



Franck Urban, Elin Strand Larsen (Eds.)

# Discussing Borders, Escaping Traps

Transdisciplinary and  
Transspatial Approaches

WAXMANN



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## **Introduction: Discussing Borders – Escaping Traps.**

*Franck Orban and Elin Strand Larsen*

*“I’m going to hang up this phone, and then I’m going to show these people what you don’t want them to see. I’m going to show them a world without you. A world without rules and controls, without borders or boundaries. A world where anything is possible.”*

*The Matrix, 1999*

We definitively live in strange times. Old borders are vanishing just before our astonished eyes, while new ones are rapidly emerging. The world map as we knew it is barely recognizable. New countries, new giant cities, new political regimes. What has then become of the Soviet Union, Eastern Germany and the Iron Curtain? And, of course, there are more people than ever in human history. In addition, geopolitical changes are not the only ones affecting our day-to-day life or our perception of it. Technology – through computers, the internet, virtual reality and very high-speed transport vehicles – is about to eliminate physical distances and the frontier between materiality and immateriality, blurring the limits between what we see as real and what is constructed reality. Fake news can do that, too, one could add.

In the opening of the presentation of the chapter above, we chose to use a quote from a famous movie that represented a breakthrough in modern science fiction. Neo, the hero of *The Matrix*, refuses to accept the constructed reality he had been living in as a slave since his birth. He chooses to smash the borders imposed on him and to access true reality. The most interesting part of the film is not him becoming a hero, but rather him wavering between his known reality and an uncertain future. Borders and frontiers can put unpleasant constraints on the individual. But they also provide comfort, giving surroundings context and sorting out what is known and safe from what is terra incognita and dangerous.

Early in the 1990s, the American political philosopher Francis Fukuyama prophesied the “end of history” when envisaging the fall of communism worldwide and its replacement by a new world order that would wipe out geopolitical, economic and cultural divides inherited from the Cold War. Free-market liberal democracy would become the world’s sole and accomplished form of human government. The rule of law and institutions were expected to supplant traditional power politics and tribal divisions. Accompanied by revolutionary technologies that gave humanity unique opportunities to shrink time and space, the new world order would tear down walls and erase borders to somehow establish Immanuel Kant’s realm of “perpetual peace.” For about a decade, this objective seemed attainable.

By the beginning of the 21st century, the proportion of humans living in extreme poverty had fallen to under 20 percent, while the number of electoral democracies extended to more than 110. Growth and democracy spread to almost every corner of the world, something that fueled the illusion of a debordering process and the cre-

ation of a truly borderless world. Twenty-six years after the publication of *The End of History and the Last Man*, the zeitgeist that predicted a bright future for mankind to a large extent turned out to be rather more of a dystopia. The globalization process has reduced the number of armed conflicts between states during the last decades. But it has also created more economic inequality between the haves and the have-nots within democracies that liberal democratic institutions and liberal economy have trouble addressing, while threatening the condition of relative stability in weak states. In Europe, the refugee crisis of 2015 multiplied the number of border controls, triggered the construction of walls and fences along the European limes and widened the ideological gap between Europeans. Meanwhile, a growing number of populist parties have been promoting an alternative agenda for liberal democracy which calls into question community living, economic growth, political participation and the rule of law.

Francis Fukuyama (2018) conceded recently in an article in *Foreign Affairs*, *The New Tribalism and the Crisis of Democracy*, that his previous expectations had been too optimistic. He noticed that the number of democracies has fallen and that democracy per se is retreating in virtually all regions of the world, whether it's threatened by or replaced by authoritarian regimes. The generalization of anti-democratic discourses, and more generally what Fukuyama calls "a slide backward toward authoritarianism," plays a role in a new re-bordering process raising barriers, building walls and setting up new borders between individuals, groups and countries. India's fencing of its border with Pakistan, Bangladesh and Myanmar, President Trump's wall project at the Mexico border, The Israeli West Bank barrier or Hungary's border fence at the Serbian border are just a few examples of new material borders. Limitations on guaranteed access to digital technology, social networks and information can also be seen as a bordering mechanism, since immaterial walls can be raised between those who are included in key circuits of information and others who are not (Rumford, 2006, p. 156). As a result, the ideal of a borderless world is now challenged – not to say endangered –, by the multiplication of new walls and fences.

The aim of this book is to address the notion of borders. During the last decades, scholars approached borders from different academic disciplines. The de-bordering and re-bordering process that took place worldwide after the Second World War, and then again after the end of the Cold War, produced an extensive number of analytical studies that stressed the multi-level impacts of the institutionalization of borders and their complex nature (Cassarino, 2006, p. 1). In the early 1960s and mainly because of the Cold War, border studies were predominantly limited to the study of the demarcation of boundaries. From the 1980s on, the field of boundaries and border studies shifted progressively to focus more on border studies defined as the study of human practices that constitute and represent differences in space. Borders evolved from representing material and political limits between states to more immaterial and socioterritorial constructs beyond states and nations (Van Houtum, 2005, p. 674).

This liberal perception was reinforced by the end of the Cold war, the spread of democracy, liberal economy and information technology, as well as by the post-war European integration toward a "borderless Europe." According to this vision, the



weakening of nation-states was considered to be a paradigmatic shift that would make political borders diffuse and less relevant. Dissolved borders would no longer be situated at the outer limit of territories. They would be ultimately doomed to extinction or dispersed “a little everywhere” (Balibar and William, 2002, p. 71). There is now reason to think that the renewal of nationalism and protectionism might have a noticeable impact on the post-Cold War understanding of borders, or that there is an ongoing concomitant process of materialization and dematerialization of borders (Rosière, 2017, p. 12). In other words, we don’t face one single type of border, but differentiated borders in a situation in which rigid security borders have to coexist with economic, telecommunication and educational borders with a higher level of mobility and fluidity (Rumford, 2006, p. 157). “Hard” or “soft” borders still matter and will continue to influence global political, economic, cultural, and environmental issues (Diener and Hagen, 2009, p. 1212). In this sense, Westphalian borders retain an ability to strike back. But they have nevertheless to deal with multidimensional frameworks that question their function, their nature and their localization (Retailé and Walther, 2014, p. 9).

The expression “border” appears by the way seldom alone in academic literature. Usually, it is used with terms like “boundaries, edges, ends, frontiers, barriers, limits or margins” that are used in different ways to describe how spaces are split into entities, parts, objects, zones, territories, areas, basins or fields. But how can we define these terms? They can look similar at first sight. The Concise Oxford Dictionary defines, for instance, “border” as “boundary” and “boundary” as “limit-line.” This kind of semantic proximity can be confusing when it creates the impression of inter-exchangeability. In reality, they are not that flexible and often have distinct meanings. How we use them depends on the contrary on which academic tradition we belong to and what kind of heuristics, habits or preferences we focus on, as well as which circumstances we find ourselves in.

The word “border” originates from French “bord” or “bordure” and meant an outer edge of something, like a margin, that belonged to this something (Gadal and Jean-soulin, 2000, p. 3). It has a long history. Border replaced the French word “march” at the end of the 14th century to define a border region or district lying along the boundary of a country. In pre-modern times, the hierarchical dependency in society made it less important to demarcate territories through borders (Yndigejn, 2011, p. 48). This changed with the end of the feudal system and the transition to modern states in the middle of the 17th century. From then on, the perception of territorial borders in Europe came from an environment shaped by sovereign states that lived peacefully side by side or waged wars against each other. The existence of nation-states preconditioned the emergence of borders. Without established borders, it would have been impossible for rulers to regulate all aspects of human activity.

The principle of Westphalian sovereignty expanded across the European continent from the second half of the 17th century. Colonialism in Africa, Asia and the Americas during the 18th and 19th centuries made it irreplaceable for international law and order. In consequence, borders became a global phenomenon. A dividing line was

drawn throughout the globe between intra-state policy, which remained under the legal jurisdiction of national authority – with the famous principle of states having the monopoly of violence against their own population –, and inter-state policy, which was anchored in the Hobbesian principle of the balance of power. The strengthening of state control within national borders produced numerous political, economic, religious or moral boundaries that were imposed on national subjects. The generalization of material borders preconditioned the appearance of immaterial boundaries, a perception that was closer to that of anthropologists and historians, who emphasize the symbolic and metaphoric dimensions of borders and refer to social or cultural borders or boundaries (Cassarino, 2006, p. 5). To realists, today's border defines primarily a line separating legal or territorial entities that are countries, administrative divisions or other types of areas, while borderland describes a wider area. A more liberal view looks at borders both as formal and informal institutions of spatial and social practice, as well as physical and symbolic markers of difference (Newman and Passi, 1998, p. 198).

“Boundary” might seem easy to define. Etymologically, it is derived from “bound” – from old French “borne” –, and indicates the external limits (bounds) of an object or a political unit. Later, a boundary was something that marked the bound. All that which was within the boundary was bound together (Kristof, 1959, p. 270). Like a border, a “boundary” delimits the territorial sovereignty of a state and allows internal and external security. Its function changes according to the nature of relations to neighboring states. Boundaries can be spatially limited. They can act as barriers separating two distinct areas or can be opened to movements of capital, goods or people. On the other hand, “barrier” differs from boundary in that it demarcates an area which is unilaterally set by a state, for national security or military reasons. In this sense, it can be more assimilated to a fence (Cassarino, 2006, p. 3). With this in mind, bordering – whether it is physical or immaterial – de facto happens through materialization and the erection of barriers. Anthropologists don't limit their approach of boundaries to the material dimension. They highlight the symbolic dimension of individuals or groups impacted by the physical limits imposed by boundaries. Especially during the 1990s, social and cultural theory largely influenced by postmodern optimism emphasized the idea that a boundary increasingly referred to the social and symbolic construction of boundaries between social collectivities, rather than state boundaries (Newman and Passi, 1998, p. 194).

The notion of frontier is difficult to define. Historically, it implied what it etymologically suggests, that is to say that which was located in front (in Latin *frons*). “Frontier” designated an area which was part of a whole, specifically that part which was before the hinterland. That is the reason why it was – and still is –, primarily outer-oriented, contrary to boundary, which is more inner-oriented. To put it simply, a frontier looks at the enemy ahead while a boundary looks behind and waits for direct orders from the central government. Frontiers have had different denominations through time. They have been called foreland, borderland or “march” (Kristof, 1959, p. 270).

Today, political scientists often associate border with boundary. Political frontiers represent the outer line of a surface or a totality of surfaces on which a political, economic, social system exerts its sovereignty and marks a geographical or linear rupture between two territories. Structural frontiers have a more determinist character, as they are the result of adjustments of a society to a territory in the course of time (Gadal and Jeansoulin, 2000, p. 3). But again, a frontier is not necessarily limited from a geographical point of view, as it covers both sides of a boundary. They are areas of contact and interaction across borders. Their limitative aspect should therefore be moderated by the dynamics of exchange between people living on both sides, a dimension that historians, anthropologists and sociologists emphasize.

What about margin and limit? The Concise Oxford Dictionary defines the first as “the edge or border of something” (from Latin *margo*, a mark, sign). This definition suggests the idea of a dichotomy or tension between a center and its periphery, as margins and centers define each other by their relationship. In geometrical terms, as well as in politics or economics, a margin can be considered as “that space where the space order from the center is subject to challenge” (Parker, 2008, p. 8). As distance increases – we can have in mind the extent of the Roman Empire –, the center’s hegemony and capacity to control and organize its periphery decreases. Imperfect control and ability to radiate also produces disparities with respect to access to stability, wealth, information or technology. If the center fails to maintain its ordering power over time, disruptive counterforces might arise at the margins to challenge the ordering force, before instability eventually moves to the area controlled by the center. Margins can therefore be seen as both victims (left-outs) and, to quote Henri Lefebvre, as “contradictory spaces” (Lefebvre, 1991, p. 295). In a more immaterial perspective, such a definition can apply to groups, minorities or individuals who are represented by others or who perceive themselves as human periphery abandoned by the human center, be it the ruling class, the elites or mainstream society.

The second word, “limit,” can be traced back to Latin *limes* and to the function of physically marking a border. With respect to “limits”, the Oxford Dictionary presents definitions that are more or less material. In the first case, a limit is defined as the point or the level, beyond which something does not or may not extend or pass, or the terminal point or boundary of an area in movement. This definition is particularly useful in relation to spatial and territorial limits (Amilhat Szary, 2015, p. 9). In the second case, a limit can be understood as the furthest extent of one’s physical or mental endurance or as restrictions imposed on someone or something. In recent years, the rise of protest parties in Western societies has produced a vast literature questioning the limit of liberal democracy (Beetham, 1992). A good mixture of both dimensions also exists in Joseph S. Nye’s “Limits of American power”, in which the author compares material constraints imposed on American leadership at the beginning of the 21st century with the more abstract imperative of self-limitation of the US hegemony through the reflected use of soft and hard power, in order to deter potential rivals (Nye, 2003, p. 559).

In his work, William Walters argued that if borders are multiplicities, then we need a plurality of concepts to think of different dimensions and the changing functions of borders (Walters, 2006). Understanding the variety of borders and their multidimensionality is the goal of this book through an interdisciplinary approach that seeks to uncover elements of the notion of borders that might otherwise seem unconnected.

To define the “dynamics of borders”, the authors decided to focus primarily on two aspects. The first deals with the multidimensional nature of borders as material entities with the ability to shape spatial representations through a demarcation between territories. As such, they formalize power relations between actors on both sides of a wall or a fence. Additionally, borders are immaterial entities that express social relations and interactions between entities and people living on both sides, starting with the acceptance or the reluctance of belonging to separate realities. As immaterial constructions, borders and boundaries are intellectual, moral, ideological, digital or even emotional brakes and locks upon individuals that prevent them from acting freely and that alter their identities (Paasi, 1998, p. 71). Several chapters of this book outline the material and immaterial nature of borders and discuss their impact on history, democracy, gender policy, minorities, party systems and languages.

The second aspect emphasized in this book is the dynamics of borders, or borders in motion. Notions like “bordering”, “de-bordering” and “re-bordering” suggest that borders primarily are nonlinear entities. It seemed logical too to use a comparative approach through case-studies from Europe, the Americas, Northern Africa and the Middle East in order to show where old borders have vanished, and new ones have been created. The chapters of this book might look unconnected at first sight. But they do have a red thread when they address the issue of which constraints put limits on collective or individual freedom.

## Outline of the book

This book is the result of a two years’ work done between 2016 and 2018 by AreaS, a research group in area studies located at Østfold University College in Norway, and by AreaS’ partners. The book consists of eleven chapters which have all been peer-reviewed by specialists within their specific line of research. The authors wish to thank the anonymous referees for specific comments and suggestions.

Following this introduction, TORGEIR LANDRO discusses the temporal *boundaries* of the Middle Ages, arguing that how we structure the past depends on historians’ contemporary standpoints, values and interests. Despite serious well-founded objections, and suggestions for alternative periodization systems, the traditional boundaries and framework of the Middle Ages seem to survive. This might have something to do with how the boundaries provide comfort, giving the historians a structure and a framework to help them make sense of the past.

HARALD BORGEBUND discusses the *limits* of democracy. He argues that democracy is best served by strict constitutional limits and the insights provided by realistic democratic theory and psychology. According to his theoretical discussion, certain

limits have to be in place for a democracy to function. Contrary to the vast literature questioning the limits of liberal democracy, Borgebund concludes that in a modern context we have access to knowledge that can help us counter human biases and improve the quality of our democratic practices.

ELIN STRAND LARSEN addresses the *limits* of truth when it comes to fact-checking public statements and revealing fake news circulating in social media. Based on a comparative case study analysis of two fact-checking projects – *Faktisk* in Norway and *CrossCheck* in France – she argues that the fact-checking process looks different from Norwegian and French perspectives. These findings might relate to the level of trust in news media, as well as the concern about fake news in Norway and France.

FRANCK ORBAN addresses European populism and the blurring *frontier* between left and right in French politics. Analyzing speeches given by Marine Le Pen, leader of National Front (now renamed “National Rally”) and Jean-Luc Mélenchon, leader of the grass-roots movement “Unsubmissive France”, he argues that even if they share a common goal of eliminating old political benchmarks, their radicalism indicates that the frontier between left and right has not yet vanished.

ANDRÉ AVIAS discusses *borders* and language in relation to minority Francophone identities. Using two examples from literature – one centered on the story of a woman and her family in Maghreb, the other on communities living in a Canadian territory – he argues that the French language allows them to assert their existence, their history, their suffering and even their absence in the mind of the Other.

RANIA MAKTABI addresses women’s interests in the Middle East and North Africa (MENA) where the *border* runs between states in which political order has been maintained – here seen as ‘realms of peace’– and states that constitute zones of war. She argues that women living in zones of war in MENA have seen their civil rights, health and economic conditions deteriorate under extreme forms of militarized and sexualized violence. However, in realms of peace, women have gained wider civil and socioeconomic rights.

ROBERT MIKKELSEN illustrates the role that ethnicity has played in American politics and how it has functioned as both a *boundary/barrier* and a bridge to groups wishing to take part in American life. He makes use of two different definitions of a nation – as a homogeneous community or as a heterogeneous association. He employs this distinction to examine the impact of ethnicity in the American past and present, as well as in a wider international context.

JOHANNA WAGNER discusses the rhetorical *boundaries* constructed against women by members of the Republican Party (GOP) in the US. She argues that GOP politicians have sought to frame women’s issues entirely without reference to women. They have cut and cropped women out of the picture of women’s issues in order to discount them from political discourse altogether. This placement of women outside the frame of issues serves to deprive women of their rights of citizenship.

WLADIMIR CHAVEZ describes Trump’s Immigration Policy and reflects on three aspects – ethnic discrimination, identity and *borders* – in a three-case study of films and TV series, which were released within the first two years of Trump’s presidency:

*Run Coyote Run* (2017), *Beatriz at Dinner* (2017) and *Sicario: Day of the Soldado* (2018). Chavez finds that all three are products of their time, since their plots end up fitting a political and social situation which is relevant and very well known to their audience.

MARJO RYNNING examines how traditional niche savings banks have survived in competition with larger, commercial banks and more profit-oriented savings banks. By looking at the shifting technological, economic and political conditions, Rynning argues that the *borders* of niche bank markets have been redefined. This brings new questions to the forefront: What is a savings bank? Who are their stakeholders? Will the niche savings banks be able to survive in the new technological and political environment?

Finally, HENRIK SKAUG SÆTRA looks at the *boundaries* between human beings and machines. Throughout history there have been many attempts at demarcating humanity and identifying what makes us special. It is clear that the task of demarcating the essence of being human is a daunting task – even more so with the rise of artificial intelligence in society. Sætra argues that the issue is important because if one cannot meaningfully separate man and machine, must not machines then be given a moral status?

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# Periodization and Temporal Boundaries – Defining the Middle Ages

*Torgeir Landro*

## Introduction

During the 1960s and 1970s, educational systems within several European countries witnessed a declining interest in history as a school subject. The response to the crisis, however, took different directions. While the German school of history didactics was concerned with the concept of ‘historical consciousness’, the Anglo-Saxon branch of didactics gave more attention to historical capabilities and so-called ‘second order concepts’, like periodization, continuity and change (Körber 2015, p. 19; Kvande and Naastad 2016, p. 31).

Norwegian curriculums contain an explicit expectation that pupils after the seventh grade are able to give an account of essential features of the medieval period, the Renaissance and the Enlightenment. It is also a part of the benchmark requirement that the pupils are able to discuss different reasons for this periodization framework (SAF1–03).

Within historical scholarship, periodization is often described as a complex exercise, sometimes in pejorative terms. At the same time, there seems to be an agreement among historians that a framework of periodization is necessary to get hold of all the information available in the historical records. To organize the past in chunks of chronology is allegedly the only way to highlight certain traits of the seamless web of events (Melve 2016, p. 9). Some historians even claim that periodization is a key concept at the heart of the discipline since it forces the historian to extract what the essential features of an epoch are.

There have been a lot of discussions regarding the temporal boundaries of the Middle Ages, and the period is therefore a case in point to shed light on the different factors that affect how we structure the past. This chapter has a twofold purpose: first, to provide a survey of relevant studies and introduce some prominent historians who have given important contributions regarding the chronological boundaries that define the Middle Ages. Next, to show how differing opinions as to what criteria the periodization should be based on influence the framing of the Middle Ages. A periodization scheme is never neutral, but dependent on perspective. The terms ‘boundary’ and ‘limit’ are, thus, in this context conveyed in a chronological sense to designate the conceptual frameworks of historical periods.

## Periodization – An Unavoidable Evil?

Continuity, change and periodization are central theoretical concepts in the discipline of history. The act of periodization is not, however, a modern invention, nor an activity reserved for professional historians. Saint Augustine, the leading theologian of the early Middle Ages, divided the history of the world into six ages, inspired both by the six ages of life and the six days of creation (Le Goff 2015, pp. 6–7; Hoyt and Chodorow 1976, p. 1). Later, the hundred-year period – the century – became a much-used unit of time. But, as Le Goff remarks, since it is very rare that a year “ending in ‘oo’” marks the watershed, long and short centuries have become very popular among historians” (Le Goff 2015, p. 3). In recent years, the concepts of “Big History”, “Deep history” and the Anthropocene have emerged, dealing with grand narratives and a much longer timescale than historians used to (Blackbourn 2012, p. 306).

But there is also a tendency moving in the opposite direction, cutting history into very short chunks of time: “the six months, the thirty days, the five days that changed the course of history” (Blackbourn 2012, p. 305). The most famous periodization scheme, however, is probably the traditional tripartite division of Antiquity, The Middle Ages and Modern times, established in the seventeenth century, and still manifest in textbooks, curriculums, journals and the organizational structure of conferences and history departments.

The act of periodization is, nevertheless, described in ambivalent terms in historical scholarship. According to Peter Stearns, periodization is the “fundamental intellectual issue in historical thinking” (Stearns 1987, p. 562). He also describes periodization as “the conceptual tool that makes change over time a manageable topic, and therefore history teaching feasible” (Stearns 1987, p. 562). According to Stearns, it is necessary for students to be aware of major historical turning points, and therefore for teachers to discuss alternative schemes of periodization, and what kind of organizing principles the existing periodization is based on (Stearns 1987, p. 561). In his historiographical survey over different ways to conceptualize the medieval period, Sullivan in the same vein claims that a study in periodization lies at the very heart of historical scholarship (Sullivan 1984, p. 79).

Although there is an acknowledgment that periodization is a scholarly activity of uttermost importance, it is also recognized that this branch of historical scholarship is neglected. Stearns asserts that few texts deal with periodization as an analytical issue (Stearns 1987, p. 562). William A. Green points to the very same paradox in his survey on periodization in European and World History: “Periodization is among the most prominent and least scrutinized theoretical properties of history” (Green 1992, p. 13).

Nor is it hard to find pejorative statements concerning periodization. The medieval historian Le Goff underlines that there is nothing neutral or innocent about periodization, instead highlighting its complex character, where personal biases are not unusual (Le Goff 2015, p. 2–4). Although periodization is supposed to help organizing time, it sometimes has the opposite effect, causing “problems in making sense of the past” (Le Goff 2015, p. 4).

Slogans and catchy phrases like “history is a seamless web” (Hollister 1992, p. 6) and “Time has in reality no division” (Blackbourn 2012, p. 310) are not hard to find. Based on such premises, periodization schemes have also been described as artificial, arbitrary and rigid constructs (Blackbourn 2012, p. 301; Green 1992, p. 13). The pejorative statements are actually flourishing, and periodization has been portrayed as a superficial, pedantic and trivial exercise (Moore and Davis 2006, pp. 214–215), enforcing “intellectual straitjackets” (Green 1992, p. 13) on people’s conceptualization of the past.

Dividing history into different time units has nevertheless been done for a long time, and the first traces of a conceptualization of a middle period are found in the Renaissance.

### **The Conventional Boundaries of the Middle Ages**

The ordinary man and woman living in the Middle Ages did not have a notion of a decisive break that had taken place between themselves and the Roman past. They regarded their own civilization as the “cultural continuation of Roman Antiquity” (Hoyt and Chodorow 1976, p. 1). The first ones to introduce an idea of a turning point initiating a new era were the Italian humanists of the fourteenth and fifteenth century. Petrarch (1304–1374) thus distinguished between “ancient histories” and “modern histories”, with the conversion of Constantine marking the great divide. The label “the dark ages” with its negative connotations was a part of Petrarch’s legacy for the future.

Flavio Biondo (1388–1463) followed up the recognition of a periodic split some decades later, this time with the sack of Rome as the boundary marker (Hoyt and Chodorow 1976, pp. 1–2). At the other end of the timeline, the Italian humanists recognized a rebirth of classical ideals. Although the notion of revitalization was reserved for art and literature and not applied to history in general, a tripartite division was nevertheless foreshadowed (Hoyt and Chodorow 1976, p. 2). Some generations later, Protestant historians strengthened the conceptualization of a middle period, beginning with the disintegration of the West Roman Empire. Now the dominant papacy represented the decline, and Luther’s return to the original church was pictured as a rebirth (Hoyt and Chodorow 1976, p. 3).

Although anticipated by humanists and Protestant historians, it was the Dutch historian Christoph Keller who really enforced the tripartite periodization scheme of Antiquity, the Middle Ages and Modern History, with the book “History of the Middle Age from the Times of Constantine the Great to the Capture of Constantinople by the Turks” (1688). To make a broad generalization: ever since the medieval period has been regarded as a distinct epoch, with certain defining traits and essential features, institutions and behavioural patterns such as feudalism, serfdom, knights, papal bulls, crusades, scholasticism and inquisitions, to mention some of them (Sullivan 1984, p. 83). Among the majority of the medieval historians of the last generations, there has been a kind of consensus that the Middle Ages started roughly around 500 AD, and likewise, at the other end of the timeline, a general agreement that the medieval period ended around 1500 AD. These chronological limits thus encompass the period.

Some historians have found the most prominent and defining features in the “power of the Church and the dominance of the papacy” (Hollister 1992, p. 8). Others portray the period as an epoch of superstition and ignorance. Chris Wickham’s *Medieval Europe*, which is one of the last contributions in the field, points to unifying features and traits within the political, economic as well as the cultural and religious realms (Wickham 2016).

The prevalence of Keller’s periodization scheme does not mean, however, that there have not been any discussions as to when the Middle Ages started and ended. Sullivan refers to “intellectual wars waged to define the chronological limits of our special period” (Sullivan 1984, p. 79). Several scholars have during the years questioned and challenged these traditional chronological boundaries, revealing a different approach as to what kind of criteria should define the medieval period.

### **When did the Middle Ages start?**

The famous Enlightenment historian Edward Gibbon had depicted the fall of the West Roman Empire as a sudden breakdown, blaming Christianity for weakening the Roman moral virtues, and the following medieval period as a period of decline and collapse. There have, however, been several suggestions regarding the exact manifestation of the breakdown. While some historians point to the deposing of the last emperor of the West Roman Empire in 476, others throw emphasis on the sack of Rome in 410, or the moving of the imperial capitol to Constantinople in 330 (Hollister 1982, p. 4; Sullivan 1984, p. 82; Raedts 1996, p. 16).

Even though the dates and years differ, the suggested turning points reveal a distinct historiographical tradition. The focus is on specific events, mainly political, revealing an episodic historiographical approach. A theoretical orientation where exactness and precision are prime virtues, leads to a search for the exact manifestation of the end of the Graeco-Roman world (Olson 2007, pp. 65–66; Green 1992, p. 15; Sullivan 1984, p. 82).

### **The Pirenne Thesis**

The Belgian scholar Henri Pirenne challenged the established notion and introduced a new historical perspective. He maintained that the Germanic invasions did not represent a crucial break. In his famous book, *Mohammed and Charlemagne* (Pirenne 1939), he argued that Roman culture lived on in the Germanic successor states after the disintegration of the empire. The barbarians admired the Roman lifestyle, and for centuries Roman law, customs, institutions, and language lived on. Furthermore, in the Frankish Kingdom Pirenne allegedly found evidence of the presence of goods like spices, gold, olive oil and papyrus up to the late seventh century. These commodities had to originate from the southern and eastern side of the Mediterranean. Consequently, the Mediterranean Sea was still the centre of trade and communication (Olson 2007, pp. 65–66).



In the eighth century, however, all of these commodities disappeared. The only plausible explanation was that Europe had been cut off from eastern trade by the Islamic conquest. An ‘economy of no outlets’, where money lost its value, led to feudalism and paved the way for a figure like Charlemagne and in turn a new form of government, moving the centre of Europe from the Mediterranean to northern Europe. Thus, according to Pirenne the eighth century – and not the fifth – was the transformative century, bringing Antiquity to a close (Olson 2007, pp. 65–66; Moore and Davis 2006, pp. 193–195).

As Lynette Olson asserts, Pirenne was innovative in two ways: “his thesis is argued mainly from economic evidence and it proposes a non-European explanation for the origin of Europe” (Olson 2007, p. 66). The emphasis on economic and cultural rather than political criteria, and a widening of the lens, resulted in a different periodization framework. Pirenne was, however, criticized and later archaeological findings revealed that the Mediterranean trade had been in a slow and gradual decline for centuries, for other reasons than the Arab conquest, thus undermining Pirenne’s thesis (Moore and Davis 2006, p. 195; Olson 2007, p. 66).

