no. 2 (2000): 227–243, 227.

⁵ For example, John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999); Thomas Nagel, "The Problem of Global Justice," *Philosophy and Public Affairs* 33, no. 2 (2005): 113–147.

⁶ I will focus primarily on David Miller and Will Kymlicka. Notable works include David Miller, *On Nationality* (Oxford: Clarendon Press, 1995); David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007); Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Clarendon Press, 1995).

⁷ Laura Valentini, *Justice in a Globalized World: A Normative Framework* (Oxford: Oxford University Press, 2011): 3.

⁸ Gabriel Wollner, "The Third Wave of Theorizing Global Justice. A Review Essay," *Global Justice: Theory Practice Rhetoric* 6 (2013): 21–39, 27–29.

⁹ Other statist reject national identity as the basis for such a dualist approach to social justice. For instance, Andrea Sangiovanni believes that it should be based on reciprocity linked to shared collective goods. Thomas Nagel, on the other hand, believes state coercion provides a better basis. See Thomas Nagel, "The Problem of Global Justice," *Philosophy and Public Affairs* 33, no. 2 (2005): 113–147; Andrea Sangiovanni, "Global Justice, Reciprocity, and the State," *Philosophy & Public Affairs* 35, no. 1 (2007): 4–39.

¹⁰ Though my conclusions will have implications for sub-state national groups like the Québécois, Scots, Catalans, Flemish, and so on, I pay less attention to them in order to focus on those contexts that tease out the points being made more clearly.

¹¹ There is significant debate on the value of ideal theory generally and the proper place of non-ideal considerations. There are those who believe ideal theory must primarily consider justice independent of questions of context, feasibility, or human nature. There are those, at the other extreme, who reject ideal theory altogether, suggesting it can't even serve as a guide for what to do in non-ideal circumstances. For examples of the former, see Andrew Mason, "Just Constraints," *British Journal of Political Science* 34, no. 2 (2004): 251–268; Gerald A. Cohen, "Facts and Principles," *Philosophy & Public Affairs* 31, no. 3 (2003): 211–245. Examples of the latter include Charles W. Mills, " 'Ideal theory' and ideology," *Hypatia* 20, no. 3 (2004): 165–184; Raymond Geuss, *Philosophy and Real Politics* (Princeton: Princeton University Press, 2008). Though I do not engage in this debate directly, I believe that context is important for addressing the question being posed here. At the same time, ideal theory can still play a part in providing assistance for real world problems.

¹² Holly Lawford-Smith, "Cosmopolitan Global Justice: Brock v. the Feasibility Sceptic," *Global Justice: Theory Practice Rhetoric* 4 (2011): 1–12.

¹³ Michael Murphy, *Multiculturalism: A Critical Introduction* (New York: Routledge, 2012): 129.

¹⁴ Joseph H. Carens, *Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness* (Oxford: Oxford University Press, 2000): 1–6. Another leading example of promoting "context" can be found in Will Kymlicka and Wayne Norman, "Citizenship in Culturally Diverse Societies: Issues, Contexts, Concepts," in *Citizenship in Diverse Societies: Theory and Practice*, Will Kymlicka and Wayne Norman, eds. (Oxford: Oxford University Press, 2000).

¹⁵ Carens, *Culture, Citizenship, and Community*, 3.

¹⁶ *Ibid.*, 3.

¹⁷ *Ibid.*, 4. The idea of "reflective disequilibrium" contrasts with Rawls' idea of "reflective equilibrium," which is a model of a deliberative process that involves weighing our considered judgments against one another until an end-point is reached. Carens goes on to say: "One of the differences between my approach and Rawls's reflective equilibrium is that I want to give weight not just to what Rawls calls 'our considered convictions of justice' but also to our intuitive (less considered) judgements about a range of relatively unfamiliar (but real) issues and cases on the assumption that those intuitive judgements may be shaped by relevant moral considerations that are obscured in our theories by the too familiar contours of the issues or cases about which we have 'considered convictions'. Part of the task of the movement between context and theory is to try to bring those relevant but obscured considerations to light and to incorporate them into our moral theory, thus refining our theoretical principles. Of course, the process of reflection may also lead us to revise our initial intuitive judgements." (*Culture, Citizenship, and Community*, 6).

¹⁸ *Ibid.*, 4–5.

¹⁹ Lea Ypi, "On the Confusion between Ideal and Non-Ideal in Recent Debates on Global Justice," *Political Studies* 58, no. 3 (2009): 536–555, 538–539.

²⁰ Gillian Brock, *Global Justice: A Cosmopolitan Account* (Oxford: Oxford University

²¹ Other congruency principles exist, such as congruency between the nation and the location of deliberative democracy.

²² Alan Patten, "The Autonomy Argument for Liberal Nationalism," *Nations and Nationalism* 5, no. 1 (1999): 1–17, 6.

²³ David Miller, *On Nationality*, 11.

²⁴ Margaret Canovan, *Nationhood and Political Theory* (Cheltenham: Edward Elgar, 1996); and, Will Kymlicka, *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship* (Oxford: Oxford University Press, 2001): 225–226.

²⁵ David Miller, "The Nation-State: A Modest Defence," in *Political Restructuring in Europe: Ethical Perspectives*, ed. Chris Brown (London: Routledge, 1994): 137–162, 143. Emphasis added.

²⁶ Miller, *National Responsibility and Global Justice*, 15.

²⁷ Miller, *National Responsibility and Global Justice*, 252; David Miller, "Against Global Egalitarianism," *The Journal of Ethics* 9, no. 1–2 (2005): 55–79, 78–79.

²⁸ Miller, *On Nationality*, 82, 115–116.

²⁹ *Ibid.*, 116.

³⁰ *Ibid.*, 116–118; Kymlicka, *Multicultural Citizenship*, 186. Miller tends to support secession in all cases that are not exceptional, whereas Kymlicka believes secession should be pursued only if other alternatives such as federalism are not first tried. Indeed, the threat of secession might be all that is needed to ensure fairness and autonomy within a federation.

³¹ Kymlicka states that "the more successful a multination federal system is in accommodating national minorities, the more it will strengthen the sense that these minorities are separate peoples with inherent rights of self-government, whose participation in the larger country is conditional and revocable." See Kymlicka, *Politics in the Vernacular*, 115.

³² Kymlicka, *Multicultural Citizenship*, 143. He says, "self-government for a national minority seems to entail guaranteed representation on *intergovernmental* bodies, which negotiate, interpret, and modify the division of powers, but reduced representation on *federal* bodies which legislate in areas of purely federal jurisdiction from which they are exempted". Emphasis in original.

³³ Frank Vandenbroucke, *Europe: The Social Challenge. Defining the Union's Social Object is a Necessity Rather than a Luxury* (Brussels: OSE Opinion Paper No. 11, 2012).

³⁴ Miller, *On Nationality*, 116.

³⁵ *Ibid.*, 118.

³⁶ Kymlicka, *Multicultural Citizenship*, 29–30; Will Kymlicka, *Finding Our Way: Rethinking Ethnocultural Relations in Canada* (Oxford: Oxford University Press, 1998): 144.

³⁷ Kymlicka, *Finding Our Way*, 144–146.

³⁹ Will Kymlicka and Keith Banting, *Multiculturalism Policy Index*, <http://www.queensu.ca/mcp/> (accessed February 10, 2014). Based on a 2010 evaluation of the relationship between the Canadian state and Indigenous peoples.

⁴⁰ Ingrid Robeyns, "Ideal Theory in Theory and Practice," *Social Theory and Practice* 34, no. 3 (2008): 341–362, 358.

⁴¹ Dimitrios Karmis and Jocelyn MacLure, "Two Escape Routes from the Paradigm of Monistic Authenticity: Post-Imperialist and Federal Perspectives on Plural and Complex Identities," *Ethnic and Racial Studies* 24, no. 3 (2001): 391–425.

⁴² Helder De Schutter, "Federalism as Fairness," *The Journal of Political Philosophy* 19, no. 2 (2011): 167–189.

⁴³ European identities are quite strong when one considers that the EU has been widening rapidly in recent years, and that it is still relatively young compared to the time it took for national identities to form. Though national identities, as liberal nationalists highlight, are very resilient, the most recent Eurobarometer survey results show that a European identity is emerging and that it is increasingly compatible with nation-state identities. In May 2013, about 60 per cent of EU citizens see themselves as European to some extent. When broken down by age, the youngest cohort (fifteen to twenty-four years of age) is noticeably higher than the oldest cohort (over fifty-five years of age) with 68 per cent versus 56 per cent. It might be useful to consider just the original six countries. From 1992 to 2013, the Eurobarometer Interactive Search System (question forty) shows a general decline in nation-state-only identities. In 1992, the highest was The Netherlands with 42 per cent and the lowest was Italy with 24 per cent. In 2013, the highest was France with 37 per cent and the lowest was Luxembourg with 23 per cent. The percentage dropped in four states (per cent change): Germany (-12 per cent), the Netherlands (-8 per cent), Belgium (-5 per cent), and Luxembourg (-5 per cent). It rose in two: France (+7 per cent), and Italy (+5 per cent). See, European Commission, *Standard Eurobarometer 79: European Citizenship* (Brussels: DG COMM); European Commission, *Standard Eurobarometer 40* (Brussels); European Commission, *Eurobarometer Interactive Search System*, <http://ec.europa.eu/public-opinion/cf/index-en.cfm> (accessed January 31, 2014).

⁴⁴ German Nationality Law (*Staatsangehörigkeitgesetz*), art. 12, sec. 2 (last modified 28 August 2013). Another recent example is the removal of provisions that prevented citizens of Luxembourg, the Netherlands, and Belgium from holding more than one of the three citizenships.

⁴⁵ De Schutter, "Federalism as Fairness," 168–169, 179–183. It is plausible that in certain cases, given power imbalances, the only way a national group could self-determine is through secession. It might even involve a trade-off whereby some with plural national identities lose out.

⁴⁶ European Commission, *Standard Eurobarometer 40* (Brussels); European Commission, *Eurobarometer Interactive Search System*. Based on data from May 2013 on what people expected to feel in the near future, only 3 per cent answered only European, while 7 per cent said European first, followed by national identity. Only 38 per cent answered national identity only, with 49 per cent saying national first

⁴⁷ Kymlicka, *Politics in the Vernacular*, 115.

⁴⁸ Jürgen Habermas, *The Postnational Constellation: Political Essays*, trans. Max Pensky (Cambridge: Polity Press, 2001); and, Frank Vandenbroucke, *Europe: The Social Challenge*.