### **Late Antiquity**

Related to Pirenne’s approach, but with a more lasting influence on current historical scholarship, was Peter Brown’s thesis, outlined in his famous book *The World of Late Antiquity* from 1971. Brown has been credited with inventing “a new epoch” – Late Antiquity – and according to Moore and Davis, Brown’s approach induced “great changes in the ways in which many now think not only about this period but about history in general” (Moore and Davis 2006, p. 216). Instead of focusing on the empire, Brown wrote a history from the ground up, highlighting the social and cultural conditions of the community (Moore and Davis 2006, p. 219). By this shift of focus, a more dynamic period with new chronological limits emerged. Instead of catastrophe, fall and decline, Brown observed continuity, change over time, creativity and innovations. Yes, there were signs of a ruralization, with shrinking cities and trade crumbling. But this development started in the third century and was not set in motion by the deposition of the West Roman emperor in 476. There were also, in line with Pirenne’s observations, continuities within the social and cultural spheres, where Roman customs and family traditions were maintained (Moore and Davis 2006, p. 217).

Moreover, the period between 300 and 700 was also an epoch with new beginnings: Christianity and Islam came to dominate many aspects of human life in Europe and the Near East respectively. In stark contrast to Gibbon’s sudden break, Brown thus depicted a transitional period stretching over several centuries, where two new world religions rose to dominance, and the Graeco-Roman world was slowly and gradually transformed into three different cultures; Latin Europe, the Byzantine Empire and the Islamic civilization (Moore and Davis 2006, p. 218). Peter Brown set the ending date for Late Antiquity at around 750, when the Abbasids were taking over for the Umayyads, and the Franco-Papal Alliance was established. The latter resulted firstly

in the founding of the Papal State, and secondly, in the Carolingian dynasty replacing the Merovingian in Francia (Hollister 1992, p. 10).

Peter Brown's periodization structure is echoed in several introductory textbooks. The title of part I in Rosenwein's *A Short History of the Middle Ages*, "Three Cultures from One", is inspired by Brown's thesis (Rosenwein 2009, p. 59). The very same structure is found in Sverre Bagge's *Europa tar form*; a book present at many curriculums for university-level introductory courses in Norway (Bagge 2004).

Brown's closing date of Antiquity has, however, been challenged and objections have been raised. Patrick Geary pointed to elements of continuity that bridged the rupture allegedly taking place around 750. Geary argued that Merovingian Francia should not be conceived as rude and barbaric. It carried on the Roman legacy regarding politics, economy, and institutions, thus resembling the later Carolingian Empire (Hollister 1992, pp. 10–11). Moreover, according to Thomas F. X. Noble, the roots to the papal dominance could be traced back to before 750 (Hollister 1992, p. 11).

### **The Feudal Revolution**

The French historian Georges Duby wanted to push the end of Late Antiquity even further and found the great divide as late as the eleventh century. By a thorough examination of many records from regions in France, Duby observed a crucial break in inheritance customs and family structure taking place around the year 1000, with far-reaching consequences. The early eleventh century witnessed a sudden breakdown of public and royal authority established under Carolingian rule. Therefore, the aristocratic families became more independent and superior, using their castles as bastions (encastlement) from which they enforced a harsher and more aggressive line towards the peasants. The consequence was the privatization and decentralization of political power, where those who fought and prayed usurped those who worked (Moore and Davis 2006, pp. 453–55; Evergates 1997, p. 642). This change, in turn, caused a series of related developments: the elite families moved in dynastic directions, and primogeniture was introduced to secure stability. Consequently, younger sons were forced to find other careers, and knighthood, chivalry, and romantic literature followed in the wake (Moore and Davis 2006, p. 454). With no chances of inheriting land, the second and third sons of the French aristocracy resorted to warfare and crusading. Taken together, a profound change in political and social structures took place around the year 1000, with a breakdown of public authority and the feudal aristocracy filling the void. This, in turn, had grave repercussions for society at large and formed the essential characteristics of the ancient regime until the French revolution, according to Duby.

Overall, there is a great variety of opinions as to when the Middle Ages started. Depending on theoretical orientation and what distinguishing criteria to apply, three quite different suggestions come into view. Turning now to the closing of the medieval period, the list of suggestions is no shorter.

## When did the Middle Ages end?

As with the beginning of the Middle Ages, a lot of dates and events around the year 1500 have been proposed as suggestions to mark the end of the Middle Ages; but for different reasons (Melve 2016, p. 10). The fall of Constantinople and the Eastern Empire in 1453 was closely connected to the turning point of 476 when the western half had fallen (Le Goff 2003, p. 30). Columbus' discovery of the new world in 1492 is arguably an alternative. In the very same year two other rather important, though unrelated events took place, described by Le Goff as 'a happy coincidence' (Le Goff 2003, p. 31); first, that the Arabs were driven out of Grenada in the Iberian Peninsula, and secondly, Charles VIII's invasion of Italy (Sullivan 1984, p. 82; Le Goff 2003, p. 31). Luther's Reformation in 1517 is yet another crucial event. Luther's "act of defiance against the Roman church" (Sullivan 1984, p. 82) broke the religious unity established by the rise of the papacy during the early Middle Ages. Protestant historians shared the opinion of the Reformation as a turning point: the prominence of the papacy was an expression of the medieval decline, which ended when Luther restored the original evangelical church (Hoyt and Chodorow 1976, p. 2). Another seminal event is Copernicus' publication of *On the Revolutions of Heavenly Bodies* in 1543 (Sullivan 1984, p. 82), initiating the scientific revolution. One might also add the invention of the printing press, which was a precondition for the rapid proliferation of Luther's ideas (Le Goff 2003, p. 31). These happenings comprise a cluster of events of some importance, not causally related, nevertheless taking place within a timespan of hundred years centred around 1500.

## The Renaissance

During the nineteenth century, the concept of the Renaissance as an age unto itself emerged, marking the end of the Middle Ages. The very term "renaissance" had been used for centuries, but it was not until the nineteenth century that the concept was broadened, encompassing more than just art and poetry (Le Goff 2015, p. 33). The two historians, who should be credited for inventing the idea of the Renaissance as a distinct period, are Michelet and Burckhardt.

What distinguished the Renaissance from the Middle Ages? Not only the rebirth of classical ideals within art and poetry, but also the rediscovery of man and man's creative and artistic abilities. This new and positive perception of man, embedded in the telling title of one of Michelet's lectures: "Man's Victory over God" (Le Goff 2015, p. 35), stood in stark contrast to the medieval notion, where "the individual was subject to the constraints of religion, social environment, and the force of prevailing custom" (Le Goff 2015, p. 39). According to Michelet, the modern world was born with, first, Marco Polo's and Columbus' journeys marking the first steps towards globalization, next, with the growing power for the people within European monarchies (Le Goff 2015, p. 34), and finally, with the "return to paganism, to pleasure, to sensuality, to liberty" (Le Goff 2015, p. 35). The historian Burckhardt (Le Goff 2015, p. 37) emphasized,

in addition to humanism, an increased focus on nature, resulting in the emergence of scholarly disciplines like zoology and botany (Le Goff 2015, p. 40). He also pointed to growing secularization and the flowering of secular festivals (Le Goff 2015, pp. 41–43). Later historians have pointed to inventions like artillery and the mechanical clock, and a more dynamic economy (Le Goff 2015, p. 56).

### **A Decisive Break in the Eleventh Century?**

However, several historians have since then been critical of the conclusions that Michelet and Burckhardt drew from their findings. One objection is that the Renaissance of the fourteenth century was just one of several renaissances. With his groundbreaking work, *The Renaissance of the Twelfth Century*, from 1927, Charles Homer Haskins (Haskins 1927) led the way for a long list of historians who rather pointed to the twelfth century as the “great divide between late-antique and modern eras” (Hollister 1992, p. 12), each giving emphasis to different defining traits and features. According to Harold J. Berman, who focused on the legal realm, the modern western legal system was founded in the eleventh and twelfth centuries with the rediscovery of Roman law (Berman 1983; Hollister 1992, p. 12). Michael Clanchy and Brian Stock both emphasize the breakthrough and proliferation of writing, a phenomenon aptly designated by the famous slogan “from memory to written record” (Clanchy 1979; Hollister 1992, p. 16). Raedts supports this notion by drawing attention to the fact that modern editions of medieval records, like *Patrologia Latina* and *Monumenta Germaniae Historica*, are all-inclusive for the centuries preceding 1200, but quite selective after that. This change was due to increased literary activity, and Raedts takes these observations as an indication that Europe had now entered a new stage and become a literate society (Raedts 1996, p. 17). Turning to demographic and economic factors, the eleventh century witnessed a take-off in several spheres: urbanization, growth in trade and population, and increased agricultural production. The latter was helped by technological improvements like a better plow, the replacement of the ox with the horse, and the development of the horse collar and horseshoes, watermills, and the threefold crop rotation (Olson 2007, p. 153). Taken together, Lynnette Olson concluded that “Europe at the end of the eleventh century was a very different place than Europe at the beginning of the eleventh century” (Olson 2007, p. 154). Adding to this picture the findings of Duby mentioned earlier, and the eleventh and twelfth centuries stand out as a natural and profound watershed.

### **The Long Middle Ages**

While some historians, as noted, have pointed to the renaissance of the twelfth century as a more natural and profound watershed than the events taking place in the sixteenth century, others have argued for an expansion of the epoch, prolonging the Middle Ages to around 1800. The most prominent proponent for this view is perhaps the French historian Jacques Le Goff, with his concept of the long Middle Ages.

Le Goff set forth a view that undermined the very idea of a break around 1500 and contested several of the milestones put forward by other historians. He played down the importance of the Reformation, considering it merely as “one of a whole series of reforms” (Le Goff 2003, p. 32). Furthermore, Le Goff maintained that the split of Christianity into two branches was no shocking event for the contemporaries, who were used to excommunicated kingdoms and two or three rival popes (Le Goff 2003, p. 38). In the same vein, he played down the age of discovery and the significance of the achievements attributed to Columbus and Magellan. The preconditions for deep-sea navigation were found in the Middle Ages, for instance the introduction of the square sail and the compass in the thirteenth century (Le Goff 2015, p. 80). Neither were the consequences of these voyages seriously felt before the unification of the states of America in the late eighteenth century, when the USA began to enter the global stage (Le Goff 2015, pp. 79–80).

According to Le Goff, the important question the historian must ask is: “in the enlargement brought about in 1492, which is more important, that which ends or that which continues?” (Le Goff 2015, p. 92). His answer to this particular question is that “with regard not only to culture but also to economics, politics, and social relations, (...) no fundamental changes occurred in the sixteenth century, nor indeed at any time before the middle of the eighteenth century, that would justify our marking off the Middle Ages from a new and different period” (Le Goff 2015, p. 79).

Instead, Le Goff observed in many spheres of society “a pattern of continuity from the Middle Ages to the Renaissance and beyond” (Le Goff 2015, p. 85). Although there admittedly were certain noticeable agricultural innovations taking place during the Middle Ages, as noted earlier, the medieval economy was still rural and agrarian until the industrial revolution (Le Goff 2015, p. 81). Within this rural world, Le Goff found other elements of continuity. The medieval diet consisted mostly of vegetables and cereal grains. Not until the eighteenth century were there signs of any significant change, when wheat replaced other cereals and the elite demanded better food (Le Goff 2015, p. 84). Likewise, famine and plague occurred time and again well beyond the sixteenth century (Le Goff 2015, pp. 82–83). As far as religion was concerned, Europe was still “covered with cathedrals” (Le Goff 2015, p. 88), despite the division into Catholics and Protestants. And most Europeans remained Christians until the eighteenth century. Turning to politics and government, the phenomenon of feudal warfare was admittedly gradually neutralized by the emergence of the state during the Middle Ages. The monarchy nevertheless survived and remained the preferred form of government until the French Revolution (Le Goff 2015, p. 88–89). Overall, the elements of continuity weighed more and overshadowed the propounded break around 1500 AD.

So, when did the long Middle Ages end, according to Le Goff? As already indicated, Le Goff pointed to the eighteenth century as the decisive turn, bringing the Middle Ages to an end. The Enlightenment, the Industrial and the French revolutions led to changes in almost every aspect of medieval society (Le Goff 2015, pp. 104–106; Hollister 1992, p. 20). The modern industry generated agricultural reforms, urbanization and other modes of production. The new intellectual movement prompted seculariza-

tion and a new form of rationality, followed by modern science, bringing the religious and superstitious Middle Ages to an end. With the French revolution, the medieval monarchies were overthrown. Together these events caused social, political, religious, philosophical and economic changes, thus transforming society in its entirety (Le Goff 2015, pp. 105–106; Le Goff 2003, p. 32).

## Criteria that Influence Periodization

What can this historiographical survey tell us about the act of periodization? What kind of differentiating factors affect the periodization?

### Theoretical Orientation

First, the survey makes clear the obvious fact that every periodization scheme depends on what kind of criteria, that is what aspect or realm of the society, the historian places emphasis on. Many of the attempts to fix a specific date or a year that marks the beginning or the end of the Middle Ages reveal a historical philosophy that has exactness “as the prime virtue” (Sullivan 1984, p. 82), and therefore seeks to find “precise events and dates” (Sullivan 1984, p. 82), to mark the beginning or the end of an era. Historians using this historical paradigm often give attention to important persons, leading to a portrayal of the Middle Ages focused on kings and nobles, wars and political events (Sullivan 1984, p. 83–84). Within such a view, it makes sense to emphasize the deposing of the last West Roman emperor in 476 or the fall of Constantinople in 1453.

Pirenne’s thesis, although contested, illustrates that a shift of attention from political events to trade and economic criteria leads to another timeframe. According to Pirenne, the Islamic conquest broke Europe’s connection to the Orient and paved the way for Charlemagne and the Carolingian empire, whose breakdown led to a feudal economy; one of the defining characteristics of the Middle Ages. Likewise, Le Goff’s shift of focus from political events to social criteria – everyday life and behavioral patterns – upgraded the elements of continuity that cross over the traditional temporal boundaries. Sullivan makes a long list of such aspects of society, which earlier generations of historians ignored, but which in later years have come to the fore: “demographic trends, climatic changes, prices, technology, kinship groupings, marriage practices, family structures, sexuality, child rearing, aging, dying, health, criminality, disease, social mobility, popular beliefs, and nonliterary modes of communication” (Sullivan 1984, p. 89).

### Contemporary Values

The next point, which is not at all controversial, is that our conception of the past and of historical periodization is a reflection of our own time. Shaw, leaning on Ricoeur, states that “historical knowledge is a present-day understanding of the past, and such



an understanding presupposes present-day concerns that define significance” (Shaw 2010, p. 47). Hoyt and Chodorow give several examples of how the assessment of the medieval period – mostly negative, but also positive – “depends heavily on contemporary standpoint and interests” (Hoyt and Chodorow 1976, p. 3). Protestant historians had a negative view of the Middle Ages due to the supremacy of the papacy. Likewise, Gibbon and his contemporaries, who were convinced that “history constituted the struggle between reason and unreason” (Hoyt and Chodorow 1976, p. 2), held the religious and superstitious Middle Ages in contempt.

On the other hand, the historians of the early nineteenth century, who had witnessed the chaos caused by the French revolution, instead found history’s end in the movement towards the modern nation-state, which had its roots in the Middle Ages. Consequently, the negative view of the medieval period was reassessed (Hoyt and Chodorow 1976, p. 3).

How World War II changed French and British historians’ view on the fall of the Roman Empire, is another example that illustrates how a historian’s conception of the past is affected by contemporary standpoints and events. While Henri Pirenne prior to the war had argued for continuity in both social, legal and economic aspects despite the German invasions, and Ferdinand Lot in 1927 pointed to internal factors and moral decay, André Piganiol had a completely different explanation immediately after the World War. In 1947 he concluded that the Roman civilization was destroyed by the Germans (Moore and Davis 2006, p. 216). It was probably not a coincidence that the interests for the aggressive German tribes were renewed two years after the World War.

Contemporary research interests and methodologies also affect where the temporal boundaries are drawn. One of the factors that have contributed to changing our conception of the Middle Ages, is according to Sullivan the powerful moral imperatives of democracy and egalitarianism, which have led the historical research in new directions. When the past in recent years has been studied with the value of egalitarianism as a lens and guiding line, the ‘silent’ and anonymous people of the Middle Ages, like peasants, women, children, craftsmen, the aged and the sick, etc. have come to the fore (Sullivan 1984, p. 90). In his edited version of Davis’ classic, Moore comments on the striking absence of topics like “marriage and family life, sexuality, gender identities, the position and perception of women” etc. from Davis’ narrative (Moore and Davis 2006, p. 452). This shift of focus has driven the attention “away from events toward deep-rooted and enduring structures undergirding the passing pageant of mere happenings” (Sullivan 1984, p. 91). The new approach has repercussions for the conception of the unique and essential aspects of the Middle Ages, and consequently what constitutes the epoch-making events. The structures made of habits of daily life, behavioral patterns, demographic factors and the like are changing more slowly, and are to a lesser extent affected by “grand actions of great personages” (Sullivan 1984, pp. 91- 92). This historical approach has primarily been promoted by the influential French *Annales* school from the 1930s onwards, with Marc Bloch and Lucien Febvre as the “founding fathers”, and Fernand Braudel and Le Goff belonging to the second

generation (Sullivan 1984, p. 89). The concept of *longue durée* (Eng. the long term), promoted primarily by Braudel, is recognized in Le Goff's view on history: "From all of this, it seems to me, one critical implication emerges concerning the periodization of history. True discontinuities are rare. Ruptures in the strict sense, clean breaks with what went before, are seldom observed. The usual case is the more or less long, the more or less profound transformation" (Le Goff 2015, p. 78).

The emphasis on *longue durée* and the daily life of the masses – or the little people – are concerns that relate to the concept of historical thinking in the didactic literature. Seixas and Peck point to 'significance' as one of the key elements of historical thinking (Seixas and Peck 2004, p. 111), and Dave Neumann, referring to Levesque, breaks 'Historical significance' down into several criteria, among others *quantity*: how many did the event or movement affect? (Neumann 2011, p. 212). Many propounded epochal events and turning points can be undermined when measured against this criterion. The breakthrough and increased use of writing from the eleventh-century onwards (Clanchy) did primarily take place among the intelligentsia (Hollister 1992, p. 18), which made up just a tiny fraction of the people living in the Middle Ages. The cultural revival of the fourteenth and fifteenth century Renaissance was also primarily an upper-class phenomenon (Green 1992, p. 26). Finally, Green is very clear that the question whether or not 1500 represents a watershed in world history, depends on whether the elite or common people are the focal point of the analysis: "it is an elitist notion to draw the frontier between medieval and modern at the year 1500, for it is principally concerned with transformations occurring among people of wealth, education and influence" (Green 1992, p. 31).

## Geography

The organizing of the past is not only a reflection of the historian's own time and contemporary standpoint. Geography is another important factor, meaning that a periodization scheme depends on the historian's geographical point of departure. A severe objection to the traditional tripartite structure is the Eurocentric orientation of the framework, which makes it more or less irrelevant for other continents. Both Columbus' discovery of America in 1492 and the Reformation in 1517 reveal a Eurocentric worldview (Melve 2016, p. 10). Le Goff, therefore, states that "As soon as we turn our attention away from the West, chronology (the sixth to fifteenth centuries) is inadequate when discussing the Middle Ages. It is not meaningful to apply the epithet medieval to Arabia, India and Japan" (Le Goff 2003, p. 40). This phenomenon of overgeneralization can also be witnessed in a smaller scale, when general statements are inferred from observations of traits and features in one single country. Robinson observes that the Renaissance unfolded in Italy "at a time when much of the rest of Europe is still happily medieval" (Robinson 1984, p. 750). Duby's thesis on the epoch-making feudal revolution of the eleventh century has been criticized for the same reason: "he wrote as though France were the whole of Europe: the changes he describes did not happen in the same ways, or happened much more slowly, else-

where” (Moore and Davis 2006, p. 457). Le Goff is also insinuating a certain extent of national bias when he claims that the significance of Columbus’ discovery in 1492 is especially favored by Americans (Le Goff 2003, p. 31).

The fact that geography plays an important part is also evident in the different framing of the late Middle Ages, which is a label conveyed for the last two or three centuries of the medieval period. In the Nordic countries, the late Middle Ages were initiated by the arrival of the Black Death around 1350 (Helle et al. 2013, p. 26; Moseng et al. 1999, p. 263). For Europe as a whole, 1300 is a more conventional starting point, thus including The Great Famine (1315–1317) among its crises (Blockmans and Hoppenbrouwers 2014, pp. 327–329; Hollister 1982, p. 320). In the case of Germany, however, the starting point of *Spätmittelalter* is usually set as early as 1250, with the death of Frederick II marking the beginning of the disintegration of the Holy Roman Empire (Hoyt and Chodorow 1976, pp. 486–490; Leuschner 1980, p. 34)

The effect of geographical orientation is plain to see when discussing the years around 1500 as a possible turning point. Green emphasizes, in line with Le Goff’s notion, the continuities between 1000 and 1800, and argues for a new periodization of European history, playing down 1500 as a watershed. He admits, however, that the picture changes if the lens is widened and the centre of attention is moved from the European continent to the World as a whole (Green 1992, p. 51). In search of “common denominators for all regions of the globe” to structure the history of the World (Green 1992, p. 51), the discovery of Columbus turns up again as an event of fundamental importance: “For the global historian, the age of discovery initiated a process of action and reaction that has, over the last 500 years, linked all the world’s people in a shared experience” (Green 1992, p. 52).

Overall, the act of dividing time into meaningful chunks of chronology depends on contemporary standpoints, values and interests, which determine what kind of aspects of human activity, be it political, social, economic, demographic, etc., one emphasizes. The drawing of the temporal boundaries also depends on the geographical point of departure, and whether the elite or the common people are in focus. Additionally, although each historian is influenced by the values of his own time, there is of course also room for an individual theoretical orientation. Le Goff, for instance, frankly reveals a conviction that discontinuities are rare (Le Goff 2015, p. 78). Now and then even the historian’s biography and bias play a part. Michelet is a case in point. His conception of the Middle Ages was a reflection of his personal life as much as his professional historical conviction. He initially thought of the Middle Ages as a bright and cheerful period. But when his wife died, this conception changed, and for the rest of his life he regarded the Middle Ages as dark and gloomy, in stark contrast to the new light the Renaissance created (Le Goff 2015, p. 32).

### **The Medieval Period of Today – A Captive of Tradition?**

With a term (‘the middle period’) that was coined in the seventeenth century, and a concept that was firmly established when the historical discipline was professional-

ized during the nineteenth century, nowadays historians are put in a situation where the model does not fit the data anymore. Hoyt and Chodorow give an apt description of the situation: “Twentieth century historians are certainly more aware than their predecessors that the organization of the past depends heavily on the contemporary standpoint and interests, but they still rely on the traditional chronological categories in their work” (Hoyt and Chodorow 1976, p. 3). There is, evidently, in modern historical scholarship a tension between the gravity of the traditional tripartite timeframe, inaugurated centuries ago, and the awareness that this model fails to capture essential aspects and patterns that transcend the traditional boundaries. How have historians of later generations dealt with this situation?

Different strategies and different approaches to these circumstances can be observed. One strategy is to set the temporal limits using a vaguer vocabulary. Sullivan claims that some historians have had the tactic of blurring their ideal of precision by terms and idioms borrowed from natural sciences, like the “dawn” or the “birth” of the Middle Ages (Sullivan 1984, p. 83). A variant of this strategy is to confess openly that the traditional boundaries are kept for the sake of convenience, as Barbara Rosenwein does. She sets the timeframe “from about 300 to about 1500”, but adds in parenthesis “there are no decisive ‘start’ and ‘stop’ dates, so an author can put them where they seem to make sense” (Rosenwein 2009, p. 16).

Another strategy is to make a compromise by retaining the conventional markers, but subdivide the medieval and modern epochs into smaller temporal units; early, high and late Middle Ages (Green 1992, p. 37; Blackbourn 2012, pp. 302–303). Since the 1840s, this sub periodization has been manifested in the English language by the plural term *Middle Ages* (Robinson 1984, p. 747; Le Goff 2015, p. 17). In other languages the medieval period is given in singular (German: *Mittelalter*; French: *Moyen âge*; Italian: *Medioevo* etc.; Robinson 1984, p. 747). After World War II the concept of early modern Europe, reserved for 1500–1800, has been acknowledged (Blackbourn 2012, p. 303).

A more radical approach is to suggest a completely new periodization framework. According to Green a compromise with subdivisions does not suffice. With such a solution, 1500 AD still remains the primary watershed, and consequently many of the elements and traits of continuity will be ignored (Green 1992, p. 37). Concurring with historians like Gerhard and Barraclough, Green concludes that there is time for a profound revision of the tripartite system. Barraclough, focusing on ideas and attitudes, launched the idea of a four-part scheme for the time after the disintegration of the West Roman Empire (Green 1992, p. 37):

- 1 European prehistory, until 8–900
- 2 the age of the formation of European societies, 900–1300
- 3 the “Middle Ages” of Europe, 1300–1789
- 4 the modern period, 1789 to present

Gerhard suggested other temporal boundaries, and considered the centuries between 1000 and 1800 as one coherent and transitional period, leading from old Europe to modern Europe, characterized by a tension and struggle “between two conflicting orientations to civil life” (Green 1992, p. 38): tradition against the struggle for change, privileges against equality, local attachments against centralizing powers etc. This struggle ended with the French revolution (Green 1992, p. 38).

The German historian and philosopher Reinhart Koselleck proposes an even more radical approach and goes against the act of periodization itself. Inspired by the *Annales* school’s distinctions between short-term events on the one hand and longer terms and deeper structures on the other, Koselleck deduces that it is not possible to encompass and include these different temporal layers in one periodization scheme (Zammito 2004, p. 127). Instead, he coined the term *Zeitschichten* (layers of time), and developed a theory of multiple temporalities, which according to Jordheim is “*not* a theory of periodization, it is, furthermore, a theory developed to *defy* periodization” (Jordheim 2012, p. 151). Historical time is complex and consists of multiple temporal layers that overlap, differ in terms of pace and duration, and makes it impossible to “freeze history in order to delimit and define breaks, discontinuities, time spans, beginnings, and endings” (Jordheim 2012, p. 170).

Nevertheless, despite the attempts to modify or revise the traditional categories, or the more radical approaches; to make new periods, or even to defy the act of periodization itself, the old, traditional tripartite division seems to survive. Hollister laments that the traditional scheme “remains to this day an indestructible fossil of self-congratulatory Renaissance humanism. It survives and flourishes despite the radically new approaches that have so enriched and transformed historical scholarship in recent decades” (Hollister 1992, p. 7). Why is that? It seems that heavy, slow-changing institutional structures within academia overrule well-founded scholarly objections and judgements. And Hollister admits that he himself is part of the problem. His own textbook on the Middle Ages, structured in a standard way, has just been printed in its sixth edition. Furthermore, he is also fully occupied in training PhD-students enrolled in the medieval history doctoral program (Hollister 1992, p. 21). Hollister is thus himself a victim of the “rigidifying powers” of periodization mentioned earlier (Green, 1992, p. 13). The traditional tripartite periodization made its headway during the nineteenth century, at the same time as the universities and the education system were growing. The history textbooks, the curriculums, and the course outlines had to be structured according to a certain timeframe. As Le Goff puts it: “Teachers needed dates, frameworks, points of reference” (Le Goff 2003, p. 30). The history departments were staffed accordingly, and academic conferences and journals organized along the same lines (Shaw 2010, p. 42; Green 1992, p. 13). It is, thus, a paradox that despite all the serious statements that declare periodization “one of the most fundamental issues that faces any historian” (Sullivan 1984, p. 79), it seems that institutional arrangement and such trivial factors as the structure and organization of conferences, history departments, and textbooks weigh more than scholarly arguments.

## Conclusion

As shown in this survey, every chronological limit set to frame the Middle Ages is up for discussion. The Late Antiquity can arguably be prolonged by 500 years. On the other end of the timeline, the crucial turning point marking the end of the Middle Ages is also contested, and can feasibly be moved several centuries back or forth. In his famous and entertaining essay, *The Phases of European History and the Nonexistence of the Middle Ages*, C. Warren Hollister, with reference to Le Goff's extended Middle Ages, suggests a diminished Middle Ages – “shrunken to the vanishing point” (Hollister 1992, p. 9). Postponing the end of Late Antiquity until the eleventh century in line with Duby's notion, and giving more emphasis to the Renaissance of the twelfth century, the medieval period suddenly disappears!

Periodization touches the question of historical significance and reveals that the evaluation of significance depends on the historian's values, geographical and theoretical orientation. These factors combined affect where the temporal boundaries are drawn. Green makes a strong case for both the importance of periodization and the need for a revision of the traditional tripartite framework.

“Because historical periods are intellectual abstractions, they are among the most important theoretical property of our discipline. Epochal divisions are too important to be accepted unthinkingly as an intellectual inheritance from earlier generations. Those who ordered our divisions of past time had different values, different priorities, and different methodologies from our own” (Green 1992, p. 53)

The most puzzling and baffling findings this survey provides, however, are that slow-changing institutional arrangements of academia seem to overrule scholarly arguments. Despite serious well-founded objections, and suggestions of alternative periodization systems, the traditional framework of the Middle Ages seems to survive after all. The organizational structure of departments, conferences and journals seems to be the deciding factor. This observation is in itself an argument to be aware of the slow-changing, deeper structures, and not only the spectacular events.

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# The Limits of Democracy: Between Realism and Idealism

*Harald Borgebund*

## Introduction<sup>1</sup>

This chapter aims to define some of the limits on democratic decision-making in a modern nation state. It distinguishes between two understandings of democratic theory: realistic and idealistic. Realism or realistic democratic theory means that democracy must take into account features of psychology, economics, and sociology (among others). The assumptions democratic theory is based on must be based on how human beings actually behave and how societies actually are functioning. This might sound commonsensical, nonetheless, a large part of democratic theory is idealistic in the sense that the underlying assumptions go beyond what is possible to realise in actual democratic societies. The underlying assumptions often found in much democratic theory rely on moral ideas that do not take into account what human nature is like. The moral ideas are too demanding and cannot work in actual democratic societies. Thus, ideal democratic theory loses some of its point, as it becomes an unrealisable ideal. It is not only unrealistic, but it might also do damage by promising too much from democracy.

The chapter starts with discussing ideal democratic theory and some of the problems associated with this approach. Then it continues with discussing realistic democratic theory and some of the recent research within various fields that support a different direction than ideal democratic theory. In the third and final section, some of the basic components of realistic democratic theory are outlined.

## Idealistic Democratic Theory

Liberal democracy is the dominant democratic model in the world today. Liberal democracy consists of two main parts: democracy and a set of basic liberal rights (freedom of speech, assembly, religion, rule of law, etc.). Liberal democracy is constrained by rights and there are limits on democratic decision-making. For example, laws and political decisions cannot violate individual rights or the rule of law. As democracy developed through the three waves of democratisation during the 19<sup>th</sup> and 20<sup>th</sup> century, the dominant understanding of democracy came to be some version of liberal democracy (Heidar, 2013). From the 1970s and onwards liberal democracy (or liberal constitutionalism as it is often called, and these terms will be used interchangeably in this chapter) has been under intense scrutiny and criticism. Fuelled by periods of economic stagnation and falling rates of political participation political theorists

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criticised the traditional liberal constitutionalist conception of democracy and emphasised the need for improving the quality of democracy (Dryzek, 1996).

Eagerness to reform liberal democracy can be said to have started with the most influential expression of liberal constitutionalism after WW2, namely John Rawls's *A Theory of Justice* published in 1971. Rawls presented a sophisticated social contract theory in the tradition of Locke, Rousseau and Kant (Rawls, 1999). The social contract's main element was a thought experiment where hypothetical persons were asked to choose the rules to govern a society behind a veil of ignorance where the persons did not have access to knowledge about their gender, social status and talents. In such a position the persons behind the veil of ignorance, according to Rawls, would choose a set of basic liberal rights protecting everyone in society and inequalities would only be permissible if they improved the situation of the least advantaged group in society.

Rawls's theory is not primarily a theory of democracy, but a theory of just principles for a modern society. A main reason for starting with Rawls's account is that his theory has been one of the most influential works in contemporary political theory since its publication. Furthermore, Rawls is writing within the context of liberal democracy and his ideals set the standards of what a liberal democracy ought to look like. Most importantly, some of Rawls's assumptions took democratic theory in an idealistic direction. This chapter will not give a comprehensive overview of Rawls's theory but will point out some of the contentious features of Rawls's theory that are relevant to a discussion of idealistic democratic theory.

Rawls's theory is a classical liberal constitutionalist theory because of his emphasis on basic rights compatible with a similar set of rights for everyone else. Where it departs from the classical understanding of liberal constitutionalism is when it comes to some of the underlying assumptions such as the understanding of a person and the level of institutional design required to ensure the least advantaged group in society will benefit the most from inequalities. By relying on an understanding of a person primarily based on generic features of a person Rawls is emphasising an ideal of the person as separate from what actual persons are. A second element is that Rawls argues in favour of a limited scope of inequalities and favours instead a strong notion of egalitarianism, which follows from the conditions in the hypothetical choice situation described above. Rawls did not aim to present ideals impossible to realise in actual democracies, but certainly opened up the opportunity for thinking about politics and democracies in more ideal ways than before.

Rawls's publication of *A Theory of Justice* coincided with a crisis in democracy in the 1970s. Stagnating economies and voter disillusionment gave rise to a discussion of the liberal democratic model prevalent in Western societies. From the criticism of liberal democracy an alternative model called deliberative democracy was developed. Deliberative democrats aimed to improve the quality of democracy by reforming the institutions and promoting citizen participation beyond just voting. By incorporating various grassroots movements, town hall meetings and aiming to reach a consensus on political issues, deliberative theorists aimed at renewing democracy (Dryzek, 2000, Cohen & Rogers, 1983, Gutmann & Thompson, 1996, Habermas, 1996). What these

attempts shared was an emphasis on increasing citizen participation and making politics less combative and conflict oriented and moving beyond the limited democracy offered by liberal constitutionalism.

Of this development towards a gentler and kinder democracy two points are important. First, it directed many theorists in an idealistic direction aiming to create institutions and democratic models qualitatively better than existing ones. Second, it raised the expectations to what citizens could expect from democracy. The ideals of democracy eventually crashed with the realities of democracy when democracy as a form of government was unable to deliver less conflict and increased citizen participation. Political conflicts are still dominating, and citizen participation has declined or plateaued at fairly low levels.

Creating better democracies requires a slightly different approach. Instead of trying to make democracy more ideal, we should try to make democracy based on what persons actually behave like and how political groups actually operate in politics. This chapter shares the aim of improving democracy with deliberative democrats but disagrees when it comes to which direction improvement should be sought. The next section will discuss how realistic democratic theory can add to our understanding of how democracy can be improved.

## **Realistic Democratic Theory**

Realistic democracy should consist of three elements: 1) democratic theory must be based on how actual individuals behave and make decisions, 2) how groups engage and approach politics and 3) how a society's social and historical contingencies influence politics. In this section I will analyse these three elements and discuss why democratic theory (and practice) must take these elements into account. This section will start with an account of human decision-making and processing of knowledge before analysing how groups engage and approach politics before ending the analysis with an assessment of how social and historical contingencies influence politics. This assessment is more an introduction than an extensive treatment of these elements, but it indicates what a realistic democratic theory might take into account.

To start with the first element, the economist Daniel Kahneman is well known for his experiments on how individuals make decisions. According to Kahneman the human brain makes decisions in two ways: one intuitive and fast and one reflective and slow (2011). Kahneman calls this thinking fast and slow. As human beings we make thousands of decisions every day and most decisions we make are almost automatic and without thinking. If we didn't have the ability to make decisions in this way, we would be too slow to respond to an environment constantly changing and to avoid approaching cars and encountering other people in our daily lives. The problem with fast and intuitive decision-making is that we find ourselves in highly complex and advanced societies where abstract thinking is important when making decisions. Unfortunately, the human brain is not always able to make the right decisions for us. One might say that our human brain has not yet adapted to living in a modern society.

Social transformation might have gone faster than the evolution of the human brain. As a result, human beings are quite poor at making financial, statistical and mathematical decisions according to Kahneman (2011).

Here Kahneman's relevance to politics becomes apparent. Many of our political decisions are related to financial, statistical and mathematical issues. The human brain faces difficulties in comprehending complex financial, statistical and mathematical information and will often make mistakes when making decisions. Examples of how human beings make mistakes is that when faced with immensely complex issues (Brexit, national elections, etc.) human beings often tend to simplify the question at hand to a simpler and easier question to answer. An example is the referendum on Brexit in 2016 in the UK. The electorate was asked to answer an extremely difficult and complicated question over the UK's relationship to the EU. However, as the referendum approached in June 2016 the debate turned to focus on immigration. Obviously, immigration is related to a continued EU membership, but the crucial point here is: the issue of immigration is not the same question as the electorate was asked in the referendum. The immigration issue is a way of trying to simplify and make the far more complex issue of the UK's relationship to the EU easier to comprehend. Kahneman calls this strategy 'answering a simpler question' (2011, 97).

Clever politicians know they must simplify their messaging to reach the electorate. During the campaign before the referendum on the future of the UK's EU membership, focusing on immigration was an effective strategy to simplify the original question and to make it easier to persuade the electorate to support their view. Proponents of Brexit argued that if the UK continued to belong to the EU it would involve a huge influx of immigrants to the UK. Furthermore, the immigrants already in the UK from Eastern Europe were blamed for rising house prices, taking jobs from the English and so on. For many voters such arguments can be persuasive because it is easy to relate these arguments to what they observe in their own communities although there might not be a causal link between for example rising house prices and increased immigration. Although these arguments are likely to be wrong, they do the job of simplifying the original question to a simpler one that relates to many voters' every day experiences.

Because of the danger of politicians exploiting such tactics it is necessary for democracies to find ways to counter them. Realistic and idealistic democratic theory part ways when it comes to how such tactics ought to be countered. Realistic democratic theorists would suggest institutional mechanisms such as requiring super majorities in referendums or other mechanisms that would delay or in other ways make it less likely that the propensity of voters swayed by such tactics would influence the outcome of democratic decision-making. Idealist democratic theorists by appealing to involved participation and involving voters will not have mechanisms built in to the democratic model that will counter the kind of tactics discussed here. Kahneman's empirical research on human decision-making shows clearly some of its limitations and means that such behaviour is deeply rooted in human nature. Because the behaviour is deeply rooted in human nature and our nervous system it means it must

be accounted for when designing democratic institutions. Ideal democratic theorists have not taken this knowledge seriously and have instead based their theories on a different understanding of human nature as we saw above in Rawls's understanding of human beings.

Kahneman and other researchers have identified a long list of fallacies in human decision-making. The presentation above and the Brexit example is just one example of how limited we are as decision-makers. For democratic theory it means that for any democratic theory to be relevant to the real world it must take into account the type of knowledge documented by Kahneman and numerous other researchers over the last decades. The available knowledge must be used to design democratic institutions and mechanisms that try to avoid the consequences of many of these fallacies.

The mechanisms guiding individuals are amplified when the analysis is expanded to the second element regarding how groups make decisions. An important part of democratic politics, perhaps the most important part, is that groups make decisions together. In general elections the entire electorate operates as one group electing the next government. When aggregating the decisions of millions of individuals in general elections the result that follows is an expression of the electorate's preferences, but a crucial question is exactly what are these preferences an expression of? New research suggests that voters 'typically make choices not on the basis of policy preferences or ideology, but on the basis of who they are/their social identities' (Achen and Bartels, 2016). Achen and Bartels call this view of democracy 'the group theory of democracy' and view 'citizens first and foremost as members of social groups, with (no doubt numerous and complex) social identities and group attachments figuring crucially in their political loyalties and behavior' (2016, p. 16, original emphasis). Their conclusion is that a theory of democracy 'must be built, not on the French Enlightenment, on British liberalism, or on American Progressivism, with their devotion to human rationality and monadic individualism, but instead on the insights of the critics of these traditions, who recognized that human life is group life' (Achen and Bartels 2016, p. 17).

The political identities run deep for many voters. Actually, so deep that the voters "use their partisanship to construct 'objective' facts" (Achen and Bartels 2016, p. 275). For example, when Republicans and Democrats were asked if the budget deficit increased, decreased or stayed about the same during Bill Clinton's tenure as president "better-informed Republicans and Democrats did diverge significantly" (Achen and Bartels 2016, p. 283) despite the fact that the budget deficit fell from \$255 billion in FY 1993 to \$107 billion in FY 1996. The conclusion Achen and Bartels draw from this finding "is not that voters are necessarily irrational, but that most voters have very little real information, even about crucially important aspects of national political life" (2016, p. 284). Furthermore, this account "implies that people's political views and factual judgments are likely to be significantly and pervasively influenced by their partisan predispositions" (Achen and Bartels 2016, p. 284). Voters according to this claim tweak the facts to fit their own partisan views.

If this is an accurate depiction (or more accurate than other models) of voters' behaviour it questions to what extent elections and democratic politics as it is practiced in most Western democracies express more than partisanship. One might argue that nonetheless the partisan views expressed in elections are a representation of individual voter's preferences and thus embody some legitimacy. That is a fair point, but far from democratic ideals of interested voters making decisions based on facts, reason and argument. Instead it suggests that elections are simple processes weighing up the number of various partisan groups. Furthermore, it raises questions whether the term 'democracy' is a meaningful term for the type of political system currently found in most Western countries. Can democracy be reformed to account for these features of the electorate? Despite the perhaps depressing view of democracy in this chapter, democracy both as a theory and practice is best served by acknowledging the limits of current democratic systems and trying to reform democracy by responding to these limits rather than devising theories not connected to the way individuals and groups actually behave.

When it comes to the third element about social and political contingencies introduced at the start of this section, I will discuss the role of political participation in democracy. The most common type of political participation for most voters is voting in general and local elections or as elected representatives at local and national levels. The long-term trend suggests reduced voter participation in most Western countries. In a study of participation in the US, and since applied to many other liberal democracies, it was found that the population could be divided into a small group of people of 'active gladiators' (5–7%), a large group of spectators who watch politics but only participate through voting (60%) and another large group of apathetic citizens who avoid politics altogether (35%) (Milbrath and Goel 1977, p. 11). Only a small part of the electorate is active outside of voting in elections and a large group is disinterested in politics altogether.

Voting in liberal democracies declined in most countries during the 1970s and 80s. In most liberal democracies voting in general elections increased and peaked during the first decades after WW2 and then declined to the current levels of about 50–70%. In some countries, such as the Scandinavian ones, participation is on a somewhat higher level at around 70–80%. A large part of the electorate is either disconnected from political participation or only participates as voters. Effectively a large part of the electorate either participates through passive forms (voting) or is largely excluded from politics either by not voting or they are excluded by being ignored by the politicians representing the dominant political groups in the constituency.

One might argue that the fact that a large part of the electorate is inactive is not necessarily a sign of crisis or rejection of democratic politics altogether but instead a sign of a society where people can go about living their lives without having to engage in politics to sustain their preferred lifestyle and activities. Liberal democracies have reached a consensus on basic rights of the individual and people know these rights are protected by the judicial system (Hardin, 1999). Therefore, participating beyond voting is left for those with a vocation for politics (Weber, 1994). If liberal democracies



have reached a consensus on some of the basic questions of how to organise society, it means that politics is about second-order issues and the electorate can take a back-seat position and be activated if there is a crisis situation threatening the rights of the citizens. This minimalist view of politics might be depressing for some, but at the same time it means, if correct, that liberal democracies have reached a plateau regarding political participation.

If one thinks that the lack of active participation is a democratic problem, one might interpret the falling rates of participation as a sign of a crisis for democracy. That only 5–7% of the population engage in politics beyond voting might be a sign that the vast majority of the electorate has no interest in politics or feels disenfranchised. Democratic reform and means to activate the electorate would be the remedies if one supports this perspective. What the correct interpretation of the current situation may be is open for debate, but what I want to draw attention to here is that participation beyond elections is rare and comprises just a small minority in contemporary democracies. Any realistic theory of democracy must take these facts into account for better or for worse. Activating a large proportion of the electorate may be challenging in modern large-scale societies and would for many citizens mean that they would have less time to spend on work, leisure, family and other meaningful activities. This point will receive more attention in the final section of this chapter.

This section started with a discussion of some of the limits on individuals to make decisions about statistical, financial and economic issues and the impact this may have on political decisions. In politics, individuals are part of groups and express partisanship on many issues. Finally, a large part of the electorate is inactive or at most only participates through voting in general and local elections. Now, an important point is that these limits question the possibility of realising the ideals often attributed to democracy. In fact, the people play a limited role in politics and mainly by expressing their partisanship in electing a government. These three issues point to challenges for the individual, political groups and for society at large. A lot of democratic theory has ignored these features or presented fanciful suggestions as to how the electorate can be activated and democracy can be revived. The next and final section will outline some proposals for how a realistic democratic theory can address these democratic limits.

## **The Content of Realistic Democratic Theory**

Arguing for limits on democracy has a long tradition going back to at least Machiavelli in a modern context. The classical political philosophers from the 16th century and onwards such as Machiavelli, Hobbes, Locke, Montesquieu and the writers of the Federalist Papers famously put clear restrictions on the scope of democracy or were explicitly critical of democracy as a viable type of government. The limits on democracy discussed by many of the early democratic theorists were separation of powers, the problem of factions and protecting individual rights. By implementing these strategies, the early theorists thought democracy would be protected against it-

self and the possibly destructive power of usurpers, factions (groups) and persecution of individuals. In this section these ideas are revisited.

The recent focus from the 1990s and onwards on deliberation and creating a more active electorate overlooks the immense problems such ideas must overcome. Recent studies of the limits on human decision-making abilities, the role of group identity and factions and the inactive electorate should lead to a re-examining of the old constraints on democracy rather than proposing measures that are not rooted in human nature and human societies as we experience them today. A reckoning with reality is needed and democratic theory should take into account the consequences of human nature. The earliest democratic theorists didn't have access to the studies contemporary theorists have, but nonetheless, reached conclusions applicable to understanding and enhancing current democracies.

In the following the discussion will focus on the three levels identified in the previous section: individuals, groups and society. Although these three categories are not exhaustive of what matters in politics, I believe these three levels contain some of the most important aspects of politics and will be a useful perspective on what a realistic democratic theory can look like. The limits on democracy discussed here can be elaborated and developed further, but this chapter is limited to mainly introducing these limits.

First the discussion starts with the level of the individual. Individuals struggle to make sense of many concepts and issues in contemporary society because of various constraints on how human beings process information. Recent studies in economics and psychology (among other disciplines) have shown that people often struggle with making coherent decisions in many contexts. Especially because the human brain according to Kahneman is set up with two modes for making decisions: one fast and one slow. The fast and intuitive way of thinking often fails us when making complex decisions because we are making heuristic short cuts or substituting one complex question for an easier one.

Furthermore, the consequence of human beings processing and interpreting information in different ways is that over time a wide range of different opinions develop, and people will disagree with one another about political, religious, and social issues (and others). As people come to their convictions over a long time of deliberation, people regard their convictions highly. People's convictions also represent guidelines for action and what is right and wrong. Individuals therefore have a strong interest in being able to have their basic interests protected. Awarding rights that protect individuals' basic interests is one way to ensure that individuals are able to act on their deepest and most important convictions. Such rights constitute limits on what people can do to each other.

A set with liberal fundamental rights has been a contested and much debated topic in political theory over the last few decades (Rawls, 1993, Barry, 1995, Waldron, 1999 among others). The critics tend to think of such constraints on democracy as illegitimate and giving privilege to a specific understanding of liberalism with its own thick morality. Proponents of liberal rights argue that such rights protect any person's basic interest. To this discussion it can be added that with the growing knowledge from neuroscience, psychology, economics and related disciplines about human beings'

reasoning and decision-making processes the insights from that growing body of research supports a set of fundamental rights because human reasoning will inevitably lead to diversity and reasonable pluralism (Rawls, 1993). And protecting people's ability to pursue their conception of the good is vital to finding life valuable and meaningful even when we disagree strongly about those values and beliefs. Thus, placing limits on democracy contributes to creating an open and free society enhancing individuals' chances to prosper and thrive.

When individuals join together and form groups of various kinds (political, religious, economical, etc.) these groups may become influential political and economic actors in society. The previous section discussed the extent to which modern politics is a representation of group identities and supported the view that group identity plays a significant role in forming political views and political allegiances. Because group-based identities are such an important part of many voters' political identity the role of groups in politics might require some form of regulation. An important aspect of making modern liberal democracies functional is that they often make the dominant political groups better and create mutual advantages (Hardin, 1999). For a democracy to be sustained over time supporting a mutually advantageous political system might be crucial. Groups ought therefore both to be encouraged – as they form an important part of voters' identities – but also regulated so democracy is not undermined. One of the greatest challenges with putting limits on democracy is how to regulate groups. For individuals, groups form an important part of their identity and who they are. Restricting individuals' abilities to form groups may threaten to undermine the crucial set of basic rights discussed above. Simultaneously, powerful groups may undermine other groups and infringe on the rights of individuals. So somehow, a balance has to be struck. Democracy must essentially protect the right to form groups and control groups at the same time.

Checks and balances to prevent certain groups from becoming too powerful is one important step in controlling the role of groups in liberal democracies. Political compromises are often held in contempt in politics and often a cause of disappointment with politicians and political systems. However, the virtue of compromises is that they show that no political group is strong enough to completely dominate the rest of the political groups and interests in society. The need to compromise thus works as a check on the dominant groups. The content of a political compromise between two groups might not be an ideal solution to solve the challenges confronting a society. Nonetheless, the virtue lies in sustaining equilibrium between various groups and keeping the political system itself relatively stable. A despised feature of modern politics can therefore serve an important role in maintaining a democratic political system.

Politicians who accept unpopular compromises have been used to explain the falling participation in general elections as voters are frustrated with the outcomes of painful compromises. As discussed in the previous section, many societies have witnessed lower participation rates in recent decades. On the one hand, participation is at the heart of democracy and unthinkable without. On the other hand, liberal democracies offer individuals great liberty to pursue their conception of the good and

to live their lives as they see best. A consequence of that is also the freedom to choose whether to engage or not in politics. The success of liberal democracy is the amount of liberty for the individual and making individuals free to pursue their conceptions of the good. The success is also threatening to undermine democracy if enough people become disinterested in politics and do not participate.

Solving this puzzle completely is to some extent impossible. For liberal democrats preserving individual liberty and letting people be free to pursue their conception of the good is non-negotiable. Liberal democracies should not be afraid of leaning more towards protecting these rights rather than reforming the political system in ways that might force voters against their preferences to participate in politics. What a liberal democratic system ought to promote might be the individuals' ability to pursue their concept of the good. Such abilities ensure that those interested in politics are free to do so and those who want to pursue other activities can dedicate themselves to whatever activities they find worthwhile. Individual rights might therefore be the most valuable part of democracy and the most important aspect to protect.

Against the position advanced so far one might argue that limiting democratic decision making is undemocratic and undermines democracy because the constraints put on democracy take some issues and procedures out of politics. I believe the choice here is between an unconstrained majoritarian democracy versus a constrained and more limited democracy. In the discussion above I have discussed various ways in which the democratic process can break down because of faulty decision-making, group identities and political apathy. These features are deeply rooted in human nature and social interactions. Hence these limitations must be taken into account when designing democratic procedures and institutions. These limits truly constrain the democratic process, but the alternative might end up less democratic by violating the rights of the minority or handing political power to influential and powerful groups in society. A somewhat limited democracy will therefore enhance democracy in the long run and become a lesser evil than unconstrained democracy.

This section sketched some ideas of how democracy may be limited in scope. The solutions proposed might not sound like novelties, but the insights from new research on how persons make decisions, and the importance of groups in politics lend some support to the ideals of liberal democracy. Limits on democracy ought to be based on realistic assumptions about individuals and society instead of ideals difficult to realise even under the most favourable conditions.

## Conclusion

This chapter started with contrasting what I labelled “ideal” and “realistic” democratic theory. It argued in favour of adopting realistic democratic theory to create democratic institutions suitable for a modern democracy. Essentially the argument is that realistic democratic theory lends some support to a classic liberal democratic model. Accepting the role of compromise and protecting individuals' ability to pursue their conception of the good are examples of what realistic democratic theory would look

like in practice. The analysis in this chapter is only the first step in developing what realistic democratic theory would entail. Future analyses would have to analyse the various parts discussed in this chapter in much more detail and the current analysis merely points in the direction realistic democratic theory may look to find tools and devices to develop better democratic institutions for the future.

Furthermore, the comparison between idealistic and realistic democratic theory shows why and how democracy ought to be limited to flourish. Democracy without limitations may undermine both the democratic process and individual rights. In that sense realistic democratic theory limits democracy to preserve democracy in the long run. Without such constraints democracy risks developing into the tyranny of the majority or handing political power to those groups with wealth and resources. Neither scenario is a good representation of democratic values. By putting limits on democratic decision-making democracy can be sustainable in the long run.

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# **The Limits of Truth – A Case Study of Faktisk and CrossCheck**

*Elin Strand Larsen*

## **Introduction**

In the aftermath of the 2016 US presidential election and Brexit, we have seen a rise in the number of fact-checking projects across the globe, devoted to checking the facts of public statements and revealing fake news circulating in social media. Today we can find as many as 100 different fact-checking projects spread across 40 countries (Graves, 2018; Mantzarlis, 07.06.2016).

In what has been characterized as a “post-truth” era (Ball, 2017), the fact-checkers argue there is a common reality and a shared set of facts “out there” that can be tested and verified. Their job is not to evaluate meanings or feelings, but to inform the public about what and whom to trust among their politicians, in their social media feeds and among their news sources.

In this chapter, I will do a comparative case study analysis of two fact-checking projects recently launched in connection with the parliamentary election in Norway 2017 and the presidential election in France 2017 – Faktisk and CrossCheck. My research questions are:

- How do Faktisk and CrossCheck fact-check political claims in the elections?
- What kind of stories do Faktisk and CrossCheck mark as true, false or uncertain?
- Who are the political parties/candidates involved in the fact-check?

I will start by giving a theoretical background for the analysis, with a focus on fake news, trust and fact-checking. Then I will move to describing the launch of the two fact-checking projects, as well as the fact-checking method. Finally, I will compare the stories fact-checked by Faktisk and CrossCheck during the elections, with a focus on how Faktisk and CrossCheck fact-check political claims in the election, the results of the fact-check and the political parties/candidates involved.

## **Fake news**

In 2017, Collins Dictionary and Macquarie Dictionary announced “fake news” to be the word of the year. According to Collins Dictionary, the word saw an increase of 365 percent since the 2016 US presidential election (CollinsDictionary, 2017). Fake news as a concept is used to describe quite different phenomena, like misleading and false information within social media, but also as a way for politicians to criticize news outlets they do not agree with. “You are fake news”, yelled the US president Donald



Trump to a CNN reporter and refused to allow him to ask questions during a press conference in 2017 (Allern, 2018; Jamieson, 11.01.2017).

However, fake news is not a new phenomenon. One historical example is the “Great Moon Hoax” from 1835 when the New York Sun published a series of stories about the discovery of life on the moon (Allcott & Gentzkow, 2017, p. 214). Neither is the spread of false information in social media new. In her book, *Mediated Authenticity*, Gunn Enli goes through and analyses three different blog hoaxes, the earliest from 1999, to see how fake personas and false stories were created and presented online to appear authentic (Enli, 2015). However, today’s fake news must be considered in a different context with a range of new characteristics like “the sophistication with which fake news is being produced; the scale on which it is being produced, and the speed and effectiveness with which it is being disseminated” (McGonagle, 2017, p. 206).

According to McGonagle a definition of fake news is “information that has been deliberately fabricated and disseminated with the intention of deceiving and misleading others into believing falsehoods or doubting verifiable facts; it is disinformation that is presented as, or is likely to be perceived as, news” (McGonagle, 2017, p. 203). Based on an examination of 34 academic articles that used the term “fake news” between 2003 and 2017, Tandoc, Lim and Ling have made a typology of types of fake news: news satire, news parody, fabrication, photo manipulation, advertising and propaganda (Tandoc, Lim, & Ling, 2018, pp. 141–147). The typology is based on two dimensions: levels of facticity and deception (Tandoc et al., 2018, pp. 147–148).

Tambini (2017) has identified six different types of fake news. First, we have the alleged foreign interference in domestic elections. It is claimed that Russian organisations have used fake news to support populists like Donald Trump in the US or Front National in France. Second, we have the ad-driven fake news. The new advertising models have created an opportunity for people to make click-generated money out of distributing fake news (Tambini, 2017, p. 3). The third type of fake news is parody and satire. According to Tambini (2017), this form of fake news is “a particularly important form of political speech, and it is important to note that regulatory solution should protect, and perhaps even encourage it” (Tambini, 2017, p. 4).

History also shows us a number of examples of what is considered bad journalism and news stories based on rumours. We find this fourth type of fake news usually within tabloid journalism that emphasizes sensational crime stories and gossip columns about celebrities. The fifth type of fake news is when political leaders use the phrase “fake news” as a form of insult to oppose the views in mainstream media, just as Donald Trump did in his first press conference. Last, we have the kind of news that challenges orthodox hegemony. Any attempts to present stories from a perspective not based on the shared values within hegemony, can be dismissed as fake news (Tambini, 2017).

The explosion of online disinformation can be viewed as a symptom of a more general crisis within journalism. The digitalization of the global media industry has forced newsrooms to both cut down on their staff and adapt to new advertising models (Smyrniaios, Chauvet, & Marty, 2017). The cheap and easy way to produce and publish

any kind of information, taken together with distribution platforms such as Google and Facebook favouring viral content, has accelerated the process. This is what Nikos Smyrnaiois calls the “algorithmic infomediation of news” (Smyrnaiois, 2015).

Some scholars argue that such technological changes increase exposure to diverse perspectives (Flaxman, Goel, & Rao, 2016). At the same time, it is also easier to find like-minded people online and build opinion communities insulated from contrary perspectives – what we would call “echo chambers” or “filter bubbles” (Allcott & Gentzkow, 2017, p. 211; Flaxman et al., 2016). Algorithms amplify this ideological segregation by recommending and feeding us information that we already agree with (Flaxman et al., 2016). This might lead to a more polarised political debate and less trust in political institutions like the police, the legal system, the parliament, the political parties and the politicians.

### **Trust in political institutions and the news media**

According to the European Social Survey (ESS), we find that trust in the Nordic countries is high compared with other European countries (European Social Survey, 2014; Listhaug & Ringdal, 2008, p. 140). From 2004 to 2014, we find high and increasing trust in the Norwegian police, legal system, parliament, political parties and politicians. Norway tops the list when it comes to trust in the country’s parliament, political parties and politicians (Kleven, 2016).