⁴⁹ Taiaiake Alfred and Jeff Corntassel, "Being Indigenous: Resurgences Against Contemporary Colonialism," *Government and Opposition* 40, no. 4 (2005): 597–614.

⁵⁰ Prominent examples of this sentiment include: Darlene Johnson, "First Nations and Canadian Citizenship," in *Belonging: The Meaning and Future of Canadian Citizenship*, ed. William Kaplan (Montréal and Kingston: McGill-Queen's University Press, 1993): 349–367; Taiaiake Alfred, *Peace, Power, Righteousness: An Indigenous Manifesto* (Oxford: Oxford University Press, 1999); Patricia Monture-Angus, *Journeying Forward: Dreaming First Nations' Independence* (Halifax, NS: Fernwood Publishing, 1999).

⁵¹ David Miller, "The Limits of Cosmopolitan Justice," in *International Society: Diverse Ethical Perspectives*, David Mapel and Terry Nardin, eds. (Princeton, New Jersey: Princeton University Press, 1998): 164–181, 172

⁵² Kymlicka, *Finding Our Way*, 131.

⁵³ Kok-Chor Tan, *Justice Without Borders: Cosmopolitanism, Nationalism, and Patriotism* (Cambridge: Cambridge University Press, 2004): 114–115.

⁵⁴ For an overview of how these normative factors collectively define the contours of indigenous self-determination claims, see Patrick Macklem, *Indigenous Difference and the Constitution of Canada* (Toronto: University of Toronto Press, 2001).

⁵⁵ See, Iris Marion Young, *Inclusion and Democracy* (Oxford: Oxford University Press, 2000): 258–260; and, Iris Marion Young, "Self-Determination as Non-Domination," *Ethnicities* 5, no. 2 (2005): 139–159. This account also has an easier time coping with the pressures that arise from complex identities within multinational political communities and discussed in the previous section, making it an ever more appealing approach.

⁵⁶ Young, "Self-Determination as Non-Domination," 147.

⁵⁷ For more detailed accounts, see Benedict Kingsbury, "Reconstructing Self-Determination: A Relational Approach," in *Operationalizing the Right of Indigenous Peoples to Self-Determination*, Pekka Aikio and Martin Scheinin, eds. (Turku: Abo Akademi, 2000): 19–37; Michael Murphy, "Representing Indigenous Nationalism," *The University of Toronto Law Journal* 58, no. 2 (2008): 185–216; Else Grete Broderstad, "Promises and Challenges of Indigenous Self-Determination: The Sami Case," *International Journal* 66, no. 1 (2011): 893–908.

⁵⁸ Miller, *On Nationality*, 74. Other positive obligations include assistance in times of need, such as famine, earthquakes, or floods. I am more interested in systemic problems, and so focus on the obligation at hand.

⁵⁹ Valentini, *Justice in a Globalized World*, 85.

⁶¹ Menno Boldt, *Surviving as Indians: The Challenge of Self-Government* (Toronto: University of Toronto Press, 1993): 18–20.

⁶² Government of Canada, Government of British Columbia, and the Nisga'a Nation, *Nisga'a Final Agreement* (Victoria, BC: Ministry of Aboriginal Affairs, 1998).

⁶³ Taiaiake Alfred, "Deconstructing the British Columbia Treaty Process," *Balayi: Culture, Law and Colonialism* 3 (2001): 57. This fear is also expressed by James Tully, "The Struggles of Indigenous Peoples for and of Freedom," in *Political Theory and the Rights of Indigenous Peoples*, Duncan Ivison, Paul Patton, and Will Sanders, eds. (Cambridge: Cambridge University Press, 2000): 36–59, 50.

⁶⁴ For an excellent overview of Indigenous law in Canada and the implications of various recent decisions and agreements, see Felix Hoehn, *Reconciling Sovereignities: Aboriginal Nations and Canada* (Saskatoon: Native Law Centre, University of Saskatchewan, 2012).

⁶⁵ James Anaya, *Report of the Special Rapporteur on the Rights of Indigenous Peoples (addendum 2 on The Situation of the Sami People in the Sápmi Region of Norway, Sweden and Finland)*, A/HRC/18/35/Add.2 (June 6, 2011): 11. Also, see Lukas H. Meyer, "Transnational Autonomy: Responding to Historical Injustice in the Case of Saami and Roma Peoples," *International Journal on Minority and Group Rights* 8 (2001): 263–301, 293.

⁶⁶ Will Kymlicka, "Theorizing Indigenous Rights," *The University of Toronto Law Journal* 49, no. 2 (1999): 281–293, 289–290. Kymlicka has a number of critics that suggest it is highly problematic to base self-determination on cultural and not political difference. They include: Avner De-Shalit, "National Self-Determination: Political, Not Cultural," *Political Studies* 44, no. 5 (1996): 906–920; Michael Murphy, "Understanding Indigenous Nationalism," in *The Fate of the Nation-State*, ed. Michel Seymour (Montreal and Kingston, ON: McGill-Queen's University Press, 2004): 271–294; and Dale Turner, *This Is Not a Peace Pipe: Towards a Critical Indigenous Philosophy* (Toronto: University of Toronto Press, 2006).

⁶⁷ Michael Murphy, "The Limits of Culture in the Politics of Self-Determination," *Ethnicities* 1, no. 3 (2001): 367–368, 380–381. My emphasis.

⁶⁸ Ibid., 381.

⁶⁹ United Nations, General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*, A/61/L.67 and Add.1 (September 13, 2007): art. 33.

⁷⁰ Patrick Macklem, "Normative Dimensions of an Aboriginal Right of Self-Government," *Queen's Law Journal* 21 (1995): 173–219.

⁷¹ Canada, Indian and Northern Affairs Canada, *Basic Departmental Data 2000*, (Ottawa: Department of Indian Affairs and Northern Development, 2001).

⁷² Naomi Adelson, "The Embodiment of Inequality: Health Disparities in Aboriginal Canada," *Canadian Journal of Public Health* 96, no. 6 (2005): 45–61.

⁷³ Canada, Health Canada, *Acting On What We Know: Preventing Youth Suicides in First Nations* (Ottawa: Advisory Group on Suicide Prevention, 2010). Where num-

bers exist, similar stories exist around accidental deaths and homicide rates. Cycles of violence and abuse plague many, if not most, Indigenous communities

⁷⁴ Russel L. Barsh, "Canada's Aboriginal Peoples: Social Integration or Disintegration?," *The Canadian Journal of Native Studies* 14, no. 1 (1994): 1–46, 1.

⁷⁵ See, Kok-Chor Tan, *Justice Without Borders*, 114–115; Michael Murphy, "Self-Determination as a Collective Capability: The Case of Indigenous Peoples," *Journal of Human Development and Capabilities*, forthcoming.

⁷⁶ The Harvard Project on American Indian Economic Development, "Sovereignty Matters," <http://hpaied.org> (accessed January 31, 2014).

⁷⁷ Stephen Cornell and Joseph P. Kalt, *American Indian Self-Determination: The Political Economy of a Policy that Works* (Cambridge, MA: Harvard Kennedy School Working Paper, 2010): 11

⁷⁸ Vandenbroucke, *Europe: The Social Challenge*, 5–6.

⁷⁹ Sussanah Verney, "Justifying the Second Enlargement: Promoting Interests, Consolidating Democracy or Returning to Roots?," in *Questioning eu Enlargement: Europe in Search of Identity*, ed. Helene Sjursen (London: Routledge, 2006): 19–43, 28.

⁸⁰ Nancy Fraser "Social Justice in the Age of Identity Politics: Redistribution, Recognition, and Participation," in *Redistribution or Recognition? A Political-Philosophical Exchange*, Nancy Fraser and Axel Honneth, eds., trans. Joel Golb, James Ingram, and Christiane Wilke (London: Verso, 2003): 7–109, 61–62.

⁸¹ *Euronews*, "Why Isn't Norway in the EU?," April 29, 2013, <http://www.euronews.com/2013/03/29/norway-and-the-eu/> (accessed February 3, 2014).

Gendering *Al-Nakba*: Elderly Palestinian Refugees' Stories and Silences about Dying Children

NINA GREN

ABSTRACT

This article builds on the life-stories of elderly Palestinian refugees, collected in the West Bank in 2003-2004. It discusses accounts about flight in 1948 (i.e. *al-Nakba*) and pays particular interest to stories as well as silences about dying children. The article argues that men and women remembered their flight differently and that the gendered experiences of flight influenced understandings of both the past and the present as well as ideals of motherhood and fatherhood. Both the elderly men's and women's stories contained self-blame and humiliation, but also attempts to counter accusations from other Palestinians. Claims that the refugees did not face any violence or that women forgot their children, as well as the way the elderly explained such charges, point at the struggle to create a coherent narrative of self and the past in situations of continuous uncertainty. Women were more successful in trying to save face than men, since in their stories they kept to their children no matter what. According to these women, the threat towards Palestinian children did not only come from Israel, but also from Palestinian men who asked mothers to abandon their child. The elderly men were not very outspoken in their stories, which remain more ambiguous than women's accounts. Some elements in stories about flight tell us more about the present than about the past. The stories and silences about dying children mirror concerns about how to be a good parent at the time of fieldwork and about recent cases of infants dying at checkpoints.

Introduction

This article discusses gender and displacement through several elderly Palestinian refugees' narratives about their flight from Palestine in 1948

and its aftermath (referred to as *al-Nakba*) that were collected during ethnographic fieldwork in the West Bank from 2003–2004. I also take into account the views of younger refugees as these came forward during the same fieldwork. My main argument is that women and men experienced and remembered the flight in different ways. This difference has been noted before.¹ Here, however, I will show that these gendered experiences also came to influence negotiations about past and present as well as ideals of motherhood and fatherhood. This article focuses on stories as well as silences about dying infants and young children during the flight. I discuss what these stories can tell us about gender relations in Palestinian society in the past, as well as in the present, and what they can show us about how experiences of flight and exile are reconstructed in narratives.

The stories of both my female and male interlocutors comment on and sometimes question Palestinian gender ideals as understood among camp refugees. The women's stories confirm the importance of motherhood in Palestinian society and how women were able to retain their sense of propriety despite the crisis in which they found themselves. In their narratives, blame was put on Palestinian men for being immoral and unable to properly perform their gendered role. Men's stories, on the other hand, contained a great deal of silence and seem to partly confirm the accusations of other refugees.