We do not see the same level of trust in political institutions in France, with decreasing trust in especially the political parties and politicians from 2004 to 2014 (European Social Survey, 2014; Kleven, 2016). The standard model to explain variations in political trust at the individual level includes two main categories of independent variables: political distance and performance evaluations. We can expect that an increasing distance between the government and the citizens will lead to a decline in trust. The level of trust is also based on how well the government is able to fulfil the goals that citizens agree on (Listhaug & Ringdal, 2008, p. 135).

Reuters Institute Digital News Report 2018 (Fletcher, Kalogeropoulos, Levy, & Nielsen, 2018) shows that trust has been declining in news media over many years. In Norway, the trust in news overall is relatively low (47 percent) despite little social and political polarisation in media use patterns. Research shows that the Norwegian trust is linked to politics, with far-right voters and those with strong views on immigration expressing most distrust (Fletcher, Kalogeropoulos, Levy, & Nielsen, 2018, p. 93). In France, trust in news is low (35 percent) compared to other European countries. The low overall trust in France is linked to the role of platforms, like Facebook, in disseminating fake news (Fletcher et al., 2018, p. 79).

The Digital News Report also finds a high public concern about fake and unreliable news, but there are significant country variations. We find France (62 percent) at the top end of the scale. By contrast, there is much less concern about fake news in Norway (41 percent) (Fletcher et al., 2018, pp. 18–20). Among the Norwegian respondents, the report also shows more concern about poor journalism, clickbait and biased

media coverage than fabricated news (Fletcher et al., 2018, p. 38). Although concern over completely made-up news is high, self-reported exposure across all markets is relatively low. In France and Norway only 16 and 14 percent of the respondents report to have personally come across stories completely made-up for political or commercial reasons in the last week (Fletcher et al., 2018, p. 39).

## Fact-checking

The fact-checking tradition, as we know it today, was launched in the US with Factcheck.org in 2003. In 2009 fact-checking was recognized as a valuable form of journalism, when PolitiFact received the Pulitzer prize (Graves, 2018; Mantzarlis, 07.06.2016). In 2014, the American Press Institute offered the following guiding definition of fact-checking:

Fact checkers and fact-checking organizations aim to increase knowledge by re-reporting and researching the purported facts in published/recorded statements made by politicians and anyone whose words impact others' lives and livelihoods. Fact checkers investigate verifiable facts, and their work is free of partisanship, advocacy and rhetoric (Elizabeth, 09.06.2014).

The first fact-checking projects were devoted to examining claims by politicians, political parties and political advocacy groups. In the 2012 presidential campaign, a study found that political fact-checking could increase the accuracy of voter's perceptions of both candidates' stands on issues and the background facts of the presidential race. They also found that those who went to a fact-checking site on average consumed a greater amount of news media, were more educated, younger and less conservative than those who did not visit a fact-checking site (Payne, Gottfried, Hardy, Winneg, & Jamieson, 2013).

Uscinski and Butler (2013) had a more critical view on political fact-checking, addressing the objectionable methodological practices, such as the random selection of claims to fact-check, treating a statement containing multiple facts as if it were a single factual claim, and fact-checking predictions of events yet to occur. Their alternative premise was that the subject matter of politics is often complex, ambiguous and open to many alternative interpretations, even in light of empirical claims: "Therefore, people may genuinely disagree about the truth. The fact that a politician disagrees with a fact checker about the facts does not make the politician a liar any more than it makes the fact checker a liar" (Uscinski & Butler, 2013, p. 163).

In revisiting the epistemology of fact-checking, Amazeen (2015) did not agree with the arguments of Uscinski and Butler since they based their research on only a few examples from fact-checking agencies that do not practice fact-checking on a regular basis and in a consistent manner. Amazeen argued that because facts are complex and often not self-evident we need *more* fact-checking, rather than less (Amazeen, 2015, p. 3).

With the rise of fact-checking services to counter fake news in social media, we have also seen more research devoted to the subject. According to an article by Jun,

Meng and Johar (2017), evaluating information in a social context affects fact-checking behaviour. We are less likely to fact-check ambiguous claims when we think that we are in the presence of others (as on social media platforms). Social contexts may reduce fact-checking by lowering people's guards to a message with a lot of "likes" and "shares". These findings help us understand how people (mis)interpret information in an increasingly connected world (Jun et al., 2017, p. 5981).

Brandtzaeg, Følstad and Chaparro Dominguez (2017) have found that young journalists judge the online fact-checking services to be potentially useful in investigative journalism. However, they are unwilling to rely on these tools exclusively for fact-checking and verification (Brandtzaeg et al., 2017). Social media users are similarly ambivalent when it comes to trusting online verification services. According to Brandtzaeg, Følstad and Chaparro Dominguez (2017), it might be useful for an online fact-checking service to join in the conversation across different media outlets and social media platforms. In this way users are given a sense of participation in the fact-checking process, potentially influencing the outcome (Brandtzaeg et al., 2017).

The universe of fact-checking services can be divided into three categories, based on their focus and area(s) of concern: Online rumours and hoaxes, political and public claims and specific topics/controversies (Brandtzaeg & Følstad, 2017). In my analysis – Faktisk belongs to category 2: Political and public claims, while CrossCheck is more concerned with the theme of category 1: Online rumours and hoaxes.

## Two fact-checking projects – Faktisk and CrossCheck

Launched before the 2017 parliamentary election, the Norwegian fact-checking project, Faktisk, aimed to be an important part of the election campaign, fact-checking both single claims and arguments, as well as live fact-checking during the main TV debates. According to editor Kristoffer Egeberg, Faktisk should also investigate and correct false information in social media (Faktisk.no, 2017b). The French fact-checking project, CrossCheck, was also launched in 2017, with a mission to correct false, misleading or manufactured news that circulated online in the ten weeks leading up to the French presidential election.

Both projects were based on a collaboration between several news outlets. The Norwegian fact-checking project – Faktisk – includes four of the biggest news outlets in Norway – VG, Dagbladet, NRK and TV 2. CrossCheck brought together 37 newsrooms, including Libération, Le Monde, Agence France-Presse and France Médias Monde (CrossCheck, 2017). In contrast to Faktisk, CrossCheck did not have their own office and editorial staff. The project was run by the Managing Director of First Draft News, Jenni Sargent, and came together during a three-day "boot camp" where all the collaborating newsrooms got to know each other and were trained in monitoring and verification techniques (FirstDraft, 2017b).

The goal of Faktisk was, in their opinion, to check the facts of public statements and reveal fake news within the Norwegian society (Faktisk.no, 2017b). The project received financial support, among others, from the Norwegian Free Speech Foundation.

The aim of CrossCheck was to provide the public with necessary information to form their own conclusions about the information they received online before the presidential election. By working together, the newsrooms hoped to be better at fact-checking online stories and claims, quickly ascertain what was not factual or reliable, and share this information with other newsrooms and the public. The project was funded by the Google News Lab and supported by Facebook through promotional advertising on the social media platform (FirstDraft, 2017a).

The initial response to Faktisk was positive. The International Fact-Checking Network, organized by Pointer Institute, focused on the historic cooperation between the three<sup>1</sup> most-read news outlets, who otherwise were rivals (Mantzaris, 22.03.2017). Journalist Sven Egil Omdal in Stavanger Aftenblad argued that Faktisk could serve the role as an extra home guard against fake news (Omdal, 25.03.2017). Critical voices, on the other hand, claimed the fact-checking project would lead to more distrust in the media. According to journalist Jon Hustad, the news outlets were outsourcing one of their main assets – their credibility (Brække, 23.03.2017).

In defence of Faktisk, chief-editor Egeberg argued that their job was not to evaluate meanings or feelings, but fact check statements that could be tested and verified. They had no agenda and strived to stay neutral, open and honest, both in the selection of arguments they fact-checked and how they fact-checked those claims (Brække, 25.03.2017; Faktisk.no, 2017a). They followed the International Fact-Checking Network fact-checkers' code of principles which included a commitment to non-partisanship and fairness, transparency of sources, transparency of funding and organization, transparency of methodology, as well as open and honest corrections (Poynter, 15.09.2016).

CrossCheck was a project made primarily for the presidential election in France. While Faktisk still runs fact-checks, CrossCheck ceased to exist after the presidential election, with their last published story on May 5. After the fact-checking project had ended, the responsible partners behind CrossCheck ordered a report to find the impact on journalists and the audience. The report concluded that the collaboration project had been a success. The partners in the project agreed that fact-checking should be a public service, they reported learning new fact-checking skills, the transparent fact-checking process resulted in quality journalism and the collaboration allowed competitive newsrooms to make joint decisions about what to publish (Smyrnaio, Chauvet, & Marty, 2017, p. 8).

CrossCheck also found the public's contributions to be very fruitful. When it came to the impact on the audience, the report found that the collaboration project resulted in more trust in the reporting, the explanation of how a story or claim was fact-checked was helpful and they learned critical reading skills. The respondents explained how they shared CrossCheck stories with their friends and family. The fact that the project also included local partners, might be one of the reasons why CrossCheck reached so many people across the political spectrum (Smyrnaio et al., 2017, p. 9).

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1 TV 2 joined Dagbladet, VG and NRK as partners in Faktisk on 20<sup>th</sup> of April, 2017

## The fact-checking method

I will answer my first research question – How do Faktisk and CrossCheck fact-check political claims in the elections? – based on their own description on their webpages. My focus will be on the selection criteria, the fact-checking process and finally the evaluation. Faktisk and CrossCheck are quite different when it comes to areas of concern (Brandtzaeg & Følstad, 2017) – while Faktisk, at least during the parliamentary election, focused on fact-checking political and public claims, CrossCheck spent more time debunking social media rumours.

Faktisk selects the claims to fact-check based on a number of news criteria, like meaningfulness, familiarity, actuality and sensationalism. The statement must be verifiable, not normative or a prediction of the future. The claim should be public, controversial and interesting to fact-check – meaning it must make a difference if the claim is true or not. However, if the fact-check in itself is entertaining, Faktisk can choose to fact-check less relevant political statements (Faktisk.no, 2017a).

The participants of CrossCheck have to follow a selection policy when deciding what stories to fact-check. First, the journalists should prioritize stories especially about the presidential campaign. Second, the content should not have been previously investigated, and third, the journalists also have to evaluate the popularity of a rumour in order to avoid providing oxygen to fake news that has not reached too many people. The public also had the opportunity to tip CrossCheck about online stories to fact-check (Smyrnaiois et al., 2017).

When Faktisk has picked a statement to fact-check, they start by contacting the person behind the statement to verify the claim, the context of the claim, and ask for documentation that forms the basis for the claim. When it comes to the fact-checking process, Faktisk uses open journalistic methods to investigate the factual basis of the claim. They present not only the result of the fact-check, but also a detailed description of how they have reached their conclusion, so the readers can follow the fact-checking process. The review process is based on facts available at the time of the fact-check. If mistakes are made, Faktisk will publish and clarify the corrections openly (Faktisk.no, 2017a).

A second step of the workflow is initiated at CrossCheck when an online rumour is deemed worthy of a fact-check. Through online tools the journalists from different news rooms can work together on fact-checking a story, by asking questions like: “Is this the original form of the content?”, “Who created the content?” and “When was the content created?” (Smyrnaiois et al., 2017, p. 24). CrossCheck also contacts those concerned with the story directly. Once the verification process has been launched, journalists can discuss and determine who is best suited to contribute to a fact-check. When the verification process is concluded, journalists can review the verification process and add their media’s logo if they wish to endorse a fact-check.

Finally, Faktisk makes an assessment if the political statement is “Actually true”, “Actually partly true”, “Actually not sure”, “Actually partly wrong” or “Actually completely wrong”. The graded scale, similar to the Truth-O-Meter used by PolitiFact and



the number of Pinocchios handed out by Washington Post's Fact Checker, underlines the difficulties of labelling a statement to be either "Actually true" or "Actually completely wrong". Not all claims allow unambiguous conclusions. In a closer account, Faktisk describes the assessment "Actually not sure" to be used when they are "unable to verify the claim in lack of open and credible sources, or because the documentation cannot provide a clear conclusion" (Faktisk.no, 2017a). Faktisk also uses an article format that differs from the traditional fact-check. During the parliamentary election, they used this format when following and fact-checking the live TV debates (Faktisk.no, 2017a).

If a fact-check receives at least two endorsements from participants within Cross-Check, the project editor will publish a summary of the steps in the verification process, the sources of the rumour and figures from the impact the story had on the public (Smyrnaio et al., 2017, p. 26). Each fact-check is published with one of the following labels: "True", "False", "Caution", "Insufficient evidence" and "Attention". CrossCheck grades the stories differently than Faktisk. Where Faktisk has labels like "Actually partly true", "Actually not sure" and "Actually partly wrong", CrossCheck use categories like "Caution" and "Insufficient evidence".

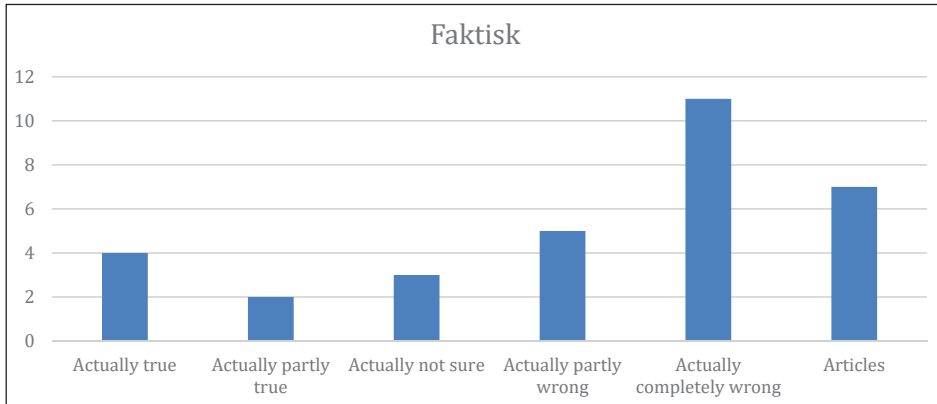
If the story is false, CrossCheck further clarifies how the story is false by adding one of the following labels – "Manipulated", "Manufactured", "Misattributed", "Misleading", "Misreported" and "Satire". According to CrossCheck, this is to help the readers get a more nuanced understanding of what is considered fake news. The different labels used by CrossCheck partly resemble the six different types of fake news identified by Tambini (2017). Next to the result of the fact-check, there are logos from each newsroom that has participated in and confirmed the fact-check (FirstDraft, 2017b).

Faktisk publishes completed fact-checks independently of assessment. Claims considered "Actually true" are also published. In all the fact-checks that are not considered "Actually true," the person behind the statement is given the opportunity to comment on Faktisk's review. In contrast to Faktisk, CrossCheck does not give the person behind the story or the source of the statement the opportunity to comment on CrossCheck's review.

### **Fact-checking political claims in the elections**

My answer to the second research question – What kind of stories do Faktisk and CrossCheck mark as true, false or uncertain? – is based on a small quantitative study of the fact-checks related to the elections posted on either Faktisk or CrossCheck, as well as examples of stories marked as true, false and uncertain. Faktisk and CrossCheck are quite different when it comes to presenting their assessments and grading the stories. Faktisk places the fact-checks along a continuum ranging from "Actually completely wrong" to "Actually true", while CrossCheck uses a true-false dichotomy with an additional label describing the stories marked as false.



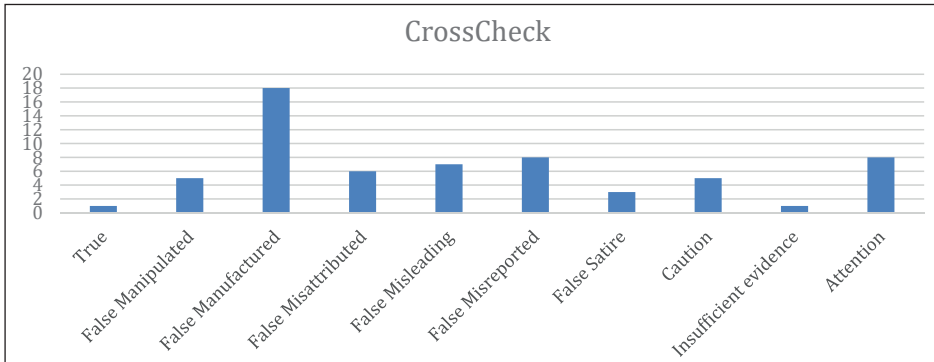


Faktisk has 32 stories marked as related to the parliamentary election. Seven of the 32 stories are labelled articles. Four of the seven articles are live fact-checks of TV debates. The stories fact-checked by Faktisk are primarily claims or statements made by politicians or political parties. When it comes to the graded scale of assessments, I find more claims labelled “Actually partly wrong” (5) and “Actually completely wrong” (11), than “Actually partly true” (2) and “Actually true” (4). That might have something to do with the strategic selection by Faktisk of stories to investigate.

Stories labelled “Actually completely wrong” include a statement by the leader of The Labour Party, Jonas Gahr Støre, when he claims that the number of Norwegians with a job keeps declining (Faktisk, 04.09.2017), and the leader of The Progress Party, Siv Jensen, who argues that her party is the only party that has taken a clear stance against people who acknowledge stoning (Faktisk, 10.08.2017). Still Faktisk makes a point of publishing also fact-checks assessed as “Actually true”. Among the stories labelled “Actually true”, I find a claim from a Christian Democrat politician about how gay couples are more likely to get a divorce (Faktisk, 05.07.2017b), and an argument from The Green Party – “More and broader roads lead to more traffic jams” (Faktisk, 05.07.2017a).

When it comes to the three stories labelled “Actually not sure”, it is because Faktisk cannot find any research or statistics to verify or reject the statement. These are stories concerning the number of jobs lost in the region of Moss, when Rygge airport had to shut down (Faktisk, 08.09.2017), and the positive results of medical castration of child molesters (Faktisk, 01.09.2017).

According to the CrossCheck report, CrossCheck published 67 stories in total on their French website (Smyrnaio et al., 2017, p. 29). I will base my analysis on the 62 stories published on the English website. CrossCheck is primarily concerned with on-line rumours and hoaxes. Eight of the 62 stories are labelled “Attention”, which range from an old picture of a man carrying the ISIS flag in Paris (CrossCheck, 28.04.2017a) to a satirical article about Jean-Luc Mélenchon’s luxury modes of jet travel (CrossCheck, 21.04.2017).



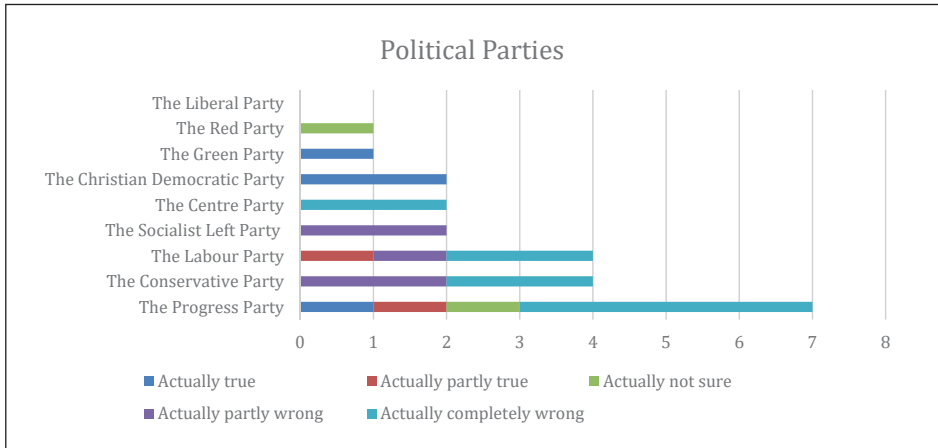
Only one article, about how a French TV station – LCI – mistakenly showed 36 percent voter support for Emmanuel Macron, is labelled true. When contacted by Faktisk, LCI stressed, “there was no intended manipulation” nor “subliminal message” in favour of Macron. The error was corrected a few moments later (CrossCheck, 15.03.17). Compared to the one story labelled “True”, 47 claims are labelled as “False” by CrossCheck. Of the “False” stories, most of them are considered to be “Manufactured” (18), like the Twitter survey supposedly published by Emmanuel Macron’s wife which came out in favour of Marine Le Pen (CrossCheck, 03.05.2017) or a fabricated Twitter message from Marine Le Pen criticizing the Masha and the Bear cartoon (CrossCheck, 02.03.2017).

Five stories have been assigned the “Caution” label, including a video shared on Facebook portraying Emmanuel Macron as a candidate from the establishment (CrossCheck, 01.03.2017) and the French Minister of Education signing an agreement allowing Arabic to be taught in primary schools (CrossCheck, 06.04.2017). The only fact-check by CrossCheck marked as “Insufficient evidence” is a story of anonymous threats received by National Front supporters in the south of France. CrossCheck found no evidence of threats, the Twitter message was deleted 48 hours after it was published and the person behind the tweet did not respond when contacted by CrossCheck (CrossCheck, 06.03.2017).

### The politicians and political parties

The third and last research question – Who are the political parties/candidates involved in the fact-check? – is answered by going through and categorizing all the fact-checks of Faktisk and CrossCheck based on the main political candidate or political party mentioned in the text. Here again, Faktisk and CrossCheck differ in the way they select the stories and present the fact-checking results. While Faktisk checks the claims and statements *made by politicians*, most of the stories fact-checked by CrossCheck are online stories and rumours *about the political candidates*.

Within Faktisk, I find 23 fact-checks concerning statements or claims from single politicians or political parties in Norway. The Progress Party was fact-checked the

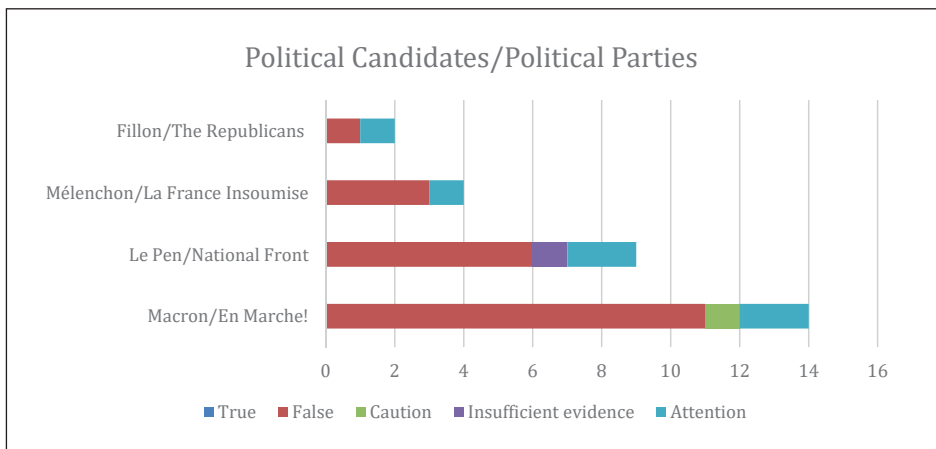


most before the election (7) and they have the most claims labelled “Actually completely wrong” (4). The stories about The Progress Party include a claim made by the leader of The Progress Party, Siv Jensen; “We [the government] have not received [criticism by commentators and economists of spending too much oil money], that’s wrong” (Faktisk, 02.08.2017), which is labelled “Actually completely wrong”, and the following statement from the Minister of Fisheries, Per Sandberg; “We have transported almost 30 000 illegal immigrants out of Norway” (Faktisk, 31.08.2017), which is labelled “True”.

Both The Conservative Party and The Labour Party were fact-checked four times before the election and they both have two claims labelled “Actually completely wrong”. Prime Minister and leader of The Conservative Party, Erna Solberg, falsely argued that the number of public health nurses declined while Jonas Gahr Støre was Minister of Health (Faktisk, 21.08.2017), while the deputy head of The Labour Party, Hadia Tajik, wrongly claimed that the cabinet of Solberg had created no new jobs during their four year term (Faktisk, 25.08.2017). It is also interesting to see how there are no fact-checks of The Liberal Party related to the parliamentary election; both of the claims by The Center Party are judged as “Actually completely wrong” and both of the statements by The Christian Democratic Party are labelled “True”.

CrossCheck has altogether 29 stories mentioning a political candidate or a political party. Even though there were eleven candidates<sup>2</sup> running to become the next French president, only four political candidates/political parties are mentioned in the stories fact-checked by CrossCheck – François Fillon (The Republicans), Jean-Luc Mélenchon (La France Insoumise), Marine Le Pen (National Front) and Emmanuel Macron (En Marche!).

2 Nicolas Dupont-Aignan (DLF), Marine Le Pen (FN), Emmanuel Macron (EM), Benoît Hamon (PS), Nathalie Arthaud (LO), Philippe Poutou (NPA), Jacques Cheminade (S&P), Jean Lassalle (Résistons!), Jean-Luc Mélenchon (FI), François Asselineau (UPR), François Fillon (LR).



In contrast to Faktisk, most of the stories fact-checked by CrossCheck are claims *about* the political candidates, not statements made by the candidates themselves. A high proportion of stories marked as false for one politician do not mean that they are telling lies or trying to deceive us, but rather that there are many misleading stories circulating about them online. In this model, I have merged the “Manipulated”, “Manufactured”, “Misattributed”, “Misleading”, “Misreported” and “Satire” stories in one category – “False”.

Unsurprisingly, the two candidates/political parties mentioned in most of the stories are Emmanuel Macron from En Marche! (14) and Marine Le Pen from National Front (9) – the two runners-up in the presidential election. Eleven of the stories about Macron are labelled “False”, like a picture of Macron wearing what looks like a small earpiece in a TV debate with Le Pen (CrossCheck, 05.05.2017b), fabricated proof of an offshore account opened by Macron (CrossCheck, 05.05.2017a) and a rumour about how Macron always washes his hands after shaking hands with workers (CrossCheck, 28.04.2017b).

Among the six stories about Le Pen and National Front marked as “False”, we find a claim about how the French government prevented overseas polling stations from displaying Marine Le Pen’s posters (CrossCheck, 25.04.2017) and a Kremlin tweet that “Moscow will help Le Pen to win the elections” (CrossCheck, 28.03.2017). It is a party’s own responsibility to provide posters to overseas polling stations. National Front did not provide them by the deadline. The Kremlin tweet led to rumours about Russia supporting Front National’s presidential candidate, but the tweet came from a site called “LifeNews” which is independent of the Russian government.

Three of the four stories about Mélenchon from La France Insoumise are also labelled “False”, including a satirical story about the French public intellectual Bernard-Henri Lévy who threatens to leave France if Mélenchon becomes president (CrossCheck, 14.04.2017), and a Twitter message claiming that Mélenchon wears a 17,750 € Rolex watch (CrossCheck, 21.03.2017). In fact, Mélenchon wears a model from the Seiko 5 line, which costs between 70€ and 200€ depending on the model.

Two stories about the Republican candidate, François Fillon, are also included in the fact-check before the election – an outdated article about how Fillon had been cleared of all charges against him in the Penelope case<sup>3</sup> (CrossCheck, 18.04.2017), and a revelation by the newspaper Valeurs Actuelles that the man who flower-bombed Fillon was on France’s watch list for extremists (CrossCheck, 07.04.2017). This is a story marked with “Attention”, since the flower-bomber is no longer on the watch list.

## Comparing Faktisk and CrossCheck

In 2017, two fact-checking projects were launched in connection with the parliamentary election in Norway and the presidential election in France – Faktisk and CrossCheck. Both projects were based on a collaboration between several news outlets. The Norwegian fact-checking service – Faktisk – included four of the biggest news outlets in Norway – VG, Dagbladet, NRK and TV 2. The French fact-checking project – CrossCheck – brought together 37 newsrooms, including Libération, Le Monde, Agence France-Presse and France Médias Monde. They both had a mission to check the facts of public statements and reveal fake news circulating in social media in the weeks leading up to the elections. However, Faktisk and CrossCheck differ in how they fact-check the elections, what kind of stories they mark as true, false and uncertain, as well as the political parties/candidates involved in the fact-check.

When it comes to how they fact-check the elections, Faktisk uses news criteria to guide the selection of stories to fact-check, while CrossCheck prioritizes stories about the presidential election which are popular in social media and have not been fact-checked before. The process of fact-checking a story also works differently within Faktisk with its own office and editorial staff. The reporters of CrossCheck only came together for a three-day “boot camp” before the presidential election, and then they were left to collaborate online. Finally, after evaluating the stories, Faktisk places their assessments along a continuum from “Actually completely wrong” to “Actually true”, while CrossCheck uses a true-false dichotomy, with an additional description of stories marked as “False” to help the readers get a more nuanced understanding of what is considered fake news. While Faktisk still runs fact-checks, the online collaboration project of CrossCheck ceased to exist after the presidential election.

CrossCheck published almost twice as many fact-checks during the presidential election (62) as the stories labelled by Faktisk as related to the parliamentary election (32). When it comes to the stories marked as true, false and uncertain, both Faktisk and CrossCheck have a majority of fact-checks marked as “Actually completely false/ Actually partly false” or “False” – “Manipulated”, “Manufactured”, “Misattributed”,

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3 The Penelope case was a political-financial scandal involving allegations of François Fillon paying his wife – Penelope Fillon – to be his assistant, but she never carried out any assistance job. The salary came out of the parliamentary funds over eight years. Before the scandal, Fillon had portrayed himself to be a sleaze-free, honorable country gentleman (Chrisafis, 27.01.2017).

“Misleading”, “Misreported” and “Satire”. When it comes to the uncertain category, Faktisk uses the label “Actually not sure” on three claims, while CrossCheck has five stories labelled as “Caution” and one as “Insufficient evidence”. It is interesting to note that Faktisk and CrossCheck use very different classifications to highlight the stories of which they are uncertain.

Finally, the politicians/political parties fact-checked the most, are also the candidates most likely to win the election.<sup>4</sup> However, it means something completely different for a politician to be fact-checked by Faktisk, than being involved as a political candidate in a story evaluated by CrossCheck, since the stories fact-checked by CrossCheck are *claims about the politicians*, not *statements made by the candidates themselves*. A high proportion of stories marked as false for Emmanuel Macron do not mean that he is telling lies or trying to deceive us, but rather that he has many “fake news” stories circulating about him online. After the election, the French president Macron announced a new law to combat fake news and protect democracy (Nugent, 07.06.2018).

## Conclusion

In this chapter, I have done a comparative case study analysis of two fact-checking projects related to the parliamentary election in Norway 2017 and the presidential election in France 2017 – Faktisk and CrossCheck. Regardless of the two projects being collaborative, launched in connection with the elections and based on the same mission of fact-checking and revealing fake news circulating in social media, I still find them to be very different in the way they function and operate.

The Norwegian fact-checking project – Faktisk – followed the traditional American model of fact-checking political claims and statements in the parliamentary election in 2017. Faktisk also used a continuum to rate the accuracy of political claims, just like PolitiFact’s Truth-O-Meter or the Pinocchios handed out by Washington Post’s Fact Checker. The French fact-checking project – CrossCheck – on the other hand, belonged to a newer tradition of debunking online hoaxes and rumours. According to a report published by CrossCheck (Smyrnaios et al., 2017), the evaluation system served a pedagogical purpose by helping the readers get a more nuanced understanding of fake news.

We can relate these differences to the level of trust in political institutions and the news media, as well as the concern about fake news in Norway and France. In France, the overall trust in political institutions like the police, the legal system, the parliament, the political parties and the politicians is low compared to Norway (European Social Survey, 2014). The overall trust in news media is also low compared to other

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4 Erna Solberg’s cabinet consisting of The Conservative Party and The Progress Party received the majority of the votes in the 2017 Norwegian parliamentary election. Emmanuel Macron became president after beating Marine Le Pen in the second round of the 2017 French presidential election.

European countries, and a high proportion say they are concerned about fake news (Fletcher et al., 2018).

In Norway, we do not see the same lack of trust in political institutions and the news media. There is also much less concern about fake news in Norway. We need to be aware of these country differences in the way news stories and public statements are fact-checked. The fact-checking projects are always bound to the political and journalistic context of the countries in which they operate.

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# European Populism and the Blurring Frontier between Left and Right

Marine Le Pen and Jean-Luc Mélenchon at the 2017' French Presidential Elections

*Franck Orban*

*“We feel that we are in a drag race with the far right. The people who reject the system will choose between their answer and ours.”*

Jean-Luc Mélenchon, “L’ extrême droite ou nous.” Sud Ouest, 23th March 2013.

## Introduction<sup>1</sup>

Populism has experienced a revival since the beginning of the new millennium. Populist parties in Western and Eastern Europe have enforced their position in national and subnational elections to become critical players in European politics. In some key countries, they have reached a position where they can compete with traditional parties, sometimes defeating them. By doing so, they win the “battle of hearts,” reshaping traditional conflict lines between opposite political sides. One the most striking features of their achievement is the ongoing blurring of the frontier between left-wing and right-wing politics in their rhetoric and its replacement by an axis opposing supporters and opponents of the EU, liberal globalization and multiculturalism. This dynamic was present in the referendum process in Britain leaving the European Union in June 2016, the general elections in the Netherlands in March 2017, the presidential elections in France in April-May 2017 and the Italian general election in March 2018.

This chapter takes a closer look at how populism intends to concretize a shift away from traditional politics over to political borders reflecting a so-called “new reality.” The first part examines the present debate on populism by stressing how the high degree of politicizing, the absence of academic consensus and the myriad definitions and approaches to populism complicate a clear understanding of this phenomenon. The second part of this chapter deals with similarities and differences between right-wing populism and left-wing populism. Using background analyses and speeches given by Marine Le Pen, leader of National Front (now renamed “National Rally”) and Jean-Luc Mélenchon, leader of the grass-roots movement “Unsubmissive France (FI),” we show how Le Pen and Mélenchon intend to transform traditional political dividing lines between the left and the right into a new globalist/anti-globalist axis. Their convergences on certain topics leads to a paradox: even if they share a common goal of wiping out political benchmarks, their radicalism indicates that the frontier between left and right has not vanished yet.

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Key words: Populism, populist parties, National Rally/Front, Unsubmissive France, presidential elections, France

### **Defining populism: a challenging process**

Since populism is on the political agenda both within and outside Europe, how should we define it? Political science gives no quick answer. The word “populism” was labelled for the first time by Ionescu and Gellner in “Populism: its meaning and national characteristics” at the London School of Economics in 1967. They already pointed out the lack of clarity surrounding this topic and did not settle on a definition (Taggart 2000, p. 18; Deiwiiks 2009, p. 1). Through the 1970s and the 1980s, two approaches dominated research on populism. The first linked it to modernization theory, while the second linked it to structural Marxism (Pappas 2014). Neither of them provided a sufficient definition. Laclau (1977, p. 18) stressed that populism is as elusive as it is recurrent in global politics. Canovan (1981) came up with one of the first typologies of populism with two main categories divided into seven subcategories, but the readers had unfortunately to sort out all these types by themselves without further explanations from the author.

Skepticism towards populism prevails forty years later after Laclau’s quote despite the fact that the world has gone through a paradigmatic change with the end of the Cold War and globalization, and that research on populism has become more trans-disciplinary and multidirectional. Two reasons can explain that. Firstly, populism as a notion remains controversial because it can be used by actors in power to delegitimize alternative political discourses that challenge mainstream thinking and political establishment. In this sense, populism is reminiscent of the way labels like radical, extremist or terrorist can be used to incriminate opponents. More generally, populism is rarely used with a positive connotation and is regularly criticized for being irresponsible, irrational or worse, for being a threat to democratic ideals. Scholars and journalists also tend to use the populist label to depict fuzzy charismatic leaders in Europe who build their political success on their unmediated and passionate relationship with their electorate. Inversely, populist leaders – much like terrorists who portray themselves as “freedom fighters” - refuse to be labelled as such by opponents. Instead, they use words like “patriots” or “nationals” to escape the demonization trap set by opponents and to positively frame their movement or party (Moffitt & Tormey 2014, p. 382).

The second reason that can explain why the notion of “populism” remains suspicious is the number of theoretical approaches that jeopardize the possibility of reaching a common definition. This situation subsequently generates a multiplication of case-study analyses that prove more than ever how multifaceted populism is. Dorna (2003) recognized the paradox caused by failed attempts to define populism, but he also stressed that the importance of this phenomenon was undeniable. Krastev (2007) regretted too that scientists used such an imprecise notion to define the complexity of a worldwide transformation of modern politics. Confusion has lasted despite numer-



ous attempts to bridge the definition gap (Mudde and Rovira Kaltwasser 2012; Taggart 2000). Recently, Pappas (2016, p. 2) warned against the temptation of simplification when using “catch-all” definitions to describe populist trends from different places and different times. Populism as a concept runs in other words the risk of becoming increasingly meaningless (Moffitt & Tormey 2014, p. 382).

### **Populism as a discursive style, a strategy or an ideology**

Does this mean that populism is indefinable? Several attempts are laudable. Among them, Gidron and Bonikowski (2013, p. 7) propose three conceptual approaches, which define populism as a discursive style, a form of political mobilization or an ideology. Populism as a discursive style deals with the process of making claims about politics and the characteristics of a political discourse. This discourse builds on the dichotomy between “us = the people”, and “them = the corrupt elite” and on a criticism of the political establishment always based on the fact that the people tell the truth, while the elite tell lies. Populism is therefore considered as a mean of communication and expression that is used selectively and strategically by political players without regard to any particular ideology (Brubaker 2017, p. 360). This approach provides a weak link between populist practice and political identity, as anyone can be a populist or behave in a populist way, depending on situations. An unexpected example of that was given by Emmanuel Macron during the last presidential campaign in France when he was criticized by his populist rivals for practicing a form of “high tech-populism” when emphasizing the difference between supporters and opponents of France’s modernization.

This approach also contributes to normalizing populism since it is disconnected from any particular radical label. Anyone uses it whenever necessary. Moffitt and Tormey (2014, p. 389) have a similar approach with their “political style.” Populism is here understood as the result of ongoing dynamics between performing politicians and their supporters in a situation in which the style of the performance adapts to the subjectivity of the audience, which in turn can affect or change the narratives used by leaders to convince them.

Populism seen as a tool for political mobilization and political organization has been influential in political and social theory during the last decades and has primarily been developed by Laclau and Mouffe (Gidron & Bonikowski 2013, p. 10). This approach presupposes that populism is not an end in itself, nor an ideology, but rather a strategy (Dinc 2016, p. 7). It functions as a tool for policy making by rulers who want to remain in power and reduce opponents to silence or in contrast by leaders in the opposition who want to take up the fight against political or economic ruling elites on behalf of what they identify as the “real people.” By doing that, they intend to reverse existing power relationships in their favor in order to obtain a redistribution of power. They intend to increase their influence by using individuals or groups who they mean have been unheard or excluded from the public debate and promise empowerment through democratic processes (Rovira Kaltwasser 2012, p. 193). To achieve that, pop-

ulist parties aim to secure political support through a top-down mobilization process of mass constituencies. A common feature of populist parties is the existence of a charismatic leader who represents the “Have-Nots” and speaks for them.

Still, it is important to bear in mind that not all leaders of populist parties are charismatic and that some populist parties have no charismatic leader at all. What is meant by strategy here is the fact that populist parties and leaders relate the content of their message to supporters in a pragmatic way. They will reformulate and put on the political agenda voters’ concerns in order to gain influence. One should therefore not overestimate their ideological content, but rather emphasize their opportunistic character. After pitiful electoral results in presidential and parliamentary elections in 2017, Marine Le Pen and Jean-Luc Mélenchon quickly moved away from fierce opposition to the European Union and the Euro, something that was at the core of their electoral campaign, to a more pragmatic approach taking into account their voters’ fear of endangered savings and pensions. Such examples strengthen the idea that populism has more in common with political style or electoral strategy than ideology.

During the Cold war, left-wing radicals and right-wing radicals were generally portrayed as equally threatening liberal democracy. This debate still splits scholars today when considering the rise of populism, as it usually presupposes the pre-eminence of liberal values, however defined, over any other forms of perception of democracy. This kind of “liberal strabismus” causes problems when researchers try to understand the underlying reasons why Hungarian voters to a large extent still support Viktor Orbán’s project of illiberal democracy or why competing populist parties on the left and right sides of the Italian political landscape could agree to form a government. Still, there is a growing consensus on the fact that today’s populism is not yesterday’s fascism and that its form in post-WWII democracies distinguishes itself from pre-democratic or non-democratic political settings. Modern populism can rather be understood as an expression of democracy and a degraded form of it (Canovan 2002, p. 27), but also as a process that redefines boundaries that came to limit democracy’s efficiency (Pappas 2016, p. 16). That is why shortcomings of existing definitions demand new interpretations of populism that are compatible with a democratic framework in motion. Populists cannot just be labeled as undemocratic or illegitimate when they advocate a form of more direct democracy which is able to detect, affirm, and manage voters who feel left behind (Urbinati 2014, p. 128).

In France, both the growth of the National Rally and Unsubmissive France during the last years has largely been due to support from voters who felt ignored by established parties. In that sense, Mudde is right in emphasizing the fact that European countries would be wrong to reduce populism to pathology or extremism, or to accept it as a fatality that cannot be stemmed.<sup>2</sup> Acknowledging that populism can ask the

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2 Talking about the populist radical right (PRR), Mudde makes an interesting distinction between “normal pathology” and pathological normalcy,” in which PRR is considered as pathological normalcy because “(..) it is connected to mainstream ideas and much in tune with broadly shared mass attitudes and policy positions” (Mudde 2010, p. 1178).

right questions without being able to provide the right answers – mainly because it does not address the entire society but only factions of it, democracies have to engage in a dialogue with populist forces and take into account voters’ claims channeled by populist actors without compromising on core principles of pluralistic democracy and slipping into an authoritarian drift.<sup>3</sup> By supplying adequate answers to the voters’ anxiety, they will eventually manage to weaken populist demands and strengthen liberal democracy (Mudde 2017, p. 118).

Populism can also be considered as an ideology. This approach has become mainstream in European comparative politics during the last decade (Moffitt and Tormey 384). An ideology is usually defined as a system of ideas that aspires both to explain the world and to change it. Mudde achieved a certain degree of consensus by giving a minimalistic definition of populism that connects populism to ideology. He defined populism as a thin-centered ideology that separates society into two homogeneous and antagonistic groups, the “pure people” and the “corrupt elite,” and argues that politics should be an expression of the general will (*volonté générale*) of the people (Mudde 2017, p. 23). He also made an important distinction between what he called thin-centered and thick-centered ideologies. The former can mobilize masses for a short period of time, but it cannot provide a holistic view of human activity, while the latter gives a more complete framework to understanding human society. According to that principle, thin-centered ideologies have limited morphology and functionality. They have no sustainability and must act like parasites that “hack into” thick-centered ideologies to flourish (Mudde and Rovira Kaltwasser 2012, p. 5).

Populism is for this reason supposed to be unable to replace thick-centered ideologies like nationalism, liberalism or socialism. But it can feed on them using them as a host. Abts and Rummens (2007), Stanley (2008) and Rovira Kaltwasser (2012) developed similar approaches. Jean-Luc Mélenchon’s Unsubmissive France could, for that reason, be labelled as a monomorphic populism, as it combines populism with elements of socialism. By contrast, Marine Le Pen’s National Rally would provide a better example of polymorphic populism by borrowing elements of both traditional French right-wing nationalism (on identity) and left-wing rhetoric (on economy) to catch voters on both sides of the political landscape. New research has also drawn attention to the exclusive or inclusive nature of populism and to differences in degrees of populism, dividing different types of populism into “soft” and “hard” forms (Aalberg et al. 2016).

Mudde’s perspective is of particular interest. However, at least two questions can be raised regarding the notion of populism as a “thin-centered” ideology. Firstly, Mudde argues that populism gathers support from angry voters with various backgrounds who have in common their mistrust towards mainstream politics (Mudde 2017, p. 101). But the concern for the “people’s good” is not unique to populism. It has

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3 Core principles of liberal democracy defined as popular sovereignty, majority rule, independence of institutions, protections of fundamental rights, freedom of expression and protection of minorities.

been crucial to liberalism, socialism and nationalism. Populism just defines “people” differently by excluding the others. Is then Mudde’s distinction between the “pure people” and the “corrupt elite” sufficient to separate wheat from chaff? Socialism and nationalism as earlier mentioned also called for the people’s struggle against domestic immoral elites and external intruders. How stripped of ideological tags does populism need to be before losing all its relevance? (Stanley 2008, p. 107) Mudde’s model is indeed applied so extensively that it makes it challenging to distinguish who is a populist and who is not, and what really makes the difference between them. Instead of talking about separate thin and thick ideologies, one might therefore prefer to stick to existing ideologies and rather look at the ways in which populist parties and leaders borrow ideological components from them, depending on circumstances.

Secondly, populists are not all identical in regard to moderation or extremism. Right-wing populists can be protectionist or liberal in economic terms. But they can also be culturally conservative or reactionary while being economically liberal at the same. What about those advocating strong anti-Semitism and those supporting Israel? The same level of plurality characterizes left-wing populism (Østerud 2017, p. 248). The Hungarian party Jobbik is an interesting example of a party that has been labelled radical or extreme-right for decades. Upon losing voters to its major opponent on the right side Fidesz during the last campaign for parliamentary elections in April 2018, Jobbik did not hesitate to alter its profile in order to appear more moderate against a radicalized Fidesz who would copy Jobbik’s program to attract voters it had lost earlier.

### **Riding waves of discontent**

Populist parties throughout Europe are on the rise. They come from different political horizons (radical right, market liberalism and left-wing or socialist ideologies) and develop into different versions, from populist radical right and populist liberal on the right side to anti-neoliberalist and anti-globalist on the left side (Wolinetz & Zaslove 2018, p. 8–9). Some of them have existed for decades, such as the National Rally in France and the Austrian Freedom Party, while others have emerged more recently in the era of globalization, like Unsubmissive France. Up to the end of the 1980s, most of these parties remained marginal. This position did not allow them to play any significant role in national or European politics. With the winding down of the Cold War, they were however given a second chance. From being insignificant, they slowly gained support in local and national elections.

During the same period, new protest parties emerged with looser or no previous ties to post-fascist and post-Nazi parties. Previous Anti-Communism and Anti-Parliamentarianism parties were progressively dropped in favor of opposition to globalization, European integration and immigration, emphasizing the importance of national identity and the sustainability of the welfare state. Whilst remaining in opposition, they were increasingly able to exert efficient pressure on mainstream parties which struggled to redefine their ideological platforms after the end of the Cold War.

In doing so, they disrupted the political stability in several countries and succeeded in influencing mainstream parties' discourse and policy agenda toward a more "rightist way" (Inglehart and Norris 2016, p. 1).

By the end of the 1990s and the beginning of the 2000s, the *LePenization of minds* already referred to French Conservatives' attempt to take on some of National Front's ideas about immigration policies or the struggle against crime to defeat the left side and remain in power. As the voters usually preferred the original version to a pale imitation, populists increased their weight in elections and weakened center-right parties' electoral results or ruling performance. During the first decade of the 2000s, populist parties defeated center-right parties by taking an opposition stance in elections where alliances were not possible or by joining in governing coalitions, as earlier anti-Semitic attitudes were replaced by growing hostility to immigrants and Muslims after 9/11.

In addition to that, the financial crisis of 2008 that hit Southern Europe produced a form of left-wing populism that emerged as a reaction to inequalities created by globalization and austerity policies. New radical actors like Unsubmissive France in France or Podemos in Spain profited from the rapid erosion of traditional social-democrat votes. What seemed to be impossible ten years earlier – ruling coalitions between center-right parties and radical right-wing populists – became commonly accepted. During that period, populist parties participated in seven European majority governments and in three minority governments, in contrast to none in the 1980s and one in the 1990s (Italy). This number has increased again in recent years.

As a result of that, the average share of the vote going to populist right parties in national and European parliamentary elections rose from 6.7% in the 1960s to 13.4% in the 2010s, while their average share of seats rose from 5.9% to 13.7%. The average share of the vote for populist left parties rose parallelly from 2.4% in the 1960s to 12.7% in 2010s, while their share of seats increased from 0.12 to 11.5% on average. Populists have in that sense become the most successful political family in Western Europe after World War II. Electoral results between 2014 and 2018 showed that they no longer only disturb the political arena or must compromise with established parties. They can come into position to seize power. At the general election in 2018 in Italy, populist forces "captured" for the first time a founding member of the EU and its third largest economy with an alliance between two theoretically antagonistic camps.

The previous year, Marine Le Pen managed to reach the second round of the presidential election beating both the Conservatives and the Socialists. She registered the best result ever for the Front in a presidential election with 33.9 percent and 10.6 million votes in the second round. Three years earlier, she already had won the election to the EU-parliament with 25% of the votes to beat both the Socialist Party and the Conservatives from The Republicans. This was the first time ever that the National Front won a national election in France. Unsubmissive France has never been in position to seize power. But following the presidential election in 2017, it took the leadership of the left wing of French politics, relegating the Socialist party to a secondary role.

Inglehart and Norris (2016) proposed two interesting approaches that give some explanations about the rise of mass support for populists. The *economic inequality approach* emphasizes profound changes in the workforce of postindustrial economies and in their societies at large. According to this perspective, the globalization process successfully reduced economic inequalities on a global scale, but it created structural instability locally in European economies that already struggled with competing with low cost countries. Globalization made the existing gap between “Anywheres” and “Somewheres” within European countries worse than before (Goodhart 2018, p. 1–2). Parallely, the fast transition towards knowledge economies and technological automatization combined with increasing flows of labor, goods, individuals and capital, sped up the breakdown of national manufacturing industries and led to a downward spiral. Rising economic insecurity and social deprivation among those left behind in this process fueled popular resentment of the ruling political classes among the most vulnerable strata of society and made them easy targets for a populist rhetoric (Inglehart and Norris 2016, p. 2).

A socioeconomic environment that was ridden with strong inequality should inevitably have profited left-wing populism. Against all odds, it did not. Left-wing populist parties achieved electoral results only in Greece with *Syriza*, in Spain with *Podemos*, and to a lesser extent in France with *Unsubmissive France*. *Syriza* was actually the only left-wing populist party that made it into government in 2015. The reason for left-wing populism’s stalemate lay within particular experience and challenges that these parties failed to overcome. In Greece’s case, it proved to be difficult to fulfill promises on an economic shift while facing dramatic economic challenges. Moreover, left-wing populism didn’t succeed in providing voters with programs that could efficiently address socioeconomic and democratic demands against neoliberal elites. But the reason for their failure may also lie in the second approach advanced by Inglehart and Norris.

The *cultural backlash approach* suggests that support for populist parties is motivated by economics, but also by a reaction against post-materialist and progressive values, such as cosmopolitanism and multiculturalism. This reaction has existed in Western countries since the 1970s, but it blossomed with globalization and was transformed into a counter-revolutionary backlash amongst the older generation, white men, the less educated and the religious and ethnic majorities who felt deprived of a former society in which these groups felt empowered and where traditional norms and values were essential and provided them with stability and social status (Inglehart and Norris 2016, p. 3).

To what extent the rise of populism is due to economic inequality or cultural backlash is difficult to assess with full certainty. It is probably a combination of both factors, as Reynié (2011, p. 16) points out with the notion of “patrimonial populism.”<sup>4</sup> Inglehart and Norris (2016, p. 3) suggest however that cultural backlash became more important

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4 Patrimonial populism is based on the virulent and conservative defence of a material heritage, which can be identified with a standard of living, and an immaterial heritage, which can be identified with lifestyle.



than economy to explain today's mass support of populism, because the traditional economic left-right division in party competition gradually became overlaid by a clearer cultural frontier dividing populists from cosmopolitan liberalism.<sup>5</sup> But to what extent can they be compared to each other? The economic insecurity generated by the negative impact of structural changes in globalized economies and by austerity measures creates a whole set of preconditions for resentment directed at national or international institutions or at internal or external actors who are scapegoated for worsened living conditions. Social dissatisfaction, if it is properly manipulated, can stimulate a backlash toward cultural shifts. Voters can be manipulated to believe that economic challenges in reality are cultural.

This might indeed be the reason for the success of right-wing populists. What former far-right parties could not achieve during the post-war period is now more feasible. Right-wing populists push through a nativist and authoritarian agenda influenced by the ideas of the New Right under the pretext of protecting "native" Europeans from losing their culture and identity. When necessary, populist actors like the National Front didn't hesitate to shift their economic focus to borrow and integrate values from the opposite side to capture traditional leftist voters. They simply became polymorphic, while left-wing populist parties remained monolithic. Furthermore, not everything can be blamed on globalization. The combination of globalization, European integration, new technologies and social media generate a blurring of physical and mental borders, as well as a fear of the unknown among voters, which is rooted in profound and fast societal transformations that alter key social institutions and personal practices. Ulrich Beck's use of the term "risk society" can then be turned into "world risk society" when describing such a fear (Beasley 2016, p. 772). The voters' rejection of mass immigration, cultural liberalization, and the surrender of national sovereignty through voting for populist parties expresses what psychologists call a "cognitive dissonance." Voters direct their resentment at what they might perceive as unresponsive national authorities and distant international institutions that cannot provide foreseeability and safety, but also at groups or individuals that they hold responsible for their misery.

In this sense, the financial crisis that crushed parts of Southern and Eastern Europe between 2008 and 2012, the refugee crisis that peaked in 2015, as well as repeated terror attacks on European soil, gave ammunition to populist actors who wanted voters to believe that national and international bodies were unable to provide European citizens with wealth and safety. They drew their strength from such a "cognitive dissonance" to exploit short-term and long-term insecurity to their own profit. Riding the new wave of discontent, they were successful in nursing anger. To do that, they borrowed one or several ideologies (nativism/populism or socialism/populism), po-

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5 To be precise, Inglehart and Norris (2016, p. 4) conclude that "(...) cultural values, combined with several social and demographic factors, provide the most consistent and parsimonious explanation for voting support for populist parties."



liticized issues that were ignored or improperly addressed by leaders in power and adapted their rhetoric to match voters' immediate concerns (Mudde 2017, p. 104).

In doing so – and that would be the supply side of populism –, they attract support by offering short-term solutions to complicated problems and by temporarily eradicating uncertainty. From one election to another, they managed to eat into support for traditional center-right parties while dealing a knock-out blow to the center-left (Galston 2013; Wolinetz & Zaslove 2018, p. 6–7). Between 2014 and 2018, populists blurred the traditional frontier between center-left and center-right that had dominated European politics since 1945, trying to replace it with a new cosmopolitan/populist axis that aimed to destabilize further traditional parties and to maximize their own position.

### **Left-wing populism and right-wing populism**

Does this mean that populism is politically neutral and moreover only opportunist? This chapter deals with the National Rally and Unsubmissive France as examples of right-wing populism and left-wing populism. This editorial choice presupposes therefore the idea that a difference between both types exists. Some would argue that such a difference is just rhetorical. According to Mudde's definition, both left-wing and right-wing populism are thin-centered ideologies and are unable to provide a *Weltanschauung*. They have to combine with a host ideology to develop and last (Stanley 2008, p. 95–96). The only difference is that the former leans toward socialism, while the latter leans toward nationalism. Moreover, both types often require the presence of a charismatic leader who incarnates the party and the “real people”, exercises an uncontested leadership and mobilizes the masses toward electoral victory (Mudde 2017, p. 63–64). Populism could therefore be envisaged as being a Unitarian phenomenon. But a more mixed approach highlighting common features and differences is preferable and can be achieved by focusing on strategy and style or on ideology.

The “Populism trumps ideology“-principle puts emphasis on populism as a global phenomenon and tries to identify the lowest common denominator between them, looking at discursive style and the use of populism as a tool of mass-mobilization. Both left-wing populism and right-wing populism have “the people” at the core of their discourse and stand up against the elites (Judis 2016, p. 82–83). They have a similar rhetoric in their accusation of the elites neglecting common interests or using corruption at the expense of ordinary people or the “Have-Nots.” (Rooduijn and Akkerman 2015, p. 196). Protectionist right-wing and left-wing populists can at the same time converge on the criticism of the economic impacts of globalization. Interestingly, and perhaps more importantly, is the idea that left-wing and right-wing populists show similarities regarding the opposition to the European Union. Both share elements of protectionist or nationalist ideology leading to a common Eurosceptic stance, as the process of liberal European integration is seen as a major threat to the autonomy, the unity and the identity of the nation (Halikiopoulou, Nanou and Vasilopoulou 2012, p. 506).

On the supply side, both left-wing populism and right-wing populism propose short-term protection to the people by vigorously dismantling national or international institutional constraints, by concealing or minimalizing longer-term consequences of their program and by accusing critics who raise the question of future costs of siding with the ruling elite that created the current crisis (Guiso, Herrera, Morelli and Sonno 2017, p. 11). Such similarities can create the conditions for a convergence of interests beyond ideological frontiers, as recently seen in Italy after the general elections. They can also explain why 7% of Mélenchon's voters supported Marine Le Pen in the second round of the presidential election.

The "Ideology trumps populism"-principle presupposes in contrast differences between both groups that support the idea that deep-rooted ideology still matters more than strategy or discursive style. Left-wing populism and right-wing populism in France do not speak the same language when they put "the people" on a pedestal. The former associates "the people" with the social-revolutionary tradition of the French revolution and to some extent with Marxism. "The people" expresses an ongoing conflict between "rulers" and "oppressed" in which the people are the victims. Even if the traditional leftist notion of "class" no longer appears, its meaning is still an underlying factor, as "the people" are identified as one class.

Opponents are moreover not identified by ethnicity, culture or individuals, but by socioeconomic structures or institutions that prevent, or limit people's will and wealth. One must bear in mind the difference between radical right populism and liberal populism on one side and authoritarian and non-authoritarian left populism on the other. The latter associates "the people" more with nativism and the idea of a homogenous nation struggling against internal or external opponents or threats that jeopardize national unity. Opponents are therefore defined in biological, ethnical, racial, cultural or personalized terms. Their anti-elitism also has different targets, as left-wing populism only attacks the elites, while right-wing populism attacks both the elites and what they define as "out-groups" (March 2017, p. 284).

Left-wing populism and right-wing populism also perceive insecurity and anxiety differently. For the former, the ideal egalitarian-based society is threatened or lost due to uncontrolled liberalization, the dismantling of welfare states and precarity among "the oppressed." Insecurity and anxiety trace back to interest groups or institutions that create more social and economic disparities. For the latter, the ideal value-based society is threatened by or lost due to modernization, liberalism, immigration and societal changes and must be reestablished in order to prevent a tragic future. Insecurity and anxiety transform into animosity directed at individuals, groups or institutions who threaten national cohesion. They will also differ on the supply side. Left-wing populism focuses primarily on the inequality cleavage, addressing voters who largely depend on public governmental support and advocates transformative and egalitarian solutions to reduce inequalities and to reverse power relations between the "Haves" and the "Have Nots" (Mudde and Rovira Kaltwasser 2013, 168). Right-wing populism capitalizes in contrast on the national identity cleavage and advocates coercive and non-egalitarian responses to ensure the return to former greatness and homogeneity

of the nation. As a result, eventual domestic income redistribution will favor the identified “real” people at the expense of out-groups (Guiso, Herrera, Morelli and Sonno 2017, p. 11). Recent experiences in Central and Eastern Europe, but also in Greece, indicate however that left-wing populism also can become authoritarian and/or xenophobic.