I am not primarily concerned with "what really happened" in the sense of establishing historical truth, but with the cultural meaning of these stories. I doubt that events during *al-Nakba* were recounted, either by women or by men, just because they happened or even necessarily exactly as they did happen. Rather than being transparent renditions of "truth," narratives reflect a dynamic interplay between life, experience, and story.² Many of people's unsettled experiences remain "unsayable."³ Time and trauma can distort memories, and experiences of violence and displacement are not always verbalized, but rather become intertwined with everyday family life.⁴ To fully understand why these particular narratives were told and not muted, we need to look at the time and context in which stories are told in addition to the historical events they attempt to describe. Memories can be evoked and made public by political violence many years later; narratives not only comment on the past, but also tell us about how the present is experienced and even how the future is envisioned.⁵ In this case, the present, the time at which the stories were told, was defined by violence and despair in a refugee camp under Israeli occupation and the future was considered under threat. Thus, my second argument is that some narrative contents in stories about flight respond to and comment on local concerns in the present rather than merely

reflect past events. This does not mean that I think that my interlocutors were not telling the truth, but that women's memories of dying children were resuscitated because of more recent events.

The article points to the importance of using narrative theory and gender as an analytical tool when attempting to understand refugee experiences. This might be especially important when trying to understand social change and historicity in unsettled refugee situations, where displacement does not come to an end through local integration, repatriation or peace but is an ongoing issue.

I discuss this material mainly with inspiration from the work of two social anthropologists: (i) Michael Jackson's writings about the politics of story-telling, as the dialectic between the public and private realm, and as an existential human attempt to sustain agency under constraints; and (ii) Marita Eastmond's work on refugee narratives as efforts to create meaning, re-establish identities, and bear witness to violence.⁶

Background and Fieldwork

The establishment of Israel in 1948 and the subsequent war between Israel and its Arab neighbours had enormous consequences for the Palestinians, though what actually happened remains disputed.⁷ These events are called *al-Nakba* in Arabic, meaning "the disaster" or "catastrophe." The background of the war was the dispute over the British Mandate of Palestine. A UN partition plan tried to solve the dispute by recommending two independent states, one Jewish and one Arab. Most Palestinians refused to accept this proposal because it deprived them of most of their land.⁸ Instead, Palestinians, supported by Arab leaders, demanded full control of the British Mandate as well as national independence. Arab countries sent their armies to attack the newly declared state of Israel. Most of those troops were, however, poorly prepared compared to the well-trained and equipped Jewish/Israeli forces.⁹ The war, which in Israel is known as the War of Independence, marked the beginning of the Palestinian exodus.

It has been estimated that during and after the war, four out of five Palestinians fled from their homes in the area that is now Israel.¹⁰ Most Palestinian refugees spread out in the Middle East; the bulk ended up in Gaza, the West Bank, Lebanon, Syria, and Jordan. Refugees with financial means managed to buy new land or rent houses and they became what is known in the international refugee discourse as "self-settled." Many others spent the first years after flight on the move; they lived outdoors or with acquaintances and eventually ended up in refugee camps

established in the early 1950s. To this day, fifty-eight UN-run Palestinian refugee camps exist in different parts of the Middle East.

One of those camps is Dheisheh where I conducted ethnographic fieldwork for a year between 2003 and 2004. Dheisheh is the largest of three refugee camps in Bethlehem and houses some 9,000 refugees¹¹ who originate from about forty-five villages inside today's Israel. The majority of Dheishehans are children and youth who have inherited their refugee status from their grandparents or great-grandparents. Dheisheh has been depicted as a "hard core camp" by both outsiders and its inhabitants. Clashes between Israeli soldiers and Palestinian activists as well as military harassments of camp families were frequent during the First Intifada (1987–1994) as well as during the Second Intifada (2000–2005), also known as *al-Aqsa Intifada*. Many camp residents have experienced political imprisonment in Israeli jails and house searches by the Israeli army. During the second uprising, seven Dheishehans reportedly carried out suicide operations.

Although my host family in the camp warmly accepted me, I inevitably remained "an outsider" during fieldwork. At times, I was met with suspicion, but camp residents also often saw me as a potential message-bearer to the outside world. Being female and Swedish worked to my advantage, since a woman was not considered a threat and Sweden was seen as a pro-Palestinian country. I speak basic colloquial Arabic, and not being fluent was problematic. I was nevertheless lucky to work with two Palestinian field assistants, one man and one woman, who were well respected locally and helped me overcome socio-cultural as well as linguistic barriers.

I carried out extensive participant observation and interviewed fifty people in total.¹² My selection of interviewees was aimed at including people with different political affiliations, degrees of religiosity, socio-economic backgrounds and village origins. The data I focus on in this article consists of life stories collected from ten elderly interlocutors: five women and five men. My understanding of their stories is intertwined with the rest of my fieldwork material. The life stories lasted about four hours and were recorded and transcribed (as were most of my other interviews). The elderly interlocutors were between the ages of nine and twenty-five when they fled. The women were all illiterate and the men had attended school for a few years. Some were better off than others and they took slightly different political and religious stands. However, these divisions did not influence their accounts in any significant matter. What made a difference was their gender. Names and several biographical details have been changed to ensure the anonymity of my interviewees.

The main period of fieldwork was followed up by several research visits to Dheisheh. I have spent six shorter periods in the area since 2004. During those stays, I have not collected stories about *al-Nakba*, but I have discussed related issues with key informants.

Palestinian Oral History and Stories of Flight

There has been an increasing interest in Palestinian oral history in the last decades.¹³ Palestinian oral history about *al-Nakba* can be divided into several themes such as lost village life, military developments, stories about flight and arrival in refugee camps. In my experience, the stories about village life abound; elderly refugees prefer to talk about rural life rather than about more violent events. In the stories of the elderly, the sense of disorder of later times was reinforced when juxtaposed with an almost mythic village past.

According to Rosemary Sayigh, stories about *al-Nakba* taught younger generations about their “true homes” in Palestine, and the narratives provided a sense of belonging.¹⁴ There was also a political element in this remembering—a rejection of the Zionist takeover of land combined with an incitement to resistance. In all Dheishehan families, the habit of telling village stories had probably not existed or only did so in the first decades after *al-Nakba*. Older people’s lived experiences of rural life contrasted sharply with younger generations’ vague images of lost villages. When I tried to interview younger people about their village backgrounds, they often became embarrassed or annoyed because they felt they knew so little or had more pressing worries.¹⁵

Here, my concern is not the narrative elements about village life or war or early camp life, but about flight and, in particular, about threatened children during flight. The data I discuss are moreover collected among the Palestinian displaced who had a rural background and held all their assets in land. Most of today’s camp inhabitants still lack political influence in Palestinian society and remain economically vulnerable. Compared to the more vocal and often educated Palestinian urbanites, non-elite accounts about *al-Nakba* are rare.¹⁶ This article is an attempt to expose such non-elite experiences. What distinguishes my analysis from most other works is also my insistence on the interplay between past and recent experiences in a specific local context.

To Palestinians, *al-Nakba* is a foundational principle of their national identity.¹⁷ Although there is a risk of essentializing refugee experiences as only marked by suffering and loss,¹⁸ in this case, the concept “cultural

trauma" sheds light on the profound influence of 1948 on Palestinian society. Cultural trauma refers to a dramatic loss of identity and meaning, affecting a group of people. The shared trauma may be regarded as a fundamental threat to society's existence or as a violation of its fundamental cultural presuppositions.¹⁹ In this sense, the traumatic event is not necessarily experienced by every individual in a community, but it becomes part of the collective memory that is transmitted down the generations in testimonial narratives or ritualized commemorations. For individual Palestinians, *al-Nakba* was probably experienced in diverse ways, although today many narratives tend to merge into rather standardized forms. Narratives of trauma can be used to make claims for redress; Palestinian experiences of flight are seen as proof of injustices that demand acknowledgment by Israel and as counter-narratives to official Palestinian accounts.

Women's Stories about Dying Children

Al-Nakba signified more than flight from one place to another; it meant years on the move and disrupted villages and families. People were killed by the Israeli forces but also died due to inadequate living conditions.

Among the stories about *al-Nakba* are three different kinds of women's narratives about dying infants and young children. The first kind is about the "real" *biological death* of a woman's child due to sickness and inadequate conditions.²⁰ Umm Hassan, who was my elderly neighbour in the camp, for instance, recounted: "[After the flight from our village] we found two caves; one for us and one for a family from Tel Assafi. I gave birth to a boy in the cave and he died after seven days because of the bad conditions. My little girl died when she was 1 year and 2 months old [due to a children's disease]." In the stories, about a child who actually died, the mother did not abandon the child. In their own views, the mothers thus remained "good mothers," who cared for their child even when the outcome of the child's health was uncertain.

The second type of story is about men, i.e. village leaders or older men in the family, who tried to push mothers to abandon their sick child because the child was considered a burden to the group.²¹ I was told that the women resisted such requests; the child was almost dead, but through the mother's stubbornness and love, the child regained life, it was a *conquered death*. Umm Rafiq, who was a young mother during *al-Nakba*, stated in 2004:

Four years we have suffered with Mustafa, because he was very sick. Back then;

when we left the village if I wish for this tissue I'm holding to become a human being [then] this is what I wished for my son Mustafa. On our way out from the village, all the people were telling me to throw [my] son away and [that] to carry a pound of grain is better than carrying him. I put him down and I grabbed some soil in my hand and prayed to God; 'Oh God, I accept your promise and what you give me, but I can't accept the judgment of your sons.' [...] My uncle who used to tell me "throw him away" went back to the village and he got killed, and another person, Abu Ibrahim, he became blind. I inherited four cows, I sold them and with the money I treated [my son], and he recovered and gained some weight. I used to send him to restaurants [to eat] when I was in Aroub [camp], and he recovered fully, and now, thank God, he's in Jordan with six children.

To Umm Rafiq, it seemed clear that the immorality of the men who told her to abandon her child was punished by death and blindness, maybe by a divine interference.

Umm Rafiq also described the disappearance of some Palestinian children. She assumed that they had been adopted by Jews—an outcome that could be considered as a kind of *social death* from a Palestinian perspective:

During the attack on our village, those who were healthy and strong, they ran away. [But] elderly people and children who stayed, [the Jews] collected them and shot them. Children were taken by the Jews, [at least] their families could not find them. Some people say they killed them and some say they took them and raised them.

The last version of this theme also fits with the events in the well-known short story *Returning to Haifa* by Ghassan Kanafani.²² In Kanafani's story, a Palestinian couple left behind their son while fleeing from Haifa in 1948. After the Israeli occupation of the West Bank and Gaza Strip, they were able to travel back to search for their son and then discovered that both their house and child had been taken over by a Jewish couple.

Narrativity can be a means not only to reflect upon one's predicament but also to recover from hardships.²³ Umm Rafiq's and other refugees' stories can thus be understood as both a way to order and make sense of the flight as well as a tactic of resilience. Umm Rafiq seemed to comfort herself by suggesting that maybe the children left behind were not killed, but adopted by Jewish families. For refugees, narratives of flight provide ways to deal with the past, although not in a straightforward manner. The same narratives can also be ways to move forward, for instance, by making political demands, in particular the demand for Palestinian refugees' right to return to lost homes.²⁴

In addition to the stories of elderly refugee women, I also heard younger Palestinians relate stories about women fleeing during *al-Nakba*, and discovering that instead of carrying their infant they were hug-

ging a pillow, the child having been left behind.²⁵ For instance, my field assistant, who is a local refugee, claimed that a specific woman, Umm Ali, had forgotten her child, carrying a pillow instead. Later, Umm Ali herself, said that though she had been under pressure to leave her daughter, she had in fact resisted such demands and her daughter had survived: “We faced a lot. [During the flight] they asked me to throw away my daughter. [The village leader] asked me to do it. There was no milk, no nothing. I couldn’t feed her. [But I kept her.] She is in Jordan now.”

Al-Nakba is understood as a deeply traumatic event, shaking the foundations of society. Palestinian refugees in Lebanese camps used metaphors of death, paralysis, and non-existence when describing their first years as refugees.²⁶ In a similar way, in the early 2000s women transmitted a message of the seriousness of *al-Nakba*, by telling us about dying and threatened children, If a society loses its children, what is left? Taking into account narrative theory that claims that storytelling is a strategy for transforming private into public meanings, I suggest that these stories were not only about a perceived threat to the reproductive abilities of these women personally, they reflected a perceived threat to the reproduction of the whole society.²⁷ In the women’s narratives, the gendered order of society was also endangered, since men were incapable of living up to the norms of masculinity, as I discuss below. The threat towards society thus not only came from outside, from the Jewish forces, but also from within.

The time period when I carried out fieldwork was marked by a similar disaster, reminding the refugees of past challenges. Israeli state reactions to the *al-Aqsa* Intifada were marked by extensive violence. The Israeli army shelled Palestinian towns, invaded the territories, carried out mass arrests and helicopter attacks, placed snipers in Palestinian neighbourhoods, and ordered the extra-judicial killings of activists and local political leaders. Militia, using rockets and suicide bombers, along with Palestinian police forces and security units²⁸ were met by the well-equipped Israeli army.²⁹ The power asymmetry between Israel and the Palestinians became more obvious than ever to Dheishehans. A sense of existential threat spread among them. People asked themselves if they would need to flee again, and if their family members would come back home by the end of the day. Would Palestinians be extinguished as a community?

Reproduction was also contested during the *al-Aqsa* Intifada. Israeli soldiers repeatedly refused to let Palestinian women in labour pass checkpoints on their way to hospital. Women were forced to give birth outside or in a waiting car or ambulance. On repeated occasions, this led to the death of their babies and other tragedies.³⁰ Since Dheisheh is

close to hospitals in Bethlehem, there were no cases of this in the camp, but the fear of not being able to reach a hospital nevertheless became a major part of giving birth. For example, during fieldwork, a young refugee woman who had moved to live with her husband in a village temporarily moved back to the camp towards the end of her pregnancy. Another woman in Dheisheh told me about her fear when delivering her youngest child during curfew. Although she had managed to get to the hospital, her mother could not be with her to provide support. She said the child had also become “scared of the soldiers” and did not want to be born, so the delivery had been complicated.

As the camp residents understood it, history was coming full circle; once again children were under threat and Palestinian society in a deep existential crisis. Stories of women who had lost or almost lost their infants during *al-Nakba* foreshadowed the Palestinian women of the present times, who miscarried and even died when they were denied passage on their way to maternity hospitals.

Male Silence and Shame

The narratives of the elderly men I interviewed were fragmented and without much detail. Some men kept their accounts rather brief. For instance Abu Akram, a man of about 75 years of age, told a laconic story about 1948:

The people started to split up. They got scared of the Jews because they had killed people before. They had killed people in Deir Yassin and this massacre made people scared. The people who were next in turn [i.e. risking Israeli attack] left. They started from Yafa, to Lydd, Ramle until they came here. So we left and we went to Jericho.

This was all he wanted to say about the flight. Many stories have become condensed in the intervening time so that events that took place over months are summarized in just a few words. Neither did elderly refugee men recount stories about dying children to me. If mothers lost their children, it seems quite unlikely that fathers did not. Yet men rarely referred to concrete deaths and killings of fellow kin and villagers.³¹ Some unsettling events connected to the flight may remain “unbearable sequences of sheer happening”³² that cannot convey meaning; these same unspeakable experiences seem to be crucial for how refugees tell or do not tell their stories.

However, I argue that the elderly Palestinian men’s silence and reluctance to talk about *al-Nakba* and dying children is related to cultural

concerns about honour. Among many Palestinians, the loss of land implies a loss of honour. For instance, a familiar metaphorical phrase is *ardi 'irdi*, which means: "my land is my honour." This should be read as: "my land is my nobility ... my being what I am."³³ Their inability to protect their land in 1948 brought a sense of humiliation to Palestinians, especially to men, and this has been exacerbated by subsequent military occupation and defeats.³⁴

Elderly Dheishehan men also seemed ashamed about their failure to protect women and children during flight. Men like Abu Akram above, who were in their seventies at the time of fieldwork, had been *shebab*, or unmarried male youth, in 1948. In traditional Palestinian society, the *shebab* had a specific role as guards and fighters of the villages.³⁵ These men had thus failed to live up to expectations of their manliness and their age group. At the time of my fieldwork, younger refugees blamed their elders for not having been brave enough and for not having resisted the Jewish forces sufficiently, although research has shown, that the reasons for flight were multiple and complex as in most situations of war and unrest.³⁶ Sawsan, a female schoolteacher, for instance, claimed that: "So many villages were occupied by the Jews without any fighting. [The villagers] haven't seen any [soldiers] or had any fights." The story of Abu Jihad, 80 years old, who had himself been involved in fighting against the Jewish forces, also displays self-blame and a tendency to excuse flight:

Before we disappeared [from our village] we had fled from the Jews and returned fifteen times. The Jordanian army didn't shoot a single bullet [to protect us]. [The British General] Glubb Pasha came to our village. He asked: "What do you want?" We said: "We need an army to protect us." "You can fight the Jews by yourselves," he answered. We said: "We need helicopters and planes – we have nothing." [...] The tanks were shooting at us, people in the village fled. It was [full of people] like a Saturday market, the Jews were even more. There was a British Commander [...]. He asked us how many had been killed in our village. We said: "Nobody, we fled." He damned our fathers and said: "You just left your village!"

According to this account, the refugees were not cowards, but tried to stay in their village despite lack of weapons and they did not just wait for the Jewish forces to arrive, but asked in vain for protection. Thus, this elderly man ambiguously maintained that he and his fellow villagers were, at least initially, brave agents during *al-Nakba*, which corresponds with the Palestinian self-image of struggle and heroism of later times. However, his story also affirms the accusations of younger generations of refugees who claim that their forefathers left their villages "too early," without any casualties.

The flight is also remembered as having been initiated by a concern about honour in another sense, namely by fears of sexual assaults.³⁷ Umm Khaled, Sawan's mother, recounted the rape of some girls in a neighbouring village: "The girls' father had a heart attack and died because of that. [The Israelis] chose the beautiful girls. When [the Israelis] took the girls, [the villagers] got worried about them and they decided to leave." According to my sources, male heads of families decided to flee out of fear that the Jewish forces would sexually abuse their daughters and wives and that the family honour thus would be tainted. The regrets of having tried to save women from rape rather than to save the land have later on been condensed in the nationalistic expression, "Land before honour!"³⁸ In addition, however honourable the intent to save women from sexual assaults might have been, asking women to abandon their infants was not morally approved in the early 2000s.

Affirming Motherhood and Criticizing Manhood

The stories about dying children reflect the different roles men and women have played, and are still generally playing, among camp refugees in Palestinian territories. Women are seen as responsible for household tasks and for raising children, while men are seen as the main breadwinners. Although many women were in fact supporting their families economically during the Second Intifada, this ideal had not changed significantly.³⁹ Moreover, Arab masculinity is obtained and played out by showing fearlessness and risk taking. Men should defend the honour of the kin group from external aggression.⁴⁰ Manliness is also closely intertwined with paternity, for instance by denying one's own needs while providing for others.⁴¹ In the female refugee narratives, women as good mothers kept to their children, no matter what, while men were unable to fulfil their role as providers and protectors. Traditionally, women should not disobey men from their patrilineage, but in their stories women did by sticking to their children. As women accentuated and confirmed motherhood, these stories also point to criticism and disappointment with male behaviour during *al-Nakba*.

Palestinian camp women have, at times of crisis, both in the revolution in Lebanon and in the First Intifada in the occupied territories, acted and been celebrated as political agents primarily in their role as mothers.⁴² Of course, this does not mean that there were/are no other means of being politically active for Palestinian women or that such culturally sanctioned resistance did not simultaneously subvert the meaning of maternal practice.⁴³ It means that for many lower class Palestinians

this is the cultural ideal of women's political activism. For instance, in legends from the First Intifada, adult women in their role as mothers were depicted as the base of society and they guaranteed the continuation of the group.⁴⁴ Women were for instance involved in street fights with Israeli soldiers to protect young males from arrest and they were celebrated as mothers of martyrs or mothers of prisoners.

Moreover, the importance of motherhood should not be underestimated in a Palestinian society that strongly emphasises both motherhood and fatherhood as a necessity to be considered an adult socially.⁴⁵ As elsewhere in Arab-speaking countries, a woman becomes "Umm Khaled" (the mother of Khaled), for instance, and a man "Abu Khaled" (the father of Khaled) according to the name of their oldest son; the altered form of address implies reproductive and sexual normalcy, socioeconomic security, and fulfilled personhood. In Palestinian nationalism, motherhood has moreover taken on nationalistic connotations. In later years, nationalistic calls to reproduce have been expressed in a context of the Israeli fear of being outnumbered by the Palestinians.⁴⁶

Al-Nakba is remembered as a deeply politicized event, an event that like the more recent uprisings is connected to a specific political rhetoric. Within such political rhetoric, women's agency is connected to their roles as mothers, whether they are fighting or fleeing. The stories can also be read as responses to the frequent rumours about mothers forgetting/abandoning their children.