Finally, one could say that left-wing populism and right-wing populism might converge in their opposition to the European Union, but their “angles of attack” are different. The former’s viewpoint is based on civil premises and worries above all about the sustainability of radical left values and the impact of the EU’s neoliberalism on underprivileged people, while the latter is based on ethnic premises and on the assumption that the EU wants to open national borders, favors legal and illegal immigration and threatens national community and culture (Halikiopoulou, Nanou and Vasilopoulou 2012, p. 506). Such differences still represent as we speak an impassable barrier to strategic and opportunistic alliances against a commonly identified rival. But for how long?

### **National Rally and Unsubmissive France: blurring political borders**

The National Rally and Unsubmissive France are labelled “populist parties” because they fit several features presented in the previous part of this chapter. Marine Le Pen took over the leadership of the National Front in 2011. She is the daughter and the worthy successor of Jean-Marie Le Pen, cofounder and president of the Front between 1972 and 2011. Jean-Luc Mélenchon founded the grass-roots movement Unsubmissive France in 2016 and turned it into a political party to compete in the presidential election in 2017. Both Le Pen and Mélenchon behave like leaders who incarnate their party and who claim to represent the “true people” against the elite. They are both charismatic and eloquent and enjoy a close relationship with their supporters. Moreover, the National Front and Unsubmissive France ride on discontent in the public opinion and on current crises to focus on the criticism of a national and European political establishment acting against the people’s will and unable to provide wealth and security. They have developed a strategy aiming to reverse existing power relationships in their favor by overtaking the role as the leading party in their respective camps.

They have both succeeded to a large extent. Despite losing both the presidential and parliamentary elections in 2017, the National Rally became the main opposition party to President Macron on the right side, surpassing the Conservative party. Unsubmissive France achieved a similar result with regard to the Socialist party to become the main opposition to Macron on the left side. They consider such a leading position as a prerequisite to conquer presidential power. Concerning ideology, both the National Rally and Unsubmissive France originate from what Mudde would call thick-ideologies. The National Front has its roots in Nationalism and the Far-right, while Unsubmissive France is rooted in Socialism and the far-left. Without burning all bridges, they distanced themselves from these ideologies to adopt a clearer populist

profile during the last years. This mutation was particularly obvious during the presidential election in 2017.

### **From “The National Front” to “The National Rally”**

The National Rally – The National Front changed names on 2nd June 2018 – was founded in October 1972 as “The National Front for French Unity” as an umbrella organization for members of the French far-right who did not want to stay confined on the fringes of political life after the loss of Algeria and a failed attempt to overthrow the Fifth Republic by terror (Orban 2016, p. 66). The FN found a convenient showcase and a true populist in Jean-Marie Le Pen, who had been elected to the French Assembly in 1956 and had close ties to Pierre Poujade, a French politician associated with the creation of the first post WW2 populist movement in France. From the start, the National Front put forward traditional issues for the French far-right such as nationalism, anti-communism and fierce opposition to immigration. This section of the party’s political platform remained unchanged for decades.

Yet, the FN reached a drastic turning point in terms of economic policies. From its creation until the middle of the 1980s, Le Pen was a dedicated liberal who supported tax reductions, believed in a small business sector and attacked French Statism. At that time, his liberal stance owed a great deal to the influence of the French New Right (Davies 1997, p. 32). Le Pen was among the first French politicians to introduce Reagan’s ultraliberalism in France and hoped that a liberal stance would facilitate alliances with the mainstream right-wing. Such alliances occurred on several occasions at local levels, but they never materialized into alliances at the national level.

During the 1990s, the National Front renounced the goal of becoming an integral part of the right-wing and positioned itself to a larger extent as an opposition party to both left and right, while trying to adapt to the Post-Cold War era. Anti-communism and pro-liberalism were discarded. The National Front became the most vocal Euro-sceptic and anti-globalization party within the far-right in Europe (Mudde & Rovira Kaltwasser 2012, 16). This strategic shift aimed at winning voters who felt worried about being the losers of global competition. Globalization was increasingly accused of facilitating company relocations and unemployment, while the European Union was accused of being a “Trojan horse” for the US-dominated globalization process.

In economic terms, the shift away from liberal stance to protectionism made it possible for the National Front to broaden its electoral base to conquer left-wing voters who traditionally voted for the Communist and the Socialist parties and who felt betrayed by Communists and Socialists participating in left-wing governments or in left-right cohabitations that endorsed liberal policies in the name of European integration and global competition. In response to this the National Front developed its own version of welfare chauvinism and established a strong link between state involvement in economy on the one hand, and exclusive nativism on the other, by limiting access to welfare to French citizens, purely based on the idea of “national preference.”

Throughout the 1990s and 2000s, a large part of the National Front's ideological platform – beside the opposition to immigration and to Islam – was anchored in the opposition to globalization and to European integration. Both produced semantics like “Antimondialism” and “Anti-Europeanism”, which were used by the National Front politicians to mobilize voters. With Marine Le Pen and Florian Philippot in power from 2011, the National Front parallelly sped up the de-demonizing-process of the party to gain more voters from both right and left.<sup>6</sup> The strategic goal was not only to reverse existing power relations on the right side as previously, but to install the National Front as the only alternative to the left and the right side that endorsed globalization, immigration and European integration. To achieve that, Marine Le Pen took four initiatives. First, she got rid of extreme militants who could damage her leadership in the party and who anchored the National Front too far on the right side (Albertini and Doucet 2013, p. 317). This internal cleansing generated internal tension in the party and led to the exclusion of her own father from the party in August 2015 to distance the National Front more clearly from Anti-Semitism. The latter was officially banned from the party's vocabulary and was replaced by mainstream and up-to-date widespread skepticism towards Islam and Muslims after 9/11 (Igounet 2014, p. 448; Wieviorka 2013, p. 51). As a result of terrorist attacks in France in January and November 2015 and the refugee crisis that culminated the same year, the National Front could moreover capitalize on anti-Islamic and anti-immigration sentiment in large parts of the French population.

Second, Marine Le Pen and Philippot polished the rhetoric used by NF-militants and leaders to normalize the discourse of the party further and to make it more tempting for mainstream voters, still without giving up core values. In the 1990s, former vice-president of the National Front Bruno Mégret had launched a first round of semantic rephrasing in which elements of the left-wing vocabulary were picked up and incorporated into the National Front's rhetoric. “Masses” was replaced by “people”, “classes” by “socioprofessional categories” or “active French citizens who work” and “struggle” was replaced by “battle” (Plenel). This process continued after 2009 under the scrutiny of Philippot. “Race” was replaced by “civilization”, “national preference” by “national priority” or “social patriotism”, “immigrants” by “foreigners” and “nation” by “people” or by “fatherland.” (Alduy & Wahnich 2015, p. 90–118).

The analysis of the National Front's discursive style, political strategy and ideology suggests that the National Front underwent a “populist moult” from the mid-2000s, with a clear acceleration after Marine Le Pen became leader. This repositioning was obvious as she launched the campaign slogan for the presidential elections in January 2017, entitled “In the name of the people.”<sup>7</sup> In doing this, she created a well-orchestrated

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6 Florian Philippot was vice president of the National Front from 2012 to 2017 before quitting the party to create The Patriots in September 2017.

7 Rephrasing included the use of neologisms, something which also were Jean-Marie Le Pen's trademark. In the 2017' campaign, words like “mondialisme”, “immigrationnisme” or “marchandisme.”

ed confusion between the notion of “the people” as *demos* and source of general democratic sovereignty, a more restricted sociological definition of “the people”, which referred to the working class and the Have-Nots, and the notion of “the people” as *ethnos*, only including French-rooted citizens (Alduy 2017, p. 348). To prevent any confusion, Le Pen merged “France” with “people” in the expression “people’s France.”<sup>8</sup> In other cases, she referred to France as a mono-cultural nation (nation uni-culturelle).<sup>9</sup> In a purely nativist stance, she described France as a biological and metaphysical entity, as this quote illustrates: “To me, France is a living reality of people and places, lands and seas, trees and birds, rivers and forests, flavors and words (...) France is a living breath; the Nation is a physical and carnal reality. You have to feel it, to see it and to live there in order to really love it. You have to love it before understanding it. You have to desire it before talking about it.”<sup>10</sup>

The populist paradigm based on crossing barriers was also hidden in symbols. In November 2016, Le Pen launched the campaign poster for the presidential elections in 2017. It included the words “Marine Présidente”, accompanied by a blue, thorn-free rose. Blue has traditionally been the color of French conservatives, while the rose has been the symbol of French Socialists since the creation of the modern Socialist Party by Mitterrand in 1971. The intention was clear. The new National Front was transpartisan as it included both symbols from the right and the left side. There was moreover no direct mention of the National Front, nor any sign of the Le Pen name or the FN’s traditional red-white-and-blue flame logo on the poster. The campaign poster was therefore a deliberate attempt to blur the traditional boundaries between left and right.

Le Pen also intended to broaden the scope of the National Front’s traditional ideological platform by picking up issues that previously did not belong to National Front such as gay and women’s rights, secularism, Gaullism or economic patriotism (Orban 2016, p. 78–79). In search for more respectability and normalization, she pictured herself as the candidate for “Serene France” (Une France apaisée) in meetings. This phrasing was inspired by President Mitterrand’s slogan in the 1981’ presidential election “The quiet strength” (La force tranquille).<sup>11</sup> In-depth analyses between the discourses of Jean-Marie Le Pen and Marine Le Pen showed earlier that changes were more in form than in substance (Alduy and Wahnich 2015, p. 248–250).

The 2017’ presidential campaign confirmed these findings. Marine Le Pen shifted back and forth from cautious phrasings which would emphasize her normality as a political leader and woman, to a more traditional far right rhetoric, depending on the audience she communicated with. She was more cautious in public media than in

8 “Je suis la candidate de la France du peuple.” Marine Le Pen, 5<sup>th</sup> February 2017.

9 Marine le Pen, 23<sup>th</sup> February 2017.

10 Marine Le Pen, 26<sup>th</sup> January 2017

11 Marine le Pen, 15<sup>th</sup> November 2016. It is worth to note that Mitterrand used the slogan “The quiet France” in 1981 to appear less radical and reassure moderate voters from the Left and the Center.



internal party meetings. On the one hand, she referred to French citizens as patriots who wanted change or as victims who were dispossessed, exploited or forgotten by the political system (*La France des oubliés*).<sup>12</sup> On the other hand, she drew a list of France's so called "enemies" (politicians/scavengers, technocrats/visionless, European commissioners/corruptible, EU/Trojan horse, capitalist forces/insidious, media/hysterical, candidates/surrender) and condemned individualism, merchandization and fundamentalism.<sup>13</sup>

In a situation in which politicians from traditional parties abandoned the idea of a French nation and in which France at the same time faced terrorism, communitarianism, religious radicalization and mass unemployment, Le Pen constructed a disruptive perception of "us" against "the others" and presented herself as the only incarnation of the real people and the last resort against the spread of chaos.<sup>14</sup> On 5<sup>th</sup> February 2017, she used conspiracy analogies to connect the main issues for the National Front, i.e. to say immigration and anti-globalization, to internal and external threats. Globalization as an ideology (mondialism) was accused of endangering France. It was pictured as a two-headed hydra. Actors behind financial globalization were the European Union, the global financial system and most of French politicians at its service. Jihadi globalization threatened on its side French interests abroad and spread like a disease in weak minds and in French suburbs with large Muslim and immigrant populations.

"Marinism" built furthermore on the legacy of left-wing LePenism by trying to strengthen the party's ties to the working-class. "Left-wing LePenism" already existed in the 1990s (Mayer and Perrineau 1996, p. 350). But it increased between 2007 and 2012. The share of workers who voted for the National Front rose by four percent as a consequence of the financial crisis and of high unemployment rates (Le Bras). During the first round of the presidential election in 2012, the National Front received more votes from workers than the left and the right (29% to Le Pen, 27% to Hollande and 19% to Sarkozy). During the first round at the same election five years later, the party repeated and increased its performances among workers with 37% of the votes to Le Pen, compared to 24% to Mélenchon and 16% to Macron.

The National Front's re-positioning to become a sovereignist, anti-globalist and Eurosceptic populist party while remaining attached to core values like xenophobia, makes it easier to keep their own voters and to attract mainstream right-wing voters who are disillusioned by the conservatives' dissensions as well as left-wing voters who feel abandoned by their own parties. This shift shows a high level of opportunism and adaptability that reinforces the idea that populism primarily is a discourse style or a strategy to win elections, rather than a firm ideology. The National Rally appears

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12 Marine Le Pen, 4<sup>th</sup> January 2017 (patriots) and 15<sup>th</sup> November 2016 (France of the forgotten).

13 Marine Le Pen, 15<sup>th</sup> November 2016 and 14<sup>th</sup> March 2017.

14 Marine Le Pen, 20<sup>th</sup> October 2016, 26<sup>th</sup> February 2017, 11<sup>th</sup> March 2017. In a speech 26<sup>th</sup> March 2017, she summarized the election with the following phrase: "In this election, there are the people from the system and us".



now to be socially leftist and politically rightist, something which is not unproblematic to old-school NF-militants, who feel in disarray seeing their party split between left-wing and right-wing rhetoric. But the blurring of the traditional left-right divide serves a clear purpose: de-demonizing the party and recasting it as a credible alternative to French left-wing and right-wing parties in decomposition and as the only alternative to Macron's presidency.

### **From the “Left Front” to “Unsubmissive France”**

Unsubmissive France (France Insoumise – FI) is a newcomer in French politics compared to the National Rally, as Jean-Luc Mélenchon proposed his candidacy to the presidential election and simultaneously launched Unsubmissive France on 10<sup>th</sup> February 2016.<sup>15</sup> Mélenchon is a former member of the French Socialist Party and a member of the French senate, representing the left wing of the party critical to liberalism. Between 2000 and 2002, he was a junior minister in Lionel Jospin's socialist government and played a key role during the “no” campaign against the European Constitutional Treaty in May 2005. After the Socialist Party's Reims Congress in November 2008, he decided to leave the Socialist party to form the Left Party in February 2009 together with other socialist dissidents, becoming its first president, then its co-president until August 2014. The Left Party eventually joined a broad left-wing coalition (the Left Front/Front de gauche) together with the Communist Party and smaller leftist tendencies.<sup>16</sup> Within this coalition, Mélenchon overturned the hegemony of the Communist Party over the French radical left. The Left Front received 6.5% of the votes during the European elections in June 2009. That was an electoral result that French communists would never have accomplished by themselves. In November 2013, leftist forces merged into an organization that would take up the fight against the Socialist Party's hegemony over the French left, Ensemble! (Together).

As a presidential candidate for the Left Front in 2012 and with the support of the Communist Party, Mélenchon was clearly identified as a leftist candidate, with a political platform that strongly reminded of the 1972 Common Program between the French Communist Party and the Socialist Party. Entitled “Humans Come First,” the program called for progressive reforms to fight the economic crisis and soaring socio-economic inequalities and for the renegotiation of European treaties (Petitjean 2015).

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15 France Insoumise was given different labels by the media during the presidential campaign in 2017: “Rebellious France” (Times), “France Untamed” (Politico), “Indomitable France” (France 2017, p. 24), “Unbowed France” (New York Times) or “Unsubmissive France” (France 2017, p. 24/Florence Villeminot). We use the term “Unsubmissive” in this chapter, as it appears to be closest to the French meaning (Buckley 2017).

16 The Front de Gauche was a coalition made-up of the French Communist Party, the Left Party, the Union pour les Outre-Mers, the United Left (which groups such as FASE, the anti-capitalist left and the Workers' Party), as well as trade unionists, activists and well-known intellectuals.

Mélenchon received 11.1 percent of the votes, which was six times more than what the Communist Party achieved in 2007. He strengthened his position as the obvious leader of the French radical left.

From 2014 to 2016, Mélenchon moved gradually away from the idea of reorganizing the existing French left through the Left Front as he preferred a looser partisan structure. This was due to several electoral blows in 2014, first during the municipal elections, when Mélenchon failed to defeat Marine Le Pen in her own constituency, then during the European elections, when the Left Front received only 6.6% of the votes (Mélenchon was the only candidate from the Left Front to be elected at the European Parliament), and finally during the regional elections in December 2015, when the Left Front received only 4.15 percent of the votes after the first round, while the National Front had a lead in six regions.<sup>17</sup> Repeated disputes with the Communists about allying with Socialists during intermediary elections or standing alone, and about which position to adopt regarding the EU (reform or resistance), were crucial to his decision to break the alliance with them. Before the presidential elections in 2017, the Communist Party would refuse to support Mélenchon's candidacy, while many party members would endorse him.

In 2014, Mélenchon published an essay entitled "L'Ère du Peuple" (The People's era) that represented an ideological turning point for him. In his book largely influenced by the ideas of the sociologists Chantal Mouffe and Ernesto Laclau, he theorized the new division between "the People" on the one side and "the oligarchy" or "the caste" on the other and refrained from referring to Marxist theory and to left-wing rhetoric previously linked to the notion of "class struggles." The replacement of the world "proletariat" by the interclass notion of "people" signaled a commitment to build a majoritarian block against both the socialist left and the conservative and reminded of similar strategies used by Syriza and Podemos. With the creation of *Unsubmissive France* (France Insoumise – FI) in February 2016 as a grassroots movement anchored in the radical left rather than a traditional left-wing party, Mélenchon capitalized on the personalization of his leadership. This type of organization was new to the French political context. It was clearly inspired by radical leftism in South America, mass movements in Northern Africa and radical-left experiences in European countries like Spain (Podemos), especially regarding the division between "the People" and "the oligarchy" which it presented (Mélenchon 2014, p. 27).<sup>18</sup> FI's program contained major parts of that of the Left Front, as well as a clear emphasis on the environmental tran-

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17 A disappointed Mélenchon warned the day before the first round of the election that the Left Front was going to be humiliated, due to the fact that left forces were split in three or four lists. He also warned that it was the last time he had chosen this kind of alliance model.

18 In 2012, the campaign rallying cry was: "They must all go!"; a slogan borrowed from the Piquetero movement in Argentina in 2005. The "they" referred to the "corrupt elite." In 2017, Mélenchon borrowed the expression "dégagisme" (clearing off) from the revolutions in North Africa, notably Tunisia.

sition that had to be implemented to reduce social inequalities. Mélenchon used FI as a mobilizing instrument to replace what was left of leftist forces in the radical left, the Greens and a Socialist Party in disarray, by a looser structure which allowed him to reshape the partisan and the political landscape (Marlière 2017).

The presidential election of April–May 2017 was a watershed in the history of the French Left. Mélenchon warned early that his ambition was not to run a traditional electoral campaign for the left, but to move the political debate above political parties. He first refused to form an alliance with the Communists or to join the Left primary election that was held in January 2017 and instead launched his own campaign.<sup>19</sup> Mélenchon defined himself as a candidate outside the parties, but not against them, because “everybody should have the opportunity to participate in this campaign and to bring one’s own intelligence and individual capacity.”<sup>20</sup> By doing so, he undermined the possibility of having one unitary candidacy on the left side. He then decided not to run as the candidate of his own party, the Left Party, but to use *Unsubmissive France*, demonstrating his willingness to personalize the election like Emmanuel Macron did with his grassroots movement “En Marche!” and to go beyond traditional party politics. In his eyes, the National Front was a right-wing populist party that could only be effectively challenged by an antinomic form of left-wing populism. The opening quote of this chapter suggested at the same time that Mélenchon felt that his movement was engaged in a drag race with the far right to win voters who rejected the political system in which they lived. As Chantal Mouffe stressed, the difference between the NF and the FI was in theory that the former was authoritarian and sought to restrict democracy to nationals, while the latter intended to create a collective will that would crystallize common emotions and mobilize them in the direction of deepening democracy (Mouffe 2017).

But Mélenchon was challenged by Philippot’s social-nationalist strategy, which targeted the same groups of voters: workers, young people, employees and disappointed socialist voters. Parallely, the convergence between national Front voters and Unsubmissive France voters was striking on a number of issues like low income, negative relation to globalization, feeling of deprivation, low educational level, and support of anti-system politics. However, Mélenchon’s voters seemed to be globally more educated than Le Pen’s and had lower incomes. Rouban (2017) concluded that the former group was motivated by relative frustration because of social downgrading compared to their diplomas and qualifications, while the latter group was motivated by absolute frustration proportionate with their low income and absence of qualifications. Additionally, these two groups represented an important reservoir of voters who traditionally did not actively participate in elections and could be mobilized.

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19 Unlike Pierre Laurent, leader of the Communist Party, who wanted to conclude a formalized alliance between all radical left parties, Mélenchon believed that an election campaign based on existing political parties wouldn’t manage to mobilize disillusioned leftist voters. Jean-Luc Mélenchon, 10<sup>th</sup> September 2016.

20 Jean-Luc Mélenchon, 10<sup>th</sup> October 2016

Mélenchon turned his back on the history, culture and unity of the traditional left during the 2017 campaign. His rally speeches did not refer to standard quotes from the left-wing like “left,” “classes” or “workers,” as much as before, but used instead words like “the ordinary people” (*les gens*), while FI was described as a “mass of citizens” (Marlière 2017). In order to defeat Marine Le Pen at the ballot box, he used positive phrases like “people,” “caste,” “sovereignty,” “referendum,” “democracy,” “will” or “aspirations” as well as negative phrases like “corrupt,” “betrayal,” “lies” (*enfumages*), which the leader of the National Front also used. His definition of French identity was antinomic to Marine Le Pen’s. To him, France was above all not a biological entity, but a historical, political and social construction.<sup>21</sup> So was his approach of protectionism.

Against Le Pen’s chauvinistic protectionism, Mélenchon opposed the idea of solidarity protectionism.<sup>22</sup> This “(re-)semantization” included the use of symbols. Mélenchon’s campaign poster for the first round had no written mention of Unsubmissive France, but was replaced by the Greek letter “phi,” which reminded one of the two first letters in “France Insoumise,” and was a symbol of the golden ratio. The title of the manifesto and the campaign slogan lacked a typical leftist phrasing too. “L’Avenir en commun” (the common future), had a strong focus on environmental issues and addressed all Frenchmen who felt “betrayed” by five years of liberal-socialism and were as disillusioned by the scandal-hit campaign as indecisive about which candidate they would vote for.<sup>23</sup> The manifesto was radical in economic terms (proposal to replace the five existing levels of income tax with fourteen levels, to have a top rate of 100 percent on incomes above €400.000 per year, to cut the 35-hour working limit to 32 hours, to introduce a 4-day week and to lower retirement age from 62 to 60) and had strong links to the revolutionary legacy inherited from the French revolution. The proposal to replace De Gaulle’s Fifth Republic with a “Sixth Republic” based on ecological principles had a universalist overtone, which aimed to overcome the cleavage between Left and Right.<sup>24</sup>

Mélenchon finalized his program with a revolutionary strategy, in which the People would “re-appropriate the political institutions by transforming them.”<sup>25</sup> The use

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21 I believe that the identity of the country, is its republican identity, which means that we can all be French, live together. (...) We are not bound to each other by the color of our skin, nor by religion or language (...) but by a political pact: freedom, equality, fraternity.” Jean-Luc Mélenchon, 15<sup>th</sup> November 2016. In a speech in Marseille 9<sup>th</sup> April 2017, he indirectly called her “a monster” for not considering French children with immigrant background as fully French citizens.

22 “Solidary protectionism, that is real internationalism.” Jean-Luc Mélenchon, 9<sup>th</sup> March 2017.

23 Jean-Luc Mélenchon, 9<sup>th</sup> March 2017.

24 “This common future, this general human interest, which is at stake here, makes it possible to me to address everybody in all circumstances”. Jean-Luc Mélenchon, 10<sup>th</sup> October 2016.

25 Jean-Luc Mélenchon, 9<sup>th</sup> March 2017. In the same speech, Mélenchon described the transition to the Sixth Republic would result in a separation between the Republic and the Capital.

of “The People’s strength” showed that Mélenchon was not directly class-oriented and that he sought to reach all French voters who could identify themselves with the struggle against the elites. In the same way, the traditional leftist color red, as well as red flags, disappeared from Mélenchon’s rallies and were replaced by the French tricolor flag. The Internationale anthem was often dropped and the Marseillaise was played instead at the end of public meetings. Left-wing words and symbols were discarded because they were considered too divisive for the broader scope of voters that Mélenchon now wished to attract (Alemagna and Alliès 2018, p. 351). Among them were the National Front’s voters. Alduy insists however on the fact that similarities in form do not equal similarities in content and that there is a real distinction between Marine Le Pen’s nationalist and identity-based populism and Mélenchon’s revolutionary populism (Alduy 2017, p. 349).

### **Filling the gap with National Front?**

The fact is nonetheless that Mélenchon on several occasions tried to fill the gap with National Front’s voters. Mentioning on several occasions the Brexit-process in 2017, he downplayed the negative impact for Britain by emphasizing that the output of the vote was the expression of the British People’s opposition to oligarchy and their aspiration to be in control of their own lives. He said on the same occasion that he had no problem with supporting the idea of a French exit from European treaties if his demands about revoking the independence of the European Central Bank and putting an end to austerity were not met. This was a major blow for the rest of the French left side that supported radical reforms without Frexit.

Another issue that shows the temptation of convergence between Mélenchon and Le Pen was the migration policy and the debate about the refugee crisis. In 2015, Mélenchon criticized chancellor Merkel’s decision to open German borders to thousands of refugees, arguing that this solution would not solve the refugee problem and that the problem had to be treated at its core. In July 2016, he accused posted workers of stealing bread from national workers. Later in August, he expressed support for issuing temporary work permits for undocumented workers and opposed the idea of allowing more permanent solutions. Unlike the rest of the radical left, Mélenchon did not seem to think that immigration was automatically an opportunity for France. He later regretted this statement.

A third issue was Mélenchon’s reaction to his own elimination from the second round of the election. He was convinced that he could benefit from dissension in the Socialist party and the Republicans in the same way Jean-Marie le Pen believed he would benefit from Chirac’s and Jospin’s political weakness in 2002 to reach the final round of the presidential election. Unsubmissive France was still polling at 11.5% one month before the first vote. But Mélenchon did much better and won 19.58% of the votes, finishing in fourth place just like in 2012 with 1.7 percent of the votes behind Marine Le Pen and just a half percent behind the conservative François Fillon. Ironically, a tactical alliance with the Socialist candidate Benoit Hamon (6.36% of the

**L'AVENIR EN COMMUN**  
C'EST AUSSI AVEC MARINE 7 Mai

Sortir des traités Européens	Sortir des traités Européens
Sortir de l'OTAN	Sortir de l'OTAN
Sortir de Schengen	Sortir de Schengen
Sortir des accords de libre-échange	Sortir des accords de libre-échange
Protectionnisme solidaire	Protectionnisme intelligent
Référendum d'initiative populaire	Référendum d'initiative populaire
Mise en place de la proportionnelle	Mise en place de la proportionnelle
Abrogation de la loi El Khomri	Abrogation de la loi El Khomri
Retraite à 60 ans avec 40 années de cotisations	Retraite à 60 ans avec 40 années de cotisations
Encourager les circuits courts	Encourager les circuits courts
Interdire le statut de travailleurs détachés	Interdire le statut de travailleurs détachés
Égalité salariale Femme / Homme	Égalité salariale Femme / Homme
Conserver les 35h	Conserver les 35h
Baisser l'impôt de toute personne gagnant moins de 4 000 euros net par mois	Baisser de 10% l'impôt sur le revenu sur le trois premières tranches
Majoration des heures supplémentaires	Défiscalisation des heures supplémentaires
Augmentation des petites retraites	Revaloriser le minimum vieillesse

**INSOUMIS**  
**NE VOUS TROMPEZ PAS DE COMBAT**  
**NE VOTEZ PAS MACRON**

votes), which was discussed but never implemented, could have sent him to the second round. What was disturbing after the first round was Mélenchon's refusal to urge voters to block Le Pen's path to the Elysée Palace by backing Macron. He had in fact already done that a few weeks earlier when he accused the other candidates who supported the European treaties for being as dangerous as Le Pen.<sup>26</sup> Mélenchon stressed that he had not received any mandate from FI's voters to support Macron and fell back on a demagogic position when he said that he would go along with the majority of his supporters after having consulted them.<sup>27</sup>

How can we explain this last move? Mélenchon might have seen Marine Le Pen as a lesser evil rather than an ultraliberal candidate representing "the oligarchs." In addition, he did not want to give Macron any moral approval that could be turned against him later. This decision was perceived as a major political mistake by mainstream political leaders and by voters who did not put Le Pen and Macron on equal footing. Marine Le Pen took this opportunity to court Mélenchon's voters between the two rounds and asked for their support, since their common stance on protectionism, post

26 Jean-Luc Mélenchon, 17<sup>th</sup> March 2017.

27 The consultation was held 2th May 2017 and gave 36,12% in favor of blank or invalid votes, 34,83% in favor of supporting Macron and 29,05% in favor of abstaining from voting (France Insoumise 2017)



workers, the Euro, European and transatlantic treaties or NATO seemed stronger than their differences (see campaign poster).