Palestinian men's political activism is not related to their role as fathers, but to the display of fearlessness against Israelis. During the period of fieldwork, most Dheishehans had concluded that political activities were too dangerous and it seemed impossible for grown up men to protect the group during Israeli army invasions and arrest raids in the camp. Men who were married and had children concentrated on sustaining their family, rather than being involved in any political activism. They thus stressed their moral identity primarily as family providers. Many men I spoke to argued that they risked their lives by crossing checkpoints and illegally entering Israel, just to be able to find work. These developments during the Second Intifada have been called a "crisis of fatherhood."⁴⁷

Elderly refugee men's stories about *al-Nakba* remain more ambiguous than the stories of their female peers. Their stories contain silences and embarrassment, and at times accounts of braveness and resistance that seem to respond both to the repeated accusations of male cowardice during 1948 and to the crisis of fatherhood during the early 2000s.

Conclusion: Gendered Links between 1948 and the early 2000s

I have argued that stories about the Palestinian flight are gendered. The foundation of a society that built on a specific gendered order was destabilized in 1948. *Al-Nakba* was remembered as a violation of fundamental cultural presuppositions, notably those concerning honour and gender. The stories show the deep crisis *al-Nakba* initiated in Palestinian society. The threat came not only from outside, but also from within. The stories connote self-blame, dishonour, and humiliation, but also attempts to counter accusations from the local community. Claims that the refugees lacked courage, that they did not face any violence, or that women forgot their children, as well as the way the elderly tried to explain such statements, illustrate the “struggle involved in creating a coherent narrative of self and the past when the future is highly uncertain or even threatened, as in the case of many asylum seekers, refugees in camps, or those under temporary protection.”⁴⁸ One important part of such a coherent narrative of self was parenthood. In their stories, women were more successful in their attempts to save face than men.

I have also argued that some elements in refugees’ stories about flight tell us more about the present than about the past. The stories and silences about dying children for example reflect concerns of the early 2000s, the time period when the narratives were told. Women’s memories of dying children seem to have been resurrected because of recent cases of infants dying at checkpoints. History was understood as coming full circle and difficulties were frequently explained and understood as a chain of interconnected events that fitted into a pattern of deprivations⁴⁹

Although this generation of *Nakba* survivors will soon be outlived, my analysis of their narratives remains valid in the sense that the ambivalence about *al-Nakba* persists in Palestinian refugee camps, such as Dheisheh, and continues to inform Palestinian identity formation. Today’s situation in the West Bank is seen as a hopeless deadlock rather than as an existential crisis such as *al-Nakba* and the later years of the Second Intifada. It remains true that shame of defeat is a bigger concern for Dheishehan men than women, and that pride of survival is more often encountered among Dheishehan women than among men. The gendered oscillation between pride of survival and shame of defeat is thus a dilemma also for new generations of refugees that affects their sense of self. ■

Notes

¹ See Rosemary Sayigh, "Women's Nakba Stories: Between Being and Knowing," and Isabelle Humphries and Laleh Khalili, "Gender of Nakba Memory," both in [Ahmad H. Sa'di and Lila Abu-Lughod,] eds., *Nakba: Palestine, 1949, and the Claims of Memories* (New York: Columbia University Press, 2007).

² Marita Eastmond, "Stories as Lived Experiences: Narratives in Forced Migration Research," *Journal of Refugee Studies* 22, no. 2 (2007): 248-264.

³ Michael Jackson, *The Politics of Storytelling—Violence, Transgression and Intersubjectivity* (Gyllum: Museum Tusculanum Press, 2002).

⁴ Veena Das, *Life and Words—Violence and the Descent into the Ordinary* (Berkeley, Los Angeles, London: University of California Press, 2007).

⁵ Eastmond, "Stories as Lived Experiences: Narratives in Forced Migration Research"

⁶ Eastmond, "Stories as Lived Experiences: Narratives in Forced Migration Research"; Jackson, *The Politics of Storytelling*.

⁷ For a discussion on the disagreements, see for instance Ilan Pappé, *A History of Modern Palestine: One Land, Two Peoples* (Cambridge: Cambridge University Press, 2004); Robert I. Rotberg (ed.), *Israeli and Palestinian Narratives of Conflict: History's Double Helix* (Bloomington and Indianapolis: Indiana University Press, 2006); Benny Morris, *The Birth of the Palestinian Refugee Problem Revisited* (Cambridge: Cambridge University Press, 2004).

⁸ Sami Hadawi, *Palestinian Rights and Losses in 1948—A Comprehensive Study* (London: Saqi Books, 1988): 79-80.

⁹ Sune Persson, *Palestinakonflikten* (Lund: Studentlitteratur, [1971] 2012).

¹⁰ Marianne Heiberg and Geir Øvensen, *Palestinian Society in Gaza, West Bank and Arab Jerusalem—A Survey of Living Conditions*, (Oslo: Fafo-report 151, 1994): 37.

¹¹ According to UNRWA, Dheisheh has a population of some 13,000 registered refugees (<http://www.unrwa.org/where-we-work/west-bank/camp-profiles?field=12>, accessed 20 May 2014). At the time of fieldwork, there were fewer actually living in the camp since many had moved out without changing their official residency.

¹² Nina Gren, *Each Day Another Disaster—Politics and Everyday Life in a Palestinian Refugee Camp in the West Bank* (PhD Thesis, School of Global Studies, University of Gothenburg, 2009).

¹³ See Sherna Berger Gluck, "Oral History and al-Nakbah," *Oral History Review* 35, no. 1 (2008): 68-80; Efrat Ben Ze'ev, *Remembering Palestine in 1948—Beyond Na-*

tional Narratives (Cambridge: Cambridge University Press, 2011); Rema Hammami, "Gender, Nakba and Nation: Palestinian Women's Presence and Absence in the Narration of 1948 Memories," in *Homelands: Poetic Power and the Politics of Space*, Ron Robin and Bo Strath, eds. (P.I.E Peter Lang: Brussels, 2003); Mahmoud Issa, *Lubya var en landsby i Palæstina* (Copenhagen: Tiderne Skrifter Forlag, 2005); Fatma Kassem *Palestinian Women: Narrative Histories and Gendered Memory* (London: Zed Books, 2011); Nur Masalha, *The Palestine Nakba, Decolonising History, Narrating the Subaltern, Reclaiming Memory* (London: Zed Books, 2012); and Ahmad H. Sa'di and Lila Abu-Lughod, eds., *Nakba—Palestine, 1948, and the Claims of Memory* (New York: Columbia University Press, 2007).

¹⁴ Rosemary Sayigh, *Palestinians: From Peasants to Revolutionaries* (London: Zed Press, 1979): 11.

¹⁵ Cf. Diana K. Allan, "The Politics of Witness: Remembering and Forgetting 1948 in Shatila Camp," in Sa'di and Abu-Lughod, *Nakba—Palestine, 1948, and the Claims of Memory*.

¹⁶ See also Masalha, *The Palestine Nakba, Decolonising History, Narrating the Subaltern, Reclaiming Memory*, 228.

¹⁷ Helena Lindholm Schulz (with Juliane Hammer), *The Palestinian Diaspora: Formation of Identities and Politics of Homeland* (London: Routledge, 2003).

¹⁸ Liisa Malkki, *Purity and Exile: Violence, Memory and National Cosmology among Hutu Refugees in Tanzania* (Chicago: The University of Chicago Press, 1995).

¹⁹ Neil J. Smelser, "Psychological Trauma and Cultural Trauma" in *Cultural Trauma and Collective Identity*, Jeffrey Alexander Ron Eyerman, Bernhard Giesen, Neil J. Smelser and Piotr Sztompka eds. (Berkeley and Los Angeles: University of California Press, 2004): 44.

²⁰ Cf. Kassem, *Palestinian Women: Narrative Histories and Gendered Memory*, 133.

²¹ Some of Kassem's female interviewees recounted that women (other than the narrators) lacked the strength to carry their children to safety and therefore abandoned them. Kassem, *Palestinian Women: Narrative Histories and Gendered Memory*, 134.

²² Inspired by Kanafani's story, Susan Abulhawa brings up the same theme in her novel *Mornings in Jenin* (2010). To my knowledge, there is no empirical evidence of abductions of Palestinian children during *al-Nakba*. However, illegal adoptions were common in the early years of Israel and it seems possible that some adoptees may have been of Palestinian origin. <http://972mag.com/the-tragedy-of-the-lost-yemenite-children-in-the-footsteps-of-the-adoptees/85930/> (accessed March 5, 2014)

²³ Nancy Scheper-Hughes, "A Talent for Life: Reflections on Human Vulnerability and Resilience" *Ethnos* 73, no. 1 (2008): 25-56.

²⁴ The Palestinian right of return refers back to UN General Assembly Resolution 194 (III) 11 December 1948 (New York: United Nations 1948).

²⁵ Related stories on the theme of forgotten children can be found in Issa, *Lubya var en landsby i Palæstina*, p. 175; and Isabelle Humphries and Laleh Khalili, "Gender

of Nakba Memory" in Sa'di and Abu-Lughod, *Nakba—Palestine, 1949*, and the Claims of Memories, p. 222. In those cases, the child was hidden and "almost forgotten," since the family returned and found the child. Neither Issa nor Humphries and Khalil analyze the meaning of those narrative elements.

²⁶ Rosemary Sayigh, *Palestinians*, 107.

²⁷ Eastmond, "Stories as Lived Experiences."

²⁸ According to the Oslo Peace Accords, the Palestinian authorities could have police and security forces, but not an army.

²⁹ Helena Lindholm Schulz (with Julianne Hammer), *The Palestinian Diaspora—Formation of Identities and Politics of Homeland*, 161-163.

³⁰ See Amnesty International, *Conflict, Occupation and Patriarchy—Women Carry the Burden* (AI Index: MDE 15/016/2005, 2005); Halla Shoaibi, "Childbirth at Checkpoints in the Occupied Palestinian Territory," abstract published online at *The Lancet*, 5 July 2011 <http://www.thelancet.com/health-in-the-occupied-palestinian-territory-2011> (accessed March 5, 2014). Shoaibi estimates that 10 per cent of pregnant Palestinian women were delayed at checkpoints in the years 2000-2007. Such delays caused sixty-nine births at checkpoints and the death of thirty-five infants and five mothers.

³¹ However, a Palestinian father mentions that his own child died in Staughton Lynd, Sam Bahour and Alice Lynd, *Homeland—Oral Histories of Palestine and Palestinians* (New York: Olive Branch Press, 1994).

³² Hannah Arendt, *Men in Dark Times* (New York: Harcourt Bruce, 1968): p. 106 as cited in Jackson, *Politics of Storytelling*, 92.

³³ Sheila Hanna Katz, "Adam and Adama, Ird and Ard: En-gendering Political Conflict and Identity" in Denise Kandiyoti (ed.), *Gendering the Middle East—Emerging Perspectives* (London: I.B. Tauris Publishers, 1996): 88.

³⁴ Frances S. Hasso, "Modernity and Gender in Arab Accounts of the 1948 and 1967 Defeats," *International Journal of Middle Eastern Studies* 32, no. 4 (2000): 491-510.

³⁵ Sharif Kanaana, "Women in the Legends of the Intifada," in Suha Sabbagh (ed.), *Palestinian Women of Gaza and the West Bank* (Bloomington and Indianapolis: Indiana University Press, 1998).

³⁶ Benny Morris, *Righteous Victims—A History of Zionist-Arab Conflict 1881-1999* (New York: Alfred A. Knopf, 1999): 252-258. The dispersal of Palestinians in 1948 included expulsion by Jewish forces, abandonment by order of Arab leaders, accidental involvement in hostilities, psychological warfare, as well as fear of Jewish attacks, massacres and rapes.

³⁷ Frances S. Hasso, "Modernity and Gender in Arab Accounts of the 1948 and 1967 Defeats"; Humphries and Khalidi, "Gender of Nakba Memory."

³⁸ Kitty Warnock, *Land Before Honour: Palestinian Women in the Occupied Territories* (Basingstoke: Macmillan, 1990).

³⁹ See also Aitemad Muhanna, *Agency and Gender in Gaza: Masculinity, Femininity*

and Family During the Second Intifada (Surrey and Burlington: Ashgate Publishing Limited, 2013). More recent field-studies may show that changed breadwinning practices have had a more profound impact on gender ideals.

⁴⁰ Julie M. Peteet, "Male Gender and Rituals of Resistance in the Palestinian Intifada: A Cultural Politics of Violence," *American Ethnologist* 21, no. 1 (1994): 34.

⁴¹ Diane Baxter, "Honor Thy Sister: Selfhood, Gender, and Agency in Palestinian Culture," *Anthropological Quarterly* (2007): 737-775.

⁴² Julie M. Peteet, *Gender in Crisis: Women and the Palestinian Resistance Movement* (New York: Columbia University Press 1991); Kanaana, "Women in the Legends of the Intifada." For a discussion on Palestinian women's more recent resistance strategies, see Sophie Richter-Devroe, "Defending Their Land, Protecting Their Men: Palestinian Women's Popular Resistance after the Second Intifada," *International Feminist Journal of Politics* 14, no. 2 (2012): 181-201.

⁴³ See for instance, Julie M. Peteet, "Icons and Militants: Mothering in the Danger Zone," *Signs: Journal of Women in Culture and Society* 23, no. 1 (1997): 103-129.

⁴⁴ Kanaana, "Women in the Legends of the Intifada."

⁴⁵ Norma Masriyyeh Hazboun, "Palestinian Refugee Women and Reproductive Politics," (unpublished paper, the Fourth International Conference "Women in Palestine," 1999).

⁴⁶ Rhoda Ann Kanaaneh, *Birthing the Nation—Strategies of Palestinian Women in Israel* (Berkeley and Los Angeles: University of California Press, 2002).

⁴⁷ Penny Johnson, "The Search for the Social: Reflections on Gender and the Second Palestinian Intifada" in *The New Palestine, The New Europe: Selected Papers from the February 2001 International Academic Conference*, (Birzeit: Ibrahim Abu-Lughod Institute of International studies, Birzeit University, 2003).

⁴⁸ Eastmond, "Stories as Lived Experiences," 254.

Seyla Benhabib. *Dignity in Adversity:
Human Rights in Troubled Times.*

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In “Dignity in Adversity: Human Rights in Troubled Times,” Seyla Benhabib advocates a “cosmopolitanism without illusions” (p. 14-15). She introduces a discourse-theoretical model in which every human being’s capacity for communicative freedom is crucial. By using this model, Benhabib attempts to save cosmopolitanism—and in its wake, human rights—from the popular minimalist perspective in recent literature and from accusations of Western paternalism. Besides, she aims to give minorities a voice in this debate. Through a refreshing perspective, she succeeds well in these attempts.

In this notion of cosmopolitanism without illusions, human rights are both the object and goal of an everlasting pluralistic debate. Essential to this cosmopolitanism is the concept of democratic iterations. These are complex public processes in which people discuss, interpret, and re-interpret human rights. Iterations not only take place in courts and legislatures, but a fortiori outside of official institutions. Influential participants of such iterations are, for example, actors in civil society and transnational organizations (p. 15). Benhabib claims that through these iterations, the unity and diversity of human rights are contextualized and articulated in specific polities (p. 12).

According to Benhabib, democratic iterations have both an empirical and normative component. The empirical component lies in the fact that democratic iterations take place among people. In Chapter Eight, on “Democratic Exclusions and Democratic Iterations,” she concisely argues that the normative aspect derives from legitimizing standard con-

straints, imposed on deliberative processes by the discourse-ethic model (p. 151). For example, all people whose interests are in dispute must be included as participants, equality of participants must be guaranteed, and participants must be allowed to question and alter the agenda. When these criteria are not met, the iteration is illegitimate (ibid.).

Benhabib comprehensibly claims that “justificatory universalism” is the basis for her idea of democratic iterations and is based on a political—that is, juridical—justification of human rights. Underlying this idea is a strong belief in the “normative content of human reason” since the Enlightenment (pp. 63–64). Subsequently, justificatory universalism is backed by moral universalism, which includes “equal respect for the other as being capable of communicative freedom” (p. 11). This equal respect is a necessary condition to have dialogues in which ‘the other’ has to be convinced of the validity of certain norms, such as human rights. Benhabib plausibly defends this claim by stating “that communicative freedom is what makes the practice of normative justification at all possible” (p. 71).

Benhabib’s cosmopolitanism without illusions is appealing and in many ways convincing. First, in the interesting chapter Seven, “Claiming Rights across Borders,” she convincingly gives a voice to minorities. Second, her vision can wipe out the hint of parochialism and Western paternalism because democratic iterations make it possible for human rights to be implemented after being adjusted to particular cultures. However, the shape and development of democratic iterations—based on communicative freedom—could have been elaborated on. While the presented examples of democratic iterations—for instance, the headscarf issue in Europe (chapter Nine)—are interesting and approached in an original way, the absence of an in depth discussion on the communicative or rhetoric basis of those democratic iterations is a missed opportunity. For example, the cited constraints necessary in order for democratic iterations to be legitimate could have been further elaborated. Left unresolved is how decisions are eventually made in such iterations, how interested communication partners are assured a place in the democratic iteration, and how their equality is guaranteed procedurally. Furthermore, what if democratic iterations result in laws opposing human rights, through, for example, a lack of education or knowledge of some participants?

Perhaps it is impossible to establish definitive answers to these questions. Nevertheless, an introductory discussion exploring this communicative and rhetorical basis of the democratic iterations in question would provide a welcome addition to an already enlightening account on human rights in troubled times. ■

New York: Oxford University Press, 2013. 416 pp. £22.99 (hbk).
ISBN: 978-0-19-993383-9

KATHARINA OBERMEIER (St Cross College, University of Oxford)

Joseph Carens, arguably one of the most well-known defenders of open borders, presents a comprehensive theory of justice in immigration policy in his latest book, *The Ethics of Immigration*. The text covers a broad range of topics, such as international refugee law and the treatment of long-term resident “aliens.” As noted in the introduction, Carens is writing both for academics and the general public, with the purpose of stimulating more debate on normative approaches to complement empirical research on the topic, as well as to “challenge complacency” in common attitudes towards immigration (p. 296).

Interestingly, Carens works within the framework of generally closed borders for two-thirds of the book, examining questions over the ethics surrounding access to citizenship for immigrants in the context of “the real world.” The discussion of open borders is left to the final three chapters of the book. This approach of shifting presuppositions makes clear that the author is sensitive to the feasibility of his proposals, providing readers with realistic guidelines on how the treatment of immigrants could be made more just, while simultaneously encouraging them to question the moral justifications for the current lack of open borders.

In the first part of the book, Carens develops a theory of social membership to argue that legal immigrants who have been living in a host country for a certain period of time have moral claims to membership in the community. As he points out, permanent exclusion from citizenship for these members of the community is incompatible with the democratic principle of equality. By applying the social membership theory to illegal immigrants, Carens is able to move past the argument that “rewarding” illegal behaviour is fundamentally problematic (p. 144). Carens’s argument establishes a moral claim to certain rights for immigrants, regardless of whether or not they entered the country legally.

In advocating for open borders, he convincingly shifts the onus of justification on to the state rather than the immigrant, invoking the sanctity of freedom of movement within states to argue that any restrictions of this freedom—including across borders—need to be proven necessary by the state in order to be just. Limits on immigration are exercises of

coercive power and therefore only morally defensible to the extent that they are vital for the state's ability to govern itself. This challenges the conventional view—defended by theorists such as Michael Walzer—that only the preferences of the state are morally relevant to immigration policy and restrictions do not require justifications to those wishing to enter the state.

Carens does not rely on an overarching theory of justice in constructing his immigration-specific theoretical framework. Instead, he derives his conclusions from basic liberal democratic principles applied to the subject of immigration. Peter Meilaender has criticized this recurring characteristic of Carens's work for requiring readers to share his interpretation of liberalism in order to find his arguments compelling.¹ In *The Ethics of Immigration*, Carens addresses this criticism by emphasizing that his book is indeed aimed at persuading readers who have a general commitment to democracy and individual rights that maintaining these principles requires reforming immigration policies.

For the most part, the book sticks to the normative side of the immigration debate, preventing it from becoming tangled up in comparative assessments or complex economics. The odd paragraphs when Carens does move from ethical to purely practical arguments, for instance when discussing incentive programmes for immigrant citizens or access to bank accounts for illegal immigrants, feel inconsistent and make his work vulnerable to counter-arguments on practical rather than moral grounds. While the practical problems related to immigration need to be addressed, the primary value of Carens's work lies in establishing a normative framework within which they can be discussed.