Did Mélenchon's populist strategy against the National Front pay off? The answer is difficult. On one hand, the outcome of the election showed that Mélenchon lost the competition for popular classes against Le Pen once again after 2012. In total, 54% of the employees who voted in the first round voted for one of these two candidates. But only 24% voted for Mélenchon, while 30% voted for Le Pen. Similarly, 64% of the workers who voted chose either Mélenchon or Le Pen. But the gap between the two candidates was important. 25% voted for Mélenchon, while 39% voted for his opponent. Mélenchon only managed to surpass Le Pen among the voters aged 18 to 24 and in the intermediate professions (Ifop & Fiducial 2017, p. 20).

This result indicated a worsening of the polarization within the French working class between voters who went to the radical left and others who supported the radical right. On the other hand, surveys about the behavior and values of voters showed a real opposition between the two electorates' key issues such as immigration, religious tolerance, welfare state and redistribution policies (de Cabanes 2017, p. 9). The electoral transfer from Mélenchon to Le Pen in the second round of the election turned out by the way to be lower than expected with only 7%.

Mélenchon never made it to the second round of the 2017 presidential election. But he managed to create a political dynamic that won a large number of "lost" voters and eventually prevented Marine Le Pen from qualifying for the second round. Unsubmissive France achieved a good result during the parliamentary election that followed in June 2017 and formed a group in the National Assembly that is considered as being the only real opposition to Macron on the left. Mélenchon's populist gamble paid off. The Communist Party practically vanished, and the Socialist Party is nonexistent. Today, the risk with Unsubmissive France being in a leading position is rather the risk of "Corbynization" of the French Left as long as Mélenchon's program remains too radical for moderate voters. Perhaps more worrying is his outspoken endorsement of populism when claiming that his Cesarism will prevail. Members of Unsubmissive France also criticize his authoritarian trend (Askolovitch 2017).

Marine Le Pen experienced on her side post-election troubles due to rising questions about her "natural" leadership in the National Rally and to uncertainties about the party's political platform in the future. Former vice-president Philippot's break with the party in September 2017 and the upswing of Marine Le Pen's ultraconservative niece Marion Maréchal suggested that the National Rally will continue to experience challenges with appealing to voters on both left and right at the same time in the future. In both the National Assembly after the presidential election and in the streets of France during the Yellow Jackets crisis, members of Unsubmissive France have been more numerous and louder than those of the National Rally. The National Rally's history, for its part, has been a pendulum swing between de-demonization and re-demonization. The presidential and parliamentary campaigns of 2017, even if National Rally achieved its best electoral results ever, were considered as failures in relation to victory expectations and Le Pen's strategy of normalization of the party. Her



urge to run as a respectable candidate while threatening to take France out of both the EU and the Eurozone was as tactically catastrophic as her move in the direction of Mélenchon's voters was unfruitful. It did not attract more voters and did not contribute to breaking the political "glass ceiling" that has prevented the National Rally from seizing power for several decades. However, the National Rally's victory in the 2019 European Parliament election – and the poor result achieved by Unsubmissive France at the same time – showed that the party is on the road to recovery and that Marine Le Pen might once again be in a position to compete against Macron in the 2022 presidential election.

What does this mean in relation to our opening statement? Has populism in France managed to blur the political frontiers between the Left and the Right? The answer is yes, without any doubt. The political earthquake that shook France in 2017 has no contemporary precedent and swept away the two largest parties in France for decades, opening the floor to outsiders from "above" (Macron) or "outside" the system (Le Pen and Mélenchon). A parallel to the current situation would be the period between May 1958 – de Gaulle's takeover after a soft Coup d'état – and the parliamentary elections in November the same year, which marked the disappearance of a moribund political system dominated by Christian Democrats from the Popular Republican Movement, and its replacement by Gaullism, a grassroots cross-partisan movement that initiated a rapid regime shift. This was however during a civil war. Populism incarnated by the National Rally and Unsubmissive France will most probably continue to shake French politics as long as non-populist parties are not able to address voter's anxieties and needs.

At the present time, merging the electorate of Mélenchon and Le Pen seems unrealistic. Even though several determinants unify the two electorates (national sovereignty, economic protectionism, welfare state, EU and NATO), they remain deeply influenced by opposite ideologies. But the risk of rapprochement exists, as well as the risk of increased porosity between what is left of mainstream parties and populists on both sides. No scenario can therefore be totally ruled out in France or elsewhere in Europe after what happened in Italy in 2018. Late in August 2018 in Germany, Sahara Wagenknecht, a leading member of the radical left party Die Linke, launched an overarching leftist movement named *Aufstehen* (Stand Up). This movement was in theory open to all members of leftist parties and wanted to rally left-wing voters and to pressure politicians to create a majority that would result in a new left-wing government in Germany. *Aufstehen* aimed also to win over (or back) protest voters who support right wing populist parties such as Alternative for Germany (AfD) through the use of critical "left-wing inspired" narratives of German immigration policy that would challenge the narratives from radical right populists.<sup>28</sup> In this sense, it appears that Emmanuel Macron's victory in France might have happened against the course of history. It showed that the European populists' march towards power was not inevitable. In his first speech as elected president in May 2017, Macron admitted that he

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28 *Aufstehen*, un mouvement politique de gauche radicale et anti-migrants lancé en Allemagne, Huffington Post, 4<sup>th</sup> September 2018.

was aware of the divisions in the French nation which had led some people to extreme votes and that he had a responsibility to listen to them, while protecting the most fragile (Macron 2017). His success or failure during his five years mandate will without doubt have enormous consequences for political stability in France and beyond (Calamur 2017).

## Conclusion

This chapter discussed how populist parties in Europe intend to replace traditional dividing lines between left and right parties with a new globalist-populist axis that seeks to weaken mainstream parties and maximize their own position. We presented several approaches to populism as a phenomenon and concluded that there is still a lack of academic consensus about its nature. While acknowledging the connection between populism and ideology, we consider that populism is primarily a strategy and a political style. We then looked at the rise of populist parties in Europe since the beginning of the millennium and concluded that populist parties succeed in eating into support for traditional center-right parties, while knocking out center-left parties at the same time. By doing so, they weaken the traditional center-left/center-right block and can frame their cosmopolitan/populist axis.

To us, the debate about whether populist parties will continue to influence or pressure mainstream parties or eventually come to power is no longer relevant in light of the political takeover in Italy and worrying developments targeting democracy in Central and Eastern Europe. The rise of populism should of course not be overstated and the analysis of its impact on European politics should not be colored by ideology. However, its overall impact on the public debate and its relationship with democracy within each country and on the European level should not be banalized, nor taken lightly.

The third part of this chapter focused on potential similarities and differences between right-wing populism and left-wing populism. We applied our findings to the French context and to the presidential election in 2017 and concluded that Le Pen's and Mélenchon's populism can be considered as two-sided. On the one hand, both parties contribute to blurring the traditional left-right axis by pushing mainstream parties out of the political system, dismantling the traditional bipolar scheme and imposing a new competition between populist and non-populist forces.<sup>29</sup> It should be said that this strategy is also supported by Emmanuel Macron, who also seeks to dismantle mainstream parties on the left side and right side. On the other hand, the rivalry between the National Rally and Unsubmissive France leads to new ideological demarcation lines within the populist paradigm. There are still real differences on key issues between left-wing populism and right-wing populism that prevent cross-party

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29 One might argue that Le Pen and Mélenchon might not have been the only populists at this election. To a certain extent, Emmanuel Macron's campaign can be labeled as a form of "center-populism" or "high-tech populism."

alliances. Whether these differences will subsist or weaken in time will depend on internal dynamics and external factors, as well as on the leaders' priorities.

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# **From Borders to Linguistic Territories, Framework of Minority Francophone Identities**

*André Avias*

## **Introduction**

In today's world, many men and women have found themselves and find themselves in almost unmanageable situations. The examples are numerous. We will take two examples for our study. The first is from Canada and the second is from Algeria. Political decisions and results of wars or peaceful negotiations create the geopolitical context in which men and women must live, without any control of their situation, without hope for change. From disorders are born a new order, and in this order human lives are developed in the constraint of new societies. The question of identity then becomes implicitly central. Can we speak of singular or plural identity? Can we talk about an ever-evolving identity shaped by its environment? Is a human being, as Ricoeur (1990) says, of sameness and selfhood, that is to say, living a permanent personal struggle between a fixed social identity and a more dynamic identity? (Avias 2019, forthcoming).

In this chapter, we wish to present and discuss some examples of contexts and concrete or abstract boundaries that have determined and guided the lives of communities and writers. We will base our reflection on this issue on two examples and *topoi* which in our opinion are symptomatic. The first is located in the Maghreb and the other in Canada. The former is centered on the story of a woman and her family, while the latter deals with a certain territory and communities living there. For that, we will also speak about the power of the States which entails a certain oppressive determinism, but which can also provoke a form of protest.

## **Boundaries and territories**

### **World boundaries**

With the European discovery of America – the “New World” – Christopher Columbus opened a new era in the history of humanity as seen by Europeans. Since Antiquity and Pythagoras, we have known that the earth was round, but it was located at the center of the universe, and then limited to our solar system. Copernicus defended the theory that the earth revolves around the sun, heliocentrism (1543) and not the other way around, and thus reduces our sense of being in the center of the universe and therefore a superior creature. Columbus discovered America in 1492, i.e. earlier, but at a time when it was accepted by all that the earth was round. His trip was intended to reach the Indies (and therefore China) by the west and the sea and not by the east and the land route traced by Marco Polo (1266). His discovery made him believe, thinking he had discovered the Indies, that the map of the world and of course its boundaries

had to be redone. Several explorers like Vasco de Gama who found the right road to India bypassing Africa in 1498 followed him. Then Magellan undertook the first circumnavigation of human history between 1519 and 1522. But he did not survive. It was his boat, the *Victoria* and some of his men, who were the first to succeed in this first trip around the world. It was no longer possible to reject the rotundity of the earth or the limits of the world.

Since that time, the earth has been shrinking in our minds, and at the same time, the universe has become much bigger. The greater our knowledge of our planet is, the more our knowledge of the universe appears microscopic. It is a question of mental and imaginary boundaries: those which our education communicates to us and those which are deeply rooted in our collective unconscious. Since the beginning of mankind, human beings have known the physical boundaries that surround and limit them, be they mountains, forests, rivers or oceans. People have always sought to cross them; for this reason, they learned to build bridges and then boats<sup>1</sup>. Then there were the human frontiers, invisible lines decided throughout history. They delineate the contours of countries, our private and public properties, with all that entails of colonization, wars, rules, laws, restrictions, limits and barriers of all kinds. We must add to them all our mental frontiers, which also over time have evolved, like those of the limits of the world in our minds, which have definitely changed since Magellan, such as those that have constituted and constitute our political and religious ideologies.

In addition to discovering the limits of the world, the explorers discovered other humans, which we can consider as a first form of globalization. And this meeting put many of our truths in question. Are they men like us? Or beasts? Inferior beings? We know all the consequences that these questions had during the Spanish conquest of the New World (Todorov, 1982). The missionaries wanted to colonize the spirits after the conquistadors colonized the bodies and territories. The consequences were and still have a huge impact on the lives of humans. In addition to the physical destruction of cities and monuments, in addition to the murder of millions of humans, huge swathes of history and human culture were eradicated. Other approaches, other languages, understandings and analyses of the world and people were rejected, erased, forgotten. The adage “The winner takes it all” has had huge consequences, as we will see with our two examples.

### **Imaginary human borders**

To the physical world, men have added borders between countries, based on peoples and territories, but which in fact are imaginary. Today we live in what Benedict Anderson (1983) calls “imaginary communities,” such as the nation. And it is true that since the French Revolution, democracy and the nation-state have developed hand-in-hand all over the world (Habermas, 1992). Our new integration and inclusion center is no longer (not only) the village or the neighborhood, but the nation, and especially the

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1 Men made boats well before the invention of the wheel.

idea of the nation. And here are two visions of the nation opposing each other: one republican of citizenship, the other ethnic. One will understand that this leads to many cases of personal conflicts where the dominant question then becomes “who am I”? This question is often at the center, consciously or not, of a huge Francophone literary production.

### **The consequences of borders or statalism**

In 1976 Jacques Pohl introduced the concept of “statalism” to talk about the consequences of the introduction of new frontiers (see also Mackey). Once its territory is determined, any state will over time decide on a series of laws and rules that will have an influence on the lives of the inhabitants of the country – of all the inhabitants. Understandably, this can have dramatic consequences: “Statalism is the integration and assimilation of a population to its state.” (Mackey, 1986, p. 14). And also:

“Statalism is a manifestation, at the level of the state, of a universal phenomenon which makes of man a social being forced to live in a family with his fellow-men and to conform to the customs of a group in order to belong it.” (Mackey 1986, p. 37).

In addition to the legal, political and civil constraints resulting from the introduction of new borders, an effect of particular interest to us is its influence on the cultures and languages of different citizens belonging to minority groups. This can be seen at different levels, such as the existence of linguistic variants (usually lexemes) whose extension area coincides with the boundaries of a state. This is often the case with the institutional vocabulary of government structures (France lycée, Belgium athénée, Swiss gymnase, Québec cégep). But some statalisms can also be disseminated by private organizations, such as banks. In Switzerland, ATMs are called *bancomats*, a term created and disseminated by banking institutions. If all diatopisms were statalisms, we could clearly state the existence of “national French languages.” But the vast majority of diatopisms are not statalisms. The *déjeuner-dîner-souper* triad, for instance, exists in Switzerland, in Belgium, Canada, as well as in three quarters of the French provinces. Conversely, *huitante*, which is supposed to be Swiss, is only used in the cantons of Vaud, Fribourg and Valais. But beyond lexical variations, statalism can lead to far more profound upheavals, such as a change of language for subsequent generations and even a change of religion.

### **For the fall of borders or deterritorialization**

But this state phenomenon of domination and oppression opposes the human will to defend its language-culture (see the concept of Galisson) and its identity. It is comparable to the individual identity conflict that Ricoeur thematizes. We see it around us that most maps and territories are not superimposable. This has never been the case. Let’s mention Mabanckou (2009, p. 134):

“To be a francophone writer,” I wrote, “is to be the depository of cultures, a whirlwind of the universe. Being a French-speaking writer certainly benefits from the legacy of French literature, but it is above all bringing its touch into a big whole, this touch that breaks the boundaries, erases the races, lessens the distance of the continents to only establish that fraternity through language and the universe. Francophone siblings are on their way. We will no longer come from such a country, from this continent, but from such a language.”

This expresses here a deep thought, in line with the meaning of this article. The limits imposed by the national borders see their power being reduced. More and more we do not belong to a country, a State, even a single nation, but to a set of communities. The language, as Mabanckou puts it, thus forms an *imaginary territory*<sup>2</sup> common to certain speakers, thus answering Anderson’s concept of imaginary nations.

But as we have to live well in one place, we see a sneaky fight for the (re)conquest of territories. Let’s also mention Bertucci (2009, p. 39), using an earlier quote from Dubet and Lapeyronnie (1992, 185):

“The territory presents itself as one of the forms of identity and as the place of a community of experience, of a forced, stigmatizing belonging, but which is the object of an appropriation by young people, because it is sometimes the only type of identification they have at their disposal.”

Deleuze and Guattari (1975, p. 29) introduce in their book on Kafka the concept of minor literature that is perfectly suited to our thinking about being in an oppressive situation:

“Minor literature is not that of a minor language but rather that of a minority made in a major language. But the first character is anyway that the language is affected by a strong coefficient of deterritorialization.”

We see it this way. There is contact, friction and interference between physical territories and imaginary territories. Each territory has an inherent need for borders. In these times of unbridled and contested globalization, one can only note this opposition of centrifugal and centripetal forces. We will now present our concrete examples of places and people living there and expose the consequences of the constraints inherent in their situation.

## From Maghreb to Canada

### A unique destiny in Kabylie

In the context of French Algeria, in Kabylie, in the 1880s, with the rules that were in place during that period, Aïna Mansour decided to live alone with her two children

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2 In these times of ultra-rapid development of cyberspace, the virtuality of such a territory only takes up more space in our unconscious, even our consciences.

at the death of her husband. She refused the offer of her brother Kaci to come and live with their mother, as was the custom. She showed a strong character and independence that reveals her personality but also the room for maneuvers of Kabyle women. This then caused her brother to deny her. Her choice was probably motivated by the desire to remain the owner of her property. Subsequently, Aïna and a man from her neighborhood, who turned out to be of the same family as her former husband, fell in love. Not yet married, Aïna became pregnant. The man was already engaged to another woman from a leading family and refused to recognize paternity. Aïna was excluded from the community and gave birth alone in her house Tizi Hibel in Great Kabylia. She lived there alone with her three young children.

It is in this context that Fadhma Aït Mansour (Mansour Amrouche 1968) was born, the illegitimate daughter of a widowed mother. In her childhood, in the village, she suffered the villagers' malice, with many acts of violence. In 1885, her mother entrusted her to the Sisters of the Ouadhias: but she was ill-treated by the nuns. Her mother remarried then. In 1886, Fadhma entered the secular boarding school of Taddert Oufella near Fort National. She passed her certificate of studies in 1892. She then returned to her village near her mother, who taught her customs and traditional knowledge, including Kabyle songs and poems, important things for the rest of her life. She then left her village and went to work at Aït Manguellet's Christian Hospital. The White Sisters, Catholics, had a great influence on her and eventually converted her. She then received the Catholic name of Marguerite. She met another converted Kabyle Catholic, from Lower Kabylie, Antoine Belkacem Amrouche, whom she married. She was only 16 years old and he was 18. They had eight children together. After living for a while at Ighil Ali with Fadhma's parents-in-law, the Amrouche family settled in Tunis, Tunisia. Fadhma spent most of her life there, but she never stopped thinking of her native Kabylia: "I had always stayed in Kabylie, despite the forty years I spent in Tunisia, despite my profoundly French education ..." (Mansour Amrouche 1968, p. 9).

This is where two of her children grew up: Taos and Jean Amrouche, Kabyle Christians in an Arab and Muslim context. Both had a career in France as literary personalities and traditional a Kabyle singer. Fadhma transmitted her knowledge of Kabyle songs and dances to her daughter Taos who later recorded her songs on vinyl records. It is a family story that leaves no one indifferent and sheds light on both human nature and the consequences of geopolitical evolution. The anecdotes that Fadhma tells in her book are numerous and edifying. If we add the story of her daughter Taos in her very autobiographical novel *Rue des Tambourins*, we are in possession of important documents bearers of the testimony and the story of a family life and women very much out of the ordinary.

The story of this family can be better understood if we also consider the history of this region. The Berber people (here Kabyle) is the indigenous ethnic group of North Africa. They were known in antiquity as Libyans, Moors, Gaetuli, Garamantes or Numidians. Their land stretched from the Canary Islands to Egypt. The Berbers call themselves Imazighen (singular: Amazigh), which means 'free man', or noble man.

This name may come from the name Mazices, attributed by the Romans to the Berbers. They are therefore the native people of North Africa before Roman colonization, followed by the Arab invasion and then the French colonization.

We will understand the importance of their language and culture in the representations of the descendants of this conquered and oppressed people. Despite all the efforts of many occupiers, the first European settlers, then the Algerian leaders after independence, to try to prevent the Algerians of Kabylie to learn French and thus to have access to an education, these have in a rather extraordinary way chosen in large numbers to learn this language.<sup>3</sup> The Kabyles often used French in their fight for the recognition of their culture and language (Amazigh: language of Imaziren) since their independence in 1962 and the policy of the forced Arabization of Algerian power (Lacoste 2007, p. 18).

The grandmother Aïna had to fight against her own family and the ancestral traditions of her region to settle down with her small family as a free woman and to remain the owner of her property. Her daughter Fadhma made a trip in time between different cultures and languages, adapting to the culture, religion and language of the colonizer while retaining her Kabyle heritage. The granddaughter Taos, third generation and heiress of all this family's past, lived in France with a French husband and suffered from a devious psychological evil that she revealed in her novels in which she declared her feeling of failure. She, the Algerian Christian Kabyle of the French language and French nationality was nowhere at home, nowhere comfortable, always in conflict with herself and her plural identity. She navigated between different pitfalls, from the production of traditional Kabyle songs to the writing of novels of great language quality, rich in details and judicious observations, but without solution to the identity conflict<sup>4</sup> (Avias 2019, forthcoming). Her life course from 1913 to 1976 represents a time when such an identity, rather rare, was rather unmanageable. For this family and these women, the French colonization initially triggered a movement of emancipation and liberation in the face of unjust ancestral traditions. In the second part, it created a feeling of loss of self, of exile, a permanent malaise. These three generations of women exemplify this historical evolution perfectly.

### **Surviving in Madawaska: « Je me souviens<sup>5</sup> »**

Let us recall some historical facts that document the extreme oppression suffered by French-Canadians. Following the discovery of Canada by Jacques Cartier in 1534, a period of French colonization began in 1603 until British rule took over in 1759 after the French defeat in the Plains of Abraham. French Canadians then had a long period of oppression and suffering as in Acadia where a large number of them who did not

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3 In fact, the French and European colonists, in order to preserve their privileges, have always tried to prevent the Kabyles from going to French school. Ironically, they are today the most Francophone people in Africa.

4 This underscores the idea of the time of the obligation of a single identity.

5 Currency of Quebec, which is a strong symbol of the history of this people oppressed by the British.

give in to swear allegiance to the British power, were captured and deported to the American colonies and Europe. This was called the Great Disturbance. Their lands were confiscated and distributed to British settlers. The wars were numerous not only between the two communities but also against the American neighbor because of his independence struggles against England. Americans also thought of taking over Canada. Perhaps surprisingly French Canadians supported the British Canadians against the Americans, during the war against Montgomery (1775) and subsequently in 1813 until the final victory in Châteauguay. The fighting then turned against England until Canada's independence with its 1867 Constitution, which decreed the use of both languages and the existence of two communities.

The Catholic Church has been the supporter of French – and its survival – in Canada for more than a century (Thériault 2007, p. 123). In the 1970s, and with the charter 101, the language became a nationalist issue of Quebec structure along with its emancipation vis-à-vis the Church. But this dynamic process was opposed to defending a bilingual Canada and separating language and culture, that is to say, a language of civilization and no longer of memory. (Thériault 2007, p. 124). Thériault asked therefore the following question: “How to maintain, through language, a link between civilization and culture?” (2007, p. 126.) This is an important question because it highlights a latent and difficult conflict to be resolved. How can one link a culture that develops locally to a civilization from elsewhere, while maintaining a common language? This question does not arise only in Quebec in this new era of globalization. It can also be approached in the context of minority writings in a major language. We will come back to it below.

Our reflection takes as an example a limited region of this huge country. We use most of the data presented by Louise Gravel Shea in her MA (1999). We will focus on the consequences of establishing a border between the US and Canada, and particularly between Acadia (or New Brunswick) and the State of Maine. Madawaska, often called Haut-Saint-Jean or sometimes Madaouaska, or Acadia of the Lands and Forests, is a region in northeastern North America. It includes northern Aroostook County in the US state of Maine and Madawaska County and northern Victoria County in the Canadian province of New Brunswick. The Mi'kmaq and Maliseet Indians inhabited the country before colonization. Micmacs or Madawaskas occupied the land of porcupines. “Madawes” stands for porcupine and “kak” for a place in Micmac, which is the origin of the name Madawaska (Albert, Berube, Berube, & Desjardins 1982).

“(…) a first group of 48 settlers in June 1785 goes up the Saint John River, stops two miles from the Malecite village, a short distance from the current church of St. David, and plants a cross there. This is the beginning of the colonization of Madawaska.” (Shea, 1999, p. 23).

This was the foundation of the community of Grande-Rivière. Life was very difficult for a long time and especially based on an autonomous local production to ensure their survival. The construction of forts and the arrival of soldiers and the production of alcohol allowed a growth of the economy between 1812 and 1830. Subsequently the exploitation of wood and the establishment of sawmills brought a new development.



The region was not demarcated or regulated administratively and remained in competition between Quebec and New Brunswick. Moreover, the absence of a border, which had not yet been established with the USA, contributed to a life in autarky. The population of Grande-Rivière was then composed of an Acadian Catholic majority (125 families), Irish Catholics (some families) and a Protestant Anglo-Saxon minority (about fifteen families). In total about 650 living people on both banks. After many conflicts, the frontier was finally fixed on August 9, 1842 by the treaty of Webster-Ashburton. This border crosses the middle of the Saint John River and divides Madawaska in two. The south shore is American, while the north shore is Canadian. The population was homogeneous from the point of view of origin, religion, language, economy and traditions (Lapointe 1989, p. 63).

The former territory of the community of Grande-Rivière became the current territory of the cities of Van Buren on one side and Saint-Léonard with the establishment of a Canada-United States border between New Brunswick and the State of Maine on the other side. St. Leonard was first British. It became Canadian in 1867. The boundaries were drawn with the line as straight as possible when you could not follow the course of a river for example, as it was the case here. The same process was used in Africa during the intensification of European colonization in the late nineteenth century. The European states shared the continent without taking much into account the realities of the land.

The history of Canada and the US are partly related. The US, by virtue of its status as the world's leading power, influences the entire world. Being French-Canadian has long been difficult. French Canadians have been in a situation of a minority being imposed integration by assimilation. As elsewhere, French schools were closed. Laws banned the use of French. The list of famous people, whose French origin was little known, is long. I will give only one symbolic example, the American Jack Kerouac, whose real name is Jean-Louis Lebris of K  rouac.<sup>6</sup> Known as Ti-Jean, he was the son of two Quebecer parents: L  o-Alcide K  roack and Gabrielle-Ange L  vesque. Jack Kerouac's father was from a Quebecer family originally from Brittany and finally settled in the textile town of Lowell, Massachusetts. Originally French-speaking, he first wrote in French before switching to English. But even then, history shows that he often wrote in French before making his own translation into English. He led a vagrant life and died early at the age of 47, in 1969. Then the birth of the Kerouac myth was born.

In this situation, the new frontier divided a hitherto united community on both sides of the river. After 1842, the population of Grande-Riv  re on the south bank of the Saint-Jean River became American. The north shore remained first British and later became Canadian, partly French-speaking. The integration of this community, divided in two, in states with different systems, was done over time with a number of consequences for its members whether from an administrative, economic, cultural,

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6 Well known for the Beat era cult book: *On the Road* (1957).

linguistic, religious or symbolic point of view. For all this, this community, now split, is a living example of the phenomenon of statalism<sup>7</sup>.

The integration of French-speaking families on the American side was easy. They decided to stay on their land. On the Canadian side, however, granting official status to French-speaking Canadians was not easy. The British government of New Brunswick clearly discriminated against the Francophones. However, the policy has long been the same from a linguistic point of view on both sides of the river. Authorities have been trying to impose English on Acadian children. Everything changed on the Canadian side from the 60s because Acadians were given new rights in education. An evolution took place that allowed Francophones to have their language accepted as equal to English. First in law in 1981, then incorporated in the constitution in 1993 (Bastarache & Boudreau 1993).

A study conducted by Marie-Claude Dupont in 1994 and reported by Gravel Shea, provides some food for thought despite the small population of 40 people considered. Unsurprisingly, a homogenous community emerged from a limited number of families. Half of it is in two states and sees the personal and social lives of its members evolve differently. Anecdotal examples would be numerous. We will only mention a few such as time zone difference or different units of measure: gallon vs. liter, Fahrenheit vs. Celsius.

The linguistic evolution is more interesting. Again, we will not be surprised to learn that most Americans speak English at home and at work on the American side of Van Buren, while the majority of St. Leonard's residents on the Canadian side speak French at home and often English at work. Most Francophones are bilingual, which is often not the case for Anglophones. However, a study carried out by the Van Buren community provides important, even surprising, information. The municipality carried out a survey among its inhabitants (Shea 1999, p. 143). 1700 people were contacted and among them only 9.8% answered, which is very few. The survey covered a wide range of areas of society. They were also asked which language they used first. It is quite surprising to note that while 56% indicated English, 44% said it was French. It may be surprising and may indicate that, despite everything, a number of American families of French origin have kept French as the language spoken at home. The situation is comparable to that of the Canadians but less conflictual. Even if more detailed and consequential studies are needed, this phenomenon underlines all the attachment to their language-culture that is passed on from one generation to the other. This, of course, remains strongly linked to the question of identity and emphasizes that in many French-speaking communities the language of origin has been defended.

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7 Even more interesting because here it is a population of French origin which finds itself "colonized", while elsewhere it is the French who will try to assimilate the other.

## Think about the future and/or return to the origins?

Today, the question of identity seems to have to take more and more space in our consciousness, cultural productions, media and political debates. There is a need, a quest for the past, a search for origins, even claims for justice and reparation based on old conflicts. There is also strong insecurity about the place and role of everyone in a society without a compass. There is a strong connection between language, culture and identity. But for us it is a structure involving the question of territorialization of a language.

## From Madawaska to Maghreb: a language, languages?

The common points between these different countries and regions are numerous. If we focus on the language issue, because it is the support of all culture, we can see a dual process. Both a deterritorialization of the French language and a reterritorialization of individuals and social groups in new frontiers where they undergo a state or social statalism. We saw it with Madawaska where the families who were south of the St. John River over time began to speak English in public as a result of the situation in place.

Deleuze and Guattari (1975), as mentioned above, introduced this question of territorialization and the latent conflict between major and minor languages. They add two other fundamental characteristics related to the collective: “The second characteristic of minor literatures is that everything is political.” (p. 30) “The third character is that everything takes on a collective value” (p. 31).