Overall, *The Ethics of Immigration* skilfully handles the challenging task of being accessible to non-specialists and relevant to political theorists. By redefining who has claims to membership in a political community and on what grounds such claims can be denied, Carens delivers a thought-provoking theory that offers strong reasons for reassessing the contours of justice in immigration policy. In the end, the greatest weakness of Carens's argument may be that it fails to provide a satisfactory response to critics who do not share a commitment to its underlying liberal democratic principles. ■

Notes

¹ Peter C. Meilaender, *Toward a Theory of Immigration* (New York, Basingstoke: Palgrave, 2001).

Frank J. Garcia. *Global Justice and International Economic Law: Three Takes.*

Cambridge: Cambridge University Press, 2013. £65.00 (hbk)

ISBN: 9781107031920

AURÉLIE DOMISSE (Sciences Po Paris, Free University of Berlin)

The debate on global justice often resembles a tenacious quest for the single best theory, which clashes with the reality of normative pluralism in a globalizing world. In the absence of a global normative consensus, Frank J. Garcia's book is a welcome contribution to the debate, examining new ways of thinking and talking about global justice.

In *Global Justice and International Economic Law*, the author follows Amartya Sen's "plural grounding" approach that incorporates different arguments for justice.¹ Garcia elegantly suggests three "takes" on the relationship between international trade law and global justice, drawing from Rawlsian liberalism, communitarianism, and consent theory. Take One outlines the economic policies a liberal state should pursue in order to be true to its own normative commitments. Take Two posits that globalization is creating the kinds of transnational social bonds necessary for justice, albeit only in the form of "pockets of community" (p. 158) in certain areas of global social relations. Take Three examines how trade negotiations can be structured to reflect consent—required for economic exchanges to qualify as trade—in order to achieve a more just global order. All three models are illustrated through a variety of examples drawn from international economic institutions in a bid to empirically validate the underlying theoretical assumptions. However, at times this medley of approaches amounts to merely scratching the surface of deeper and more complex issues. For example, even though Garcia focuses on Take Three, he leaves aside important questions: How does consensual (and hence just) trade translate into other dimensions of justice? What happens when economic self-interest fails to guarantee mutual consent in trade negotiations? Even so, such a concise comparative exercise is necessarily confined to a preliminary discussion of the benefits and limitations of each "take" and cannot include an exhaustive list of possible models. Prioritizing diversity over detail is consistent with Garcia's overall method: each "take" performs a specific task in his global justice project; only when combined do liberal internationalism,

global communitarianism, and consent-based trade theory (among other approaches) form a comprehensive theory of global justice.

Arguably, the book's greatest merit is its recognition of the different rhetorical modes of discourse that shape the way global justice is conceptualized. Inspired by Noah Richler's political essay on the competing rhetorics of war and peace in Canada,² Garcia identifies a rhetorical strategy corresponding to each "take" that serves to define a situation as unjust and to prompt others to take action: the Justice as Integrity Mode (Take One), the Justice as Relationship Mode (Take Two) and the Transactional Mode (Take Three). He contrasts these discourse techniques to the Justice as Discipline Mode, which is employed to sanction others when they fail to comply with one's own principles. According to Garcia, this mode often travels with universalist theories since holding a particular view of justice to be universally valid can quickly turn into forcing others to act in line with it. His call for "moral federalism" (p. 337) constitutes a pragmatic approach to global justice: making room for divergent voices helps overcome fruitless theoretical squabbles. In terms of global social policy, each "take" provides a diagnosis of injustice, a rationale for action, and criteria by which to choose a course of action. The key insight for the reader is that how we think and talk about justice influences what we will do about it.

In the spirit of the enterprise, the book provides a richer and broader analysis of global justice than any single theory could ever offer and successfully envisions new avenues for global justice. A methodological rather than a substantive contribution to the current debate, the book compellingly promotes a pluralistic and pragmatic approach to global justice and in doing so a "different kind of conversation about justice" (p. 23). ■

Notes

¹ Amartya Sen, *The Idea of Justice* (Cambridge: Harvard University Press, 2009).

² Noah Richler, *What We Talk About When We Talk About War* (Fredericton: Goose Lane Editions, 2012).

Edinburgh: Edinburgh University Press, 2013. 288 pp. £70.00 (hbk).

ISBN: 9780748670260.

OLIVIA VICOL (St. Antony's College, Oxford University)

In *Immigration Justice*, Peter Higgins introduces the timely question of immigration controls in the arena of political philosophy.

Espousing a cosmopolitan perspective, Higgins argues that the moral guide to admissions policies should not be narrow national interest, as is usually the case in practice, but a universal commitment to protecting disadvantaged social groups. This commitment, which he calls the priority of disadvantage principle (PDP), constitutes the backbone of the volume and is lucidly argued throughout.

The first part of the book provides a clear critique of the existing work on the justice of immigration controls, from authors variously espousing nationalist and cosmopolitan perspectives. Through a skilful combination of argumentation and reference to empirical examples, Higgins questions the logic of what are popular views today in favour of restrictive policies, such as maintaining cultural distinctiveness or community cohesion. He also critically engages with works that advocate open borders, such as those that argue that migration reduces world poverty, or that freedom of movement is fundamental to democracy. Perhaps most interestingly, Higgins dispels the common misconceptions that cosmopolitanism always promotes open borders while nationalist accounts inevitably champion strict immigration controls. In this sense, for migration scholars who come from a policy-oriented framework, this part of the book can serve as both a review of contemporary debates on immigration controls as well as an illuminating introduction to the moral arguments that support them.

After a very readable first three chapters, however, the book takes a visible technical turn. The PDP, which is fully elaborated in Chapter Four, argues that “an admissions policy is unjust if it avoidably harms a social group that is already unjustly disadvantaged” (p. 110). While Higgins’ language remains clear, there is certainly a level of abstraction in the explanation of the principle that makes this a more strenuous read than the earlier section. To give several examples, social groups are described as constituted along gender, race, or class lines, or any other criteria that condition the way individuals are treated by institutions. Unjust

disadvantage is defined generally as a relative lack of human capabilities, of which humans are deprived against their will. Avoidable harm, finally, occurs when such unjustly disadvantaged groups are further deprived of their capabilities, at the cost of an alternative, less harmful policy.

What is striking is that, despite a laborious theoretical explanation of the key terms of the principle, Higgins is rather vague on a question that will undoubtedly arise every time states design immigration controls: how does one distinguish between multiple disadvantaged groups, if they are all likely to be harmed avoidably by immigration controls? The weakness of the book stems from its suggestion of two possible answers. Policies adopting a “backward-looking” PDP would seek to rectify past injustices, but focus solely on injustices that they themselves had caused. Alternatively, by using a “forward-looking” PDP, they would seek to engender good states of affairs in the future, taking into account all potential causes of disadvantage. Given this breadth of sources for disadvantage, and Higgins’ own preference for forward-looking conceptions of justice, with which he assumes the reader is familiar, he declares his preference for the more encompassing forward-looking version of the PDP.

However, I would argue that the danger of providing two alternatives is that they can result in opposite immigration policies. In employing the backward-looking version and prioritizing the least well-off groups, states would be judging disadvantage against the same universal referent. Conversely, in using the forward-looking version, groups could be compared *with themselves*, before and after the policy implementation. This could enable states to always argue that the additional harm caused domestically is greater, allowing them to opt for protectionist policies that undermine Higgins’ own cosmopolitan position.

Unifying a wide-ranging policy such as immigration control in one principle is a momentous task, and it is perhaps in trying to be all-encompassing that Higgins’ argument loses some of its force: after a thorough review of existing debates and a detailed explanation of the principle, it remains unclear how states should distribute the consequences of immigration controls among more disadvantaged social groups. Nonetheless, while this might disappoint readers who are looking for one-size-fits-all policy recommendations, the apparent ambiguity of applying the PDP points to the complexity of translating moral commitments into practice, and captures the high degree of negotiation to which justice is subjected in policy-making. *Immigration Justice*, in conclusion, is a provocative and timely work that is likely to excite political philosophers and migration scholars alike. ■

Valentine Moghadam. *Globalization & Social Movements: Islamism, Feminism and Social Justice*, 2nd ed.

Lanham: Rowman & Littlefield Publishers, Inc. 2012. 265 pp. £15.95 (pbk)

ISBN: 978-1-4422-1419-4

ALLISON HARTNETT (Corpus Christi College, University of Oxford)

Globalization encompasses a broad spectrum of economic, social, political, and cultural processes. Valentine Moghadam's new edition of her 2008 book unpacks the dialectical relationship between globalization and social movements and contributes to our understanding of global phenomena with new evidence of movements' democratizing potential at national and world-systemic levels. Moghadam's comprehensive contribution to academic discourse on social movements and democratization is somewhat diminished by her questionable treatment of a key case study, Islamism.

Beginning with a comprehensive survey of the transnational social movement (TSM) literature, the introductory chapters make clear why TSMS are distinct from their domestic cousins. Moghadam draws on social movement, world-system, social, psychological, and feminist theories to advance her argument that neoliberal capitalist globalization produced TSMS that simultaneously challenge the economic and political status quo.

The author corroborates her argument with three empirical cases—global feminism, global Islamism, and the global justice movement (GJM). She categorizes them among “the most prominent and visible” contemporary social movements with established historical roots traceable from the eighteenth to the twentieth centuries (p. 14). Empirical evidence drawn from the 1970s (Islamism) and the 1980s (global feminism and GJM) was expanded in the second edition to include the 2011 “year of [...] protest,” (p. 61) drawing on the Arab Spring as well as anti-austerity protests and the American Occupy Wall Street movement. These examples support Moghadam's assertion of the intimate rela-

tionship between domestic democratic transitions, social protests, and world-system dynamics throughout the post-Keynesian period.

Moghadam's scholarship excels in her examination of social movements and democratization. This third chapter incorporates a range of examples based on original research, including Latin American women's movements and Middle Eastern social media-based activism. Moghadam combines theoretical insights from political science and sociology with a call to action against the growing inequality that, she argues, stems from neoliberal globalization's suppression of democracy on local, national, and transnational levels. On the whole, the empirical application of this theoretical analysis is stronger in her treatment of global feminism and GJM than that of Islamism.

Moghadam's weak treatment of Islamism as a case study stems from its choppy integration into the TSM and democratization framework cogently presented in previous chapters. Recognizing that Islamism is a "movement of movements," Moghadam briefly mentions liberal and democratic branches of Islam. However, she excludes such groups from the Islamist fold without making this analytical distinction clear for the reader, particularly since liberal Islam arguably falls under her definition of Islamism as a politicized movement "selectively based on Islamic theology...and motivated by contemporary developments" (p. 105).

Moreover, Moghadam's chosen empirical evidence overemphasizes the use of violence in extremist Islamist movements. Stressing radical violence creates a conceptual wedge between this chapter and the rest of the book, and evokes a superficial understanding of Islamism often portrayed in Western media, rather than illuminating the nuances of the many non-violent Islamist movements for readers new to the topic. The chapter devotes inordinate space explaining violent tactics of some extremist factions rather than concentrating on more characteristic elements of TSM, such as Islamist opposition activity and grassroots activism. This would appreciably facilitate readers' understanding of the TSM/globalization relationship within the Islamist context.

Finally, the author's use of the binary categories "moderate" and "extremist" Islamism neither sufficiently captures the diversity within individual Islamist movements nor invites comparative perspective with other TSMs. Greater discussion of the dynamic nature of social movements, and particularly these cases, would further substantiate the book's claims regarding world-system shifts and movement formation.. Acknowledging the dynamism of other groups, such as the Moroccan Islamist Justice and Development Party (PJD), demonstrates Islamists' capacity to change substantially over time and in response to dynamic economic and political conditions. While the PJD originally operated

paramilitary and social “wings” concurrently, it transformed to accommodate political participation and eschew violence.

Despite concrete motivations for analysing global Islamism as a TSM, these reasons were not made clear in the text and the case’s resultant analysis becomes difficult to reconcile with the book’s overall argument. Ultimately, this flaw limits the case’s potential comparative empirical contribution to the book as a whole. Despite these concerns about the Islamism case study, however, this updated text remains valuable for its thorough evaluation of social movements and democratization in a globalizing world. ■

Cara Nine. *Global Justice and Territory*.

Oxford: Oxford University Press, 2012. 204 pp. £54.00 (hbk).

ISBN: 978-0-19-958021-7.

KATHRINE BROOKS (Green Templeton College, University of Oxford)

Cara Nine’s new book, *“Global Justice and Territory,”* is a meticulous and thought-provoking response to the need, engendered by the philosophical problems of historic injustice and global inequality, for a theory that provides a general standard for territorial entitlement. Rejecting existing views, both classical and modern, as insufficient, Nine advances her own theory. She centres a collective’s particular right to a territory in its demonstrated ability to meet the minimum standards of justice within that territory and the existence of a moral relationship between the community and the land it inhabits.

Nine’s starting point is a modification of the Lockean natural position on territorial rights, which stipulates that individuals have a right to acquire personal ownership of land in order to meet their basic needs. According to traditional Lockeans, such as A. John Simmons,¹ the territorial rights of states are derived from these personal property rights of individuals who come together in voluntary union. However, Nine asserts that the existence of individual property rights is insufficient to justify the existence of territorial rights: if personal property rights are the primary moral good, then individuals should be able to secede their property to another state. Territorial rights of states do not, however,

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allow for this. Instead they trump the claims of individuals to autonomous control of their property. Therefore, Nine argues, any theory of territorial rights must take as its starting point the collective as the right holder and guarantor of the needs of individuals within that collective. Consequently, according to Nine, a collective deserves a territorial right over a particular territory if they have created a relationship with the territory that produces a certain kind of value: the establishment of justice.

In many ways this is a sophisticated and intuitively plausible thesis. However, the book is heavily theoretical and would have benefitted from a greater focus on the application of the theories detailed. In the introduction, Nine begins by posing the questions: “What is a fair resolution to the Palestinian-Israeli territorial dispute? How can the descendants of colonists claim territory that is not really ‘theirs’? Are the massive and exclusive oil claims of Canada or Saudi Arabia justified in the face of severe global poverty?” (p. 1). Unfortunately, none of these questions are conclusively answered within the book, and some, such as the Israel-Palestine question, are not even addressed. This frequently leaves it unclear to the reader how an operationalization of Nine’s thesis would alter the existing distribution of territory, or whether she is, throughout, justifying the political and geographic status quo.

Moreover, there are a number of areas that Nine fails to consider in sufficient depth to ensure the overall coherence of her thesis, most notably the question of how to weigh the collective’s desire to pursue exclusive justice within their territory against the global injustice created when others are excluded from that territory. Nine does not explicitly acknowledge that in claiming territory—and enforcing immigration restrictions to that territory—states necessarily depreciate the remaining territory left for others and therein impede the ability of individuals to access the form of justice they may desire and the ability of other collectives to realise their own exclusive justice. This concerning omission is placed into sharp perspective in the last chapter, in which Nine considers the question of whether potential “ecological refugee states”—countries such as the Maldives or Tuvalu, whose entire geographical territory is predicted to be lost to rising sea levels—should be considered candidates for territorial claims elsewhere. Nine argues that in these cases the “Lockean proviso” should be applied, so that, “when the exercise of a particular exclusive right over goods severely threatens the value(s) that are used to justify the right ... then the particular right should be changed so that it no longer undermines those values” (p. 165). However, peculiarly, she is only willing to consider the value of this proviso in the case of ecological refugee states and thus fails to appreciate that the finite nature of territory entails that *every* particular claim to territory

impedes the ability of others to access justice; and therein threatens the values she uses to justify that right.

Moreover, in the discussion of the fate of the ecological refugee states, despite acknowledging that these peoples are deserving of a right to new territory, Nine offers no real guidance as to which state should be forced to be the duty bearer of this right and to sacrifice their own land for the sake of those dispossessed of theirs. One is thus left to feel that this theoretical proviso for providing this group with land would, in practice, be inoperable. This reveals a greater weakness in the thesis than may be initially apparent. It demonstrates that, in accepting territorial rights—as Nine does—one necessarily loses the ability to engage in the collective burden-sharing needed to achieve the kind of justice Nine seeks to establish. In summary, this is a thesis that promises much but, as a result of a failure to engage with some of the most pertinent questions, ultimately fails either to provide a just general standard for territorial entitlement or to demonstrate how greater territorial justice can in practice be achieved. ■

Notes

¹ A.J. Simmons, “On the Territorial Rights of States,” *Philosophical Issues: Social, Political and Legal Philosophy* 11 (2001): 300–26.

Lea Ypi. *Global Justice and Avant-Garde Political Agency*.

Oxford: Oxford University Press, 2012. 248 pp. £99.00 (hbk)
ISBN: 9780199593873

ARDEVAN YAGHOUBI (New College, University of Oxford)

Lea Ypi's first book, *Global Justice and Avant-Garde Political Agency*, is a novel and striking intervention in debates over cosmopolitanism, global justice, and methodology in political theory. Over seven chapters, Ypi assembles a cascading argument for what she calls “Statist Cosmopolitanism”—an “alternative position,” (p. 4) which takes a middle path between cosmopolitan principles and statist justice. Along the way, read-

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ers get a historical prelude (Chapter One), a careful consideration of the causes of global imbalances in power and money (Chapter Five), and an extended reflection on the artistic and political avant-garde (Chapter Seven). It is a testament to Ypi's systematicity and clarity that little feels extraneous or out of place, despite the range of topics covered. Although the book's immediate audience is contemporary political theorists, academics, and practitioners interested in globalization, philosophers, legal theorists, and economists, among others, will also find Ypi's thoughts of interest.

Ypi's book intervenes in the debate between cosmopolitans and statistes over global justice, a debate classically established by John Rawls' 1999 *The Law of Peoples*. Cosmopolitans hold that states and borders have no special moral significance as far as justice is concerned. Following Rawls, statistes on the other hand believe that membership in a state is normatively significant for assessing citizens' rights and duties. Faced with this antinomy, Ypi's welcome contribution is in the Kantian spirit of critique: she diagnoses both cosmopolitans and statistes as grasping truths—but only half-truths. Ypi argues persuasively that cosmopolitans who argue from moral *principle* and statistes who argue from practical considerations of *agency*, are misunderstanding the relationship between the two: "When exploring the relationship between principles and agency, statistes and cosmopolitans tend to endorse features from each but in the wrong places" (p. 71). If cosmopolitans understood their own arguments in favour of the abstract principles of justice, they would see that the obligations it demands are *within* the context of states. Similarly, if statistes are correct about political agency, their principles will extend beyond the state to apply globally. So "if we start as statistes we might end up as cosmopolitans...[and] even if we start as cosmopolitans we might end up as statistes" (p. 175).

In deftly untangling the Gordian Knot of the global justice debate, Ypi spends a significant portion of the book defending her argument against partisans of cosmopolitanism and statism. Of broader interest, however, is her underlying thesis about the "dialectical method" and "activist" political theory. The dialectical method, according to Ypi, is the central mechanism to avoid the pitfalls of contemporary political theory: ideal versus non-ideal theory, civil versus family models of obligation, moral versus political forms of obligation, and so on. But for all the work the dialectical method does for Ypi, it is curiously left unexplained in any detail. One is left wondering how the dialectical method relates to the methodological programmes of constructivism and political realism, or contemporary philosophical treatments of facts and norms. Perhaps the absence of a grand explanation of method is for good reason: even

a brief sojourn into the dialectic, and its central modern advocate Hegel, would represent a difficult set of exegetical issues, even for a theorist of Ypi's clarity and pithiness.

If the "dialectic" is too conceptually wrought for explanation, then *Global Justice and Avant-Garde Agency's* other hobby-horse—"agency"—may yield higher dividends. The author concludes the book with a reflection on the role of "a cosmopolitan avant-garde" in "not merely criticizing the world but also in trying to change it" (pp. 174–176). Ypi seems to implicitly rely here on an understanding of public reason, but there is ample room for an explicit treatment of what "political agency" looks like. Given the "statist" horn of her "Cosmopolitan Statism," what does it mean for an avant-garde to "act" politically? Is it limited to discourse, either in the "high" discourse of law or in a "mass" language of art and culture? Or does political action in a democratic mode (or perhaps revolutionary, as the book's El Lissitzky-illustrated cover suggests) outpace the exchange of reasons? Ypi does not say, despite her repeated citation of Marx's 11th thesis on Feuerbach.

Overall, Ypi's arguments and contributions to the global justice debate are both sound and welcome, and it is to her credit that *Global Justice and Avant-Garde Agency's* work does not end there. ■