As we can see in our examples, there is on the one hand a deterritorialization of the French language. On the other hand, there are minor cultures that, by speaking French – a major language – get access to a global readership. This entails a collective value of their works and gives them a political benefit as representative of a certain community. This regardless of the author.

The reterritorialization of the French language outside France in these different contexts, expresses – whether we like it or not – certain French universalist canons, without imposing a French culture. Every minority actually uses the language in its own way, respecting it more or less, adapting it, and using it to express other experiences, other lives in a personal context. This situation exists also partly in France in certain environments outside the common dominant culture. It can lead to rebellion or even to revolution.

However, there are many ways to respond to the use of a non-native major language, and the question of good French becomes central (Barret 2016). Lise Gauvin (2004, pp. 260–261) expresses it well by repeating the words written by Charles-Ferdinand Ramuz (Swiss author) to his editor:

“We had two languages here, one that was considered ‘good’, but we used it badly because it was not ours, the other which was supposedly full of mistakes, but which served us well because it was ours.”

The extreme sensitivity to language due to a state of diglossia leads to what Gauvin (2004, p. 256) calls linguistic overconsciousness:

“The common denominator of so-called emergent literatures, and especially of French-speaking literatures, is indeed to propose, at the heart of their identity problematic, a reflection on language and on the way in which language/literature relations are articulated in different contexts. The complexity of these reports, (...) gives rise to linguistic overconsciousness that writers have reported in various ways. (...) The notion of overconsciousness refers to the fact that this situation of discomfort in the language can be exacerbated and fertile.”

Here we find of course a whole series of old oppositions: i.e. regional language vs. national, oral vs. written, formal language vs. familiar language, etc.

We can talk about a double experience. It is an insecurity vis-à-vis the control of the language on the one side and a search for reappropriation of the language by working with it, while trying to model it so that it can translate and produce the objectives of the author, on the other side. This bi-language<sup>8</sup> situation is in fact very common for all those who live outside their country or who have to communicate in another language. To this is added all the evolutions and variants of French in a continuum from Creole to the standard French of the Parisian media. The two issues both intersect and have the same source: linguistic malaise vis-à-vis a frozen language.

## Conclusion

We therefore realize that the relation to language is primordial in a dialectic of identity specific to francophone writers, who are the representatives, the bridgeheads, of many diverse communities and minorities throughout the world. All these communities and minorities have a need to testify to their existence, their history, their suffering, even their absence in the mind of the Other. This Other is always simultaneously real, alive, powerful, absent and a sort of mythical spectrum. As Raoul Bourdeau (2003) says for Acadian literature:

“As a literature of a minority written in a major language, French, but strongly deterritorialized, Acadian literature corresponds quite well to the description of a minor literature according to Deleuze and Guattari.”

In addition, we will say that this observation is valid for any French literature outside France. The medium of this deterritorialized major language is then diverted to collective goals of various communities that both describe a certain original cultural environment. It is also a link to a set of universal representations propagated by this major language. Our examples show that there are no simple solutions and that the discomfort still exists. But the language – French here – is the tool that allows them to testify.

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8 Abdelkabar Khatibit proposes the term of bi-language for writers who choose to write in a language other than their own. Beckett is one example (Gauvin 2004).

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# Women's Interests in the Middle East and North Africa

Between Zones of War and Realms of Peace

*Rania Maktabi*

*“To reclaim ‘interests’ as part of women’s politics,  
we must retire ‘the universal woman’ permanently”.*

- Jill Vickers 2006:17 -

## Introduction<sup>1</sup>

Almost a decade after the 2011 Arab Uprisings, a main divide in the Middle East runs between realms of peace and zones of war.<sup>2</sup>

The chain of protests targeted autocratic rulers who had held power for more than three decades. Comparable demands for change resulted in a wide range of political outcomes. Whether people resided in areas distinguished by political stability or in areas where political order had dissolved constitutes a main structural divide in the region.

‘Realms of peace’ are territorial spaces characterized by political order, relative stability and low levels of organized violence.<sup>3</sup>

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2 For sake of brevity, ‘Middle East’ is used to denote Arab states in the Middle East and North Africa (MENA) region that include 18 of the 22 members of The Arab League, excluding thus the four non-Arab speaking states of Comoros, Djibouti, Somalia and Mauritania. A regional subdivision in MENA is comprised of a western part, often referred to as *Maghreb* (‘west’ in Arabic), that includes the North African states of Morocco, Algeria, Tunisia, Libya, and Egypt; an eastern part referred to as *Mashreq* (‘east’ in Arabic) that includes Jordan, Syria, Lebanon, Palestine, and Iraq; and the Gulf region usually referred to as the *Khalij* in Arabic, which includes Yemen along with the six oil-rich member states of the Gulf Cooperation Council (GCC) Saudi Arabia, Kuwait, Oman, Qatar, the United Arab Emirates (UAE), and Bahrain. All citations from the Internet were last retrieved on 8 May 2019.

3 The term ‘realms of peace’ was coined after reading Hillary Mantel’s historic novel *Wolf Hall* in 2012. ‘Realm’ is a fruitful term in a post-2011 MENA-region because it denotes forms of extended sovereignty over territorial spaces without inducing the existence of sovereign control over these spaces. For instance, Iraq and Syria remain member states of the United Nations, despite the loss of centralized sovereign control over the territorial state after 2003 and 2011 respectively. Although used in connection with security-related

With the exception of Bahrain, and to a lesser degree Kuwait, monarchies in the Middle East –which include the oil-rich Gulf states of Saudi Arabia, Oman, the United Arab Emirates (UAE) and Qatar, along with Jordan and Morocco– remained overtly realms of peace along with some republics, such as Lebanon, Tunisia and Algeria. By contrast, ‘zones of war’ denote here areas where war and armed conflict marked by state repression and extreme violence took place, such as in Syria, Egypt, Gaza, Libya, and Yemen.<sup>4</sup> There, we find the militarized use of arms under authoritarian rule, the fragmentation of central authority, and areas under rebel governance.

Do women in the Middle East living under such contrasting conditions after 2011 have shared interests *qua* women? By extension, what constitutes interests in conflict, given increased variations in women’s living conditions in zones of war and realms of peace over the past decade? These are the two main questions discussed here.

Importantly, this chapter concentrates on legal aspects pertaining to women’s interests in state laws. It probes into the overlapping connections and interrelatedness between women’s interests and female citizenship defined as the set of civil, economic, and political rights shared by women within a polity.

While male and female citizens in the Middle East are equally subject to autocratic rule in most states, women’s incomplete citizenship is specifically related to women’s male mediated civic personhood in patriarchal state laws. ‘Patriarchy’ denotes here a system of social relations that privilege male seniors over juniors and women in the private and public spheres (Joseph, 2000b, p. xv). By extension, ‘patriarchal state laws’ reflect the codification of norms, laws and regulations formed and enacted by state authorities in ways that privilege male and elder rights as embedded in kinship-based power structures stratified along gender and age lines. (Joseph, 2000a, p. 16).

Among the laws and regulations that condition women’s interests and citizenship in the Middle East, we find the Constitution in which male and female citizens are defined as having equal rights. However, the principle of equality is hampered by several other laws, including family law where males figure as guardians of women in kinship-related legal matters such as marriage, divorce, custody over children, alimony, adoption and inheritance; nationality laws where nationality is transferred only through male citizens in more than half of all Arab states; criminal law where legislation does not define domestic violence against women in legal terms; labour laws which precondition that male kin approve a woman’s engagement in the paid labor market; and social security laws where husbands are predominantly perceived as heads of households, curbing thereby the capacity of a working wife or mother to

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issues, ‘realm of peace’ remains largely defined. See for instance (Joshua & Olanrewaju, 2017; Neethling, 2003)

4 ‘Zones of war’ is derived from the more common media usage of ‘zone war’ understood as hot spots and combat areas defined by the Merriam-Webster dictionary as “an area marked by extreme violence” (<https://www.merriam-webster.com/dictionary/war%20zone>). For a study of how armed groups, elite networks and households engage in conflict, see (Jennings, 2007)

obtain social rights on an autonomous and individual basis unrelated to a husband or father. In sum, the majority of female citizens in the Middle East face legal limitations in state laws that render them enfranchised minors because the principle of male guardianship is embedded in different state laws. (Maktabi, 2017a).

The term denizenship is introduced in relation to female citizenship to capture its exclusionary traits following the containment of female agency in relation to males. Denizenship reflects incomplete and abrogated forms of belonging to a territory. The term has been applied by Swedish political scientist and a specialist on migration studies Tomas Hammar who defined a denizen as a privileged resident alien (Hammar, 1990, pp. 12–14), and by the philosopher T. H. Green who described a denizen in Victorian England as an underfed and untaught citizen of the state (Hill Green, 1906, p. 314). Here, women's denizenship in the Middle East is related to the incompleteness of female citizenship due to male-mediated forms of membership in the state. Women's denizenship became more visible during and after 2011. Particularly for female refugees and displaced persons, the registration and issuing of identity certificates, residency permits and travel regulations impacted women's lives dramatically. As a result, the civil rights and living conditions of a woman have become to an even larger extent than before the 2011 revolts shaped by whether she is a citizen, refugee, migrant, internally displaced person or stateless person.

In the following, theoretical aspects linked to identifying women's interests are first introduced followed by an elaboration of women's interests and how these intersect and overlap with female citizenship and denizenship in the Middle East. The second section delineates women's interests before 2011. Pressures to reform patriarchal elements in family law constituted shared interests among women across the region.

Sections 3 and 4 render an analysis of women's interests as these were expressed during the 2011 revolts and its aftermath. A typology of female citizenship in the Middle East is introduced to point out variations pertaining to the impact of the Arab revolts on female citizenship. Issues related to sexual violence and physical atrocities against women in public spaces and at home became the most hotly debated demands and claims raised by women. Five states –Morocco, Lebanon, Kuwait, Egypt and Syria– provide in-depth empirical examples of variations in women's interests in zones of war and realms of peace.

Section 5 discusses how patriarchal nationality laws emerged as another interest shared by women after 2011 in addition to sexualized violence. War created new divisions among women in the Middle East. Displaced persons and refugees exacerbated already existing divisions among citizen and noncitizen women in different territorial states. The precarious situation of women on the move politicized further patriarchal nationality laws. In addition to violence against women as a shared women's interest, societal pressures for and against reforming nationality laws evolved into a shared as well as an interest of conflict among women with the rise of nationalism as a political force.

In section 6, the phenomenon of the rise of state feminism in realms of peace and the exacerbation of female denizenship in zones of war are pointed out. The chapter

concludes that women's interests in the Middle East changed character after the Arab Uprisings. Before 2011, religious and clerical aspects pertaining to women's work opportunities, movement in public space, marriage, divorce and custody over children were emphasized in debates on reforms in patriarchal state laws, particularly in family law. After 2011, women's interests became markedly more secular in the sense that clerical arguments for maintaining the principle of male guardianship over women in state laws weakened. At the same time, nationalist and exclusive patriotic arguments for preserving male privileges in nationality laws gave rise to 'femonationalist' policies, in the form of expanded female citizenship in some fields such as employment opportunities in the judicial sector and improvements in social security laws, while at the same time bolstering male privileges in nationality law.

### **Women's interests: A theoretical and methodological departure**

Political scientists Louise Chappell and Lisa Hill argue that women's interests are not fixed but rather constructed through political processes. In *The Politics of Women's Interests*, the authors differentiate between 'form' and 'content' as two distinct aspects of the concept of 'interest'. 'Form' denotes women's demand for involvement and control over politics and public affairs, while 'content' relates to results and the substantive value of political activities. (Chappell & Hill, 2006, p. 1).

Jill Vickers, one of the contributors in the edited volume, draws another distinction related to the concept of interest. She argues that any analysis of women's interests should be aware of 'women' as a political category and 'woman' as an ontological category: 'Women' as a political category reflects organized interests through which groups of women engage in constructing political claims, while 'woman' as an ontological category invokes man and woman as essential categories of being. (Vickers, 2006, pp. 6, 33–34). Vickers' argument is that we cannot assume a priori that women share particular interests as 'women' based on their ontological being as 'woman':

“‘Women’ does not mean that a common interest exists by theoretical fiat, even within a specific country or group, unless one can be demonstrated to exist empirically. My methodological assumption is that, although common interests may exist, it is more likely that any aggregate of women has both shared and conflicting interests.” (Vickers, 2006, pp. 7).

What Vickers emphasizes is that women's interests have to be articulated, raised and acknowledged through political processes rather than being agreed upon a priori. Interestingly, although Vickers points out that her analysis focuses mainly on the West (Vickers, 2006, p. 34), she nevertheless acknowledges the work of Valerie Bryson who argues that “understanding what ‘woman’ means in laws and policies in different times and places is a crucial part of the justice project.” (Vickers, 2006, p. 16). One reading of this argument is that women's interests can be analyzed across time and space by exploring laws and policies in contemporary polities.

An analysis of the interconnectedness of women's interests and female citizenship is a particularly fruitful departure for exploring women-centered politics before and after 2011 in zones of war and realms of peace in the Middle East for two main reasons:

First, because Vickers makes numerous references to citizenship. In general, she implicitly equates citizenship with having and exercising political voting rights. For instance, when she emphasizes the significance of organization, she explains that "the capacity of self-organization is probably as important as gaining *citizenship rights* for women to advance gender justice in democratic systems" (Vickers, 2006, pp. 8, my emphasis). Whereas 'citizenship rights' remains undefined, she points out in a later section that "first-wave activists formulated their demands as in the interests of 'women' because all women potentially could benefit from access to citizenship and civil rights." (Vickers, 2006, p. 10). Once again, 'access to citizenship' appears here to implicitly denote the franchise – i.e. the right to vote and to be represented. The *content* of 'civil rights', however, is not clarified. This point leads to the second reason for engaging in women's interests through a citizenship approach.

In a footnote, Vickers explains that her use of the 'first-wave' metaphor in analyzing the development of women's rights is problematic because of its western-centered periodization. (Vickers, 2006, pp. 33–34). She nevertheless points out, quite rightly, that women in states such as Iran and Saudi-Arabia are currently engaged in what corresponds with western first-wave struggles:

"Early activists made claims on behalf of 'women' as a sex because all women experienced the same legal disabilities such as being denied the status of political citizenship and social adulthood entitling them to civil rights. Hence in Iran and Saudi-Arabia women still are engaged in 'first wave' struggles while they seek these rights. [...] These struggles are about women wanting citizenship so that they can define their own life opportunities instead of having roles, laws and policies made by men who control state decision-making imposed on them because of their sex." (Vickers, 2006, p. 10).

Vickers acknowledges thus common interests and comparable struggles which women in Iran and Saudi Arabia share with women in western states. She specifies the *form* of women's interests in both settings as being women's claim to citizenship in order to define their life opportunities. But, then again, what does 'citizenship' and 'life opportunities' imply more specifically? Vickers does not specify the content of these variables, moving on to discussing other theoretical dimensions related to women's interests.

For the discussion in this chapter, 'women's interests' are expressed through female citizenship intimately connected with the degree of female autonomy through claims and acts that expand and strengthen a woman's legal capacity. In contemporary states, these pressures are likely to occur through mainly two types: first, through societal pressures to reform patriarchal state laws that safeguard the principle of males as legal guardians of adult women, enabling thereby an adult woman to have legal capacity over her own personhood. Secondly, by means of political acts by the state in the form of policies involving legislation, decrees or bureaucratic practices that oppose the sta-

tus quo by amending or changing existing patriarchal laws, norms and gender roles. Women's interests relate thus to expanding women's autonomy, widely defined as a woman's capacity to initiate and engage in activities unconditioned by male authority. This entails that women's interests are understood as acts and policies that strengthen a woman's individual rights and that bolster her legal capacity.

In sum –building on Vickers' theoretical approach to the concept of 'women's interests'– roles, laws and policies leading to reforms that *expand* female citizenship and *reduce* the extent of female denizenship are here to be understood in line with women's interests.

## **Women's interests and female citizenship in the Middle East before 2011**

What constituted 'women's interests', and in which ways did these overlap with female citizenship in the Middle East before 2011?

In kinship-based societies in the Middle East, members of nuclear as well as extended families engage in relational rights. 'Relational rights' are connected to socio-economic ties that give rise to reciprocal and emotional pledges between kin members, particularly in the absence of public welfare schemes. (Joseph & Slyomovics, 2001; Welchman, 2004). Taking into consideration the significance of kinship based social organization (Maktabi & Lia, 2017) and relational rights in the region, it is here argued that acts and policies that strengthen the individual legal capacity and personhood of a female adult are additional key factors to exploring the form and content of women's interests in contemporary states in the Middle East. (Maktabi & Lia, 2017).

Seen in a historical perspective, societal pressures to expand and strengthen female citizenship in social norms, laws and practices can be traced in the modern Middle East to the late 19<sup>th</sup> century. (Abu-Lughod, 1998; Thompson, 2000). After the establishment of independent states over the period of five decades between the 1920s and 1970s, each state formed its own national laws based on interpretations of religious and secular norms and sources. Particularly family laws were subject to the influence of religious scholars and clerical interpretations that embedded the principle of male privileges. (Layish, 2004; Welchman, 2010). During these years, decrees and reforms were legislated and enacted in all states. In only one state –Tunisia– women gained an important individual right in 1956: the right to unconditional divorce in the state's family law. The Tunisian family law remained an unparalleled piece of women-friendly legislation in the region for more than four decades. In all the other 21 Arab League states, the majority of women could not conclude a marriage without the consent of a male guardian, and were not able to obtain a divorce without going to court.

In other legal spheres, such as labour laws and social security laws, women's interests in education, healthcare, paid labour and maternity leave were strengthened in the period between the 1950s and 1970s. These two decades witnessed the establishment of welfare services en par with the expansion of the state apparatus. (Meijer,

2014). Throughout the 1980s and until the turn of the millennium, societal pressures to reform family law and expand women's legal capacity in matters related to marriage, divorce, alimony and custody over children constituted the centrepiece around which struggles to expand female citizenship revolved. (Joseph, 2000b; Moghadam, 2003; Moors, 2003). Paradigmatic reforms occurred between 2000 and 2010 which significantly strengthened female citizenship in two legal spheres: family law and nationality law.

In 2000, divorce laws in Egypt were amended through parliament, enabling women to obtain divorce on the condition that they waive financial rights (known as *khul'* divorce). The Egyptian reform was the first legislation that followed Tunisia in granting a woman the right to obtain extra-judicial divorce without the consent of the husband. Four years later in 2004, Morocco followed suit and passed a law in parliament which reformed family law (known as the *mudawwana*) enabling women to divorce without filing a case in court. The new family law equalized the marital status of women within marriage and strengthened the custody rights of mothers in relation to her children. However, fathers retained prerogatives such as being defined as the head of the household, and having the power to acknowledge offspring if a child is born in a non-registered marital relationship. (Maktabi, 2013).

In another legal domain, that of nationality law, significant reforms occurred after the turn of the millennium. Until 2010, only Tunisia had made amendments in the state's nationality law extending female citizenship. All the other 21 Arab League states had patriarchal nationality laws which singled out descent through fathers, not mothers. A woman married to a noncitizen was unable to pass over her nationality if married to a noncitizen, a privilege enjoyed by a male citizen married to a noncitizen. (Theodorou, 2014). After 2010, five Arab states had reformed their nationality laws by allowing for maternal descent in acquiring nationality (years in brackets): Egypt (2004), Algeria (2005), Morocco (2007), and in Tunisia and Yemen (2010). (UNHCR, 8 March 2018, p. 3).

A combination of factors shed light on the driving forces behind reforms in family law and nationality laws. First, all states in the Middle East were exposed to similar exogenous forces of change after the turn of the millennium. Economic globalization, neo-liberal policies and political liberalization (through media and international agencies) took their toll on restructuring the distribution of wealth and social services within the state. (Henry & Springborg, 2010; Richards & Waterbury, 2008). Eager to placate conditions set by international organizations in exchange for political credibility and access to foreign markets, many states signed international conventions such as the 1979 Women's Convention (CEDAW) and the 1989 UN Convention on the Rights of the Child. (Maktabi, 2013, p. 288).<sup>5</sup> Secondly, external forces generated top-

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5 The impact of economic forces on the political will of states to strengthen female citizenship by signing CEDAW is fairly evident by the space of time between their signing economic agreements. For instance, the years in which the states signed the CEDAW coincide with periods that signaled economic openness: Egypt was first to sign, in Sep-



down, as well as bottom-up societal pressures that impacted more women-friendly approaches within judicial institutions towards cases filed in court relating to marriage, divorce, custody of children, domestic violence, and juvenile crimes. (al-Sharmani, 2009; Gränzer, 1999; Maktabi, 2010; Voorhoeve, 2014).

To sum up, by 2010, the socioeconomic and political context which surrounded women's interests had changed over the course of more than six decades. Clerical interpretations that legitimized the containment of women's legal capacity to initiate and gain divorce were challenged and re-formulated in three states: Tunisia in 1956, Egypt in 2000 and Morocco in 2004. The importance of gaining the right to divorce as a basic women's interest should not be underestimated. This is not unlike the situation in Western states where women used political rights to expand their civil and marital rights, particularly in relation to abortion, divorce and the custody of children. (Fine-man & Thomadsen, 1991, pp. 266–267; Rodriguez-Ruiz & Rubio-Marin, 2012, p. 35).

The three North African states (population size in brackets) – Egypt (97 million), Morocco (36 million) and Tunisia (11 million) – account for around 144 million inhabitants, roughly more than a third of the total population in Arab states estimated at around 400 million.<sup>6</sup> The power of political example set by reforms in these three states is significant because it signalled that reforms regarding women's interests are difficult but not impossible. In other words, by 2010, women as well as men across the Middle East were more confident that it is potentially imaginable to change the *status quo* with reference to patriarchal state laws, including legislating reforms that interpret and define women's interests in ways that strengthen female legal capacity.

## Enter the 2011 Arab revolts: A typology of female citizenship and denizenship

Protests that started in Tunisia in 2010 soon spread to other Arab states. By March 2011, people in Egypt, Syria, Libya and Bahrain demonstrated and were met with excessive degrees of violence by the state apparatus, and – in the case of Syria and Libya – the escalation of conflict to full-fledged civil wars. (Khatib & Lust, 2014). In almost all states across the region people – citizens as well as noncitizens and stateless persons, such as in Kuwait and Lebanon – gathered force in demand of *khubz*, *hurriyya*,

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tember 1981, after its *infitah*-policy (meaning 'opening') at the end of the 1970s; Morocco next, in June 1993, after initiating wide-ranging privatization policies; Lebanon, in April 1997, amid the post-war rebuilding boom and the renewal of economic ties with Western financial centers; and Syria, in March 2003, as part of the state-initiated 'Damascus Spring' movement.

6 "Total population – both sexes". *World Population Prospects*, the 2017 Revision. United Nations Department of Economic and Social Affairs, Population Division, Population Estimates and Projections section. Retrieved on 25 April at [https://en.wikipedia.org/wiki/Demographics\\_of\\_the\\_Arab\\_League](https://en.wikipedia.org/wiki/Demographics_of_the_Arab_League).

Table 1: Variations in post-2011 female citizenship and denizenship in the Middle East

politics of citizenship	Inclusion	Exclusion
<b>member-ship</b>	expanded <i>demos</i> enables political transition towards democratic participation ( <i>maghreb felix</i> ) <b>i) democratization</b> Tunisia Morocco	contracted <i>demos</i> maintained en par with post-2011 women-friendly policies <b>ii) “stuck in transition”</b> Bahrain, Saudi Arabia, Kuwait, UAE, Oman, Qatar, Lebanon, Jordan, West Bank
<b>partici-pation</b>	“issues political” extended: violent struggle over political order and institutions that define rules of the game (courts, military, parliament, government) <b>iii) violent transition</b> Syria (post-2011 civil war) Iraq (post-2003 fragmented polity) Libya (post-2011 fragmented polity) Yemen (post-2011 fragmented polity)	“issues political” restricted: political, judicial, and religious institutions less subject to democratic decision-making <b>iv) volatile stalemate</b> Egypt post-military coup 2014 Gaza post-war 2014 Algeria Sudan

*karama* and *ʿadala ijtimaiyya*, i.e. bread, freedom, dignity and social justice. (Khoury, 2014; Meijer, 2014; Meijer & Butenschøn, 2017; Sadiki, 2015).

Arab regimes responded towards bottom-up pressures and demands for change in a variety of ways. In some states – such as Tunisia and Morocco – reforms towards more democratization occurred. In other states, such as Egypt, Libya and the oil-rich Gulf monarchies, autocratic rule strengthened, while the dramatic fragmentation of political order occurred in yet other states, such as in Syria, Libya and Yemen.

Women also raised claims and protested against patriarchal laws and male-dominated politics. ((FIDH), May 2012; Maktabi, 2017a; Touaf, Boutkhil, & Nasri, 2017). Political changes with regard to women are remarkably more varied after 2011 than they were in the three decades preceding the 2011 revolts. The premises for female autonomy post-2011 are, for instance, conditioned by dramatically different political contexts depending on whether a woman lives under conditions marred with repercussions of war, or whether she lives in a polity where political order has been maintained.

Table 1 presents an attempt at portraying variations of female citizenship and denizenship in different states in the Middle East after 2011 through a typology. It makes an effort at portraying the politics of women’s interests in ways that focus on female citizenship and denizenship under different political regimes. (Maktabi, 2018a, pp. 110–118).

Some methodological notes to clarify the parameters used in constructing the typology are needed. Table 1 has two dimensions: membership and participation. The membership dimension refers to expanded or contracted forms of membership in the state. For instance, inclusive forms of membership lead to an increase in the *demos*, i.e. larger segments of the population that are full members of the state where women and/or noncitizens are naturalized. By contrast, exclusive forms of membership lead to smaller *demos*, i.e. smaller segments of the population that are full and legitimate members of the state.

The other dimension refers to forms of participation in the polity where expanded forms of participation reflect wider engagement and involvement in political issues, including ‘women’s interests’. Such interests can be claimed, raised and negotiated by women or on behalf of women whether they are citizens or noncitizens such as refugees, stateless persons or migrants. Contracted forms of participation entail narrower forms of engagement, involvement and participation in articulating and formulating political issues that represent and impact ‘women’s interests’.

Table 1 differentiates between four different types of political trajectories roughly a decade after the 2011 revolts: i) in two states – Tunisia and Morocco – *democratization* has occurred yielding expanded female citizenship in both states. In April 2011, the Moroccan government announced that Morocco’s reservations to the Women’s Convention were to be removed, and in July 2011 a new Constitution was drafted and art. 19 enshrined the women’s equality with men (Gray, 2013); ii) incremental changes to female citizenship occurred in states where the political order and the *status quo* were maintained. In these states, female citizenship appears to be “stuck in transition” as a result of policies and reforms that strengthen women’s interests in some fields (such as the labour market and freedom of movement), without addressing the principle of male guardianship in family law. Bahrain is marked in red because it is the only state where the regime used military force and called for external support to clamp down on demonstrations by using sharp weaponry (Kapiszewski, Okruhlik, & Tétreault, 2011); iii) in four states – Syria, Libya, Yemen and Iraq – civil war and violent conflict has deteriorated female citizenship considerably. Extreme increase in death and displacement along with the dissolution of political order characterize female denizenship following high degrees of violence, including sexualized violence and rape particularly in Syria. Other characteristics of this type of political trajectory is the destruction of homes, women’s loss of husbands and male kin and the emergence of rebel governance under which residents were subject to extremist religious orthodoxy, particularly with the rise of the Islamic State in areas under rebel governance in Iraq and Syria (Ismail, 2018; Lia, 2017; Tank, 2017); and iv) a fourth political outcome saw a volatile stalemate in some states. Violent clashes in Egypt, full-fledged war in Gaza, along heightened tensions in Sudan and Algeria where female citizenship remained confined.

Five states – Morocco, Egypt, Lebanon, Syria and Kuwait – serve hereafter as empirical cases for exploring variations in women’s interests, female citizenship and denizenship after the 2011 Arab revolts. The states are chosen for three main reasons:

First, two states – Egypt and Syria – represent zones of war-states. These states were characterized by high levels of the use of military force, organized violence, and civil war. Three states – Morocco and Lebanon, and to a lesser degree, Kuwait – remained realms of peace. Political order was maintained and the status quo prevailed despite protests and – particularly in Kuwait – the use of force by the government to curb and imprison protestors between 2011 and 2014. (Tétreault, 2014).

Secondly, with the exception of Egypt, I have conducted field works and gathered primary sources in the four other states over the past fifteen years, most recently from 2015 to 2018 when I interviewed more than 30 female lawyers in Morocco, Lebanon and Kuwait on the impact of the 2011 Arab uprisings on women's rights within state laws. (Maktabi, 2016).

Thirdly, the five states perform differently in the *Women, Peace and Security Index 2017/18* which measures three dimensions – inclusion, justice and security – pertaining to women's autonomy and power as agents at home, in the community and in the society they reside in. Seven of eleven dimensions measured by the *Women, Peace and Security Index* are rendered in table 2, including economic, social and political rights, formal laws, intimate partner violence, organized violence, and women's perception of being safe in their community. The indices reflect to a large extent women's well-being basically in line with women's interests as defined theoretically in this chapter. Table 2 indicates state performances by dimensions that explore women's inclusion in economic and political life, justice and security.

Table 2 concurs with the typology of female citizenship and denizenship (table 1) in two ways: *First*, indices on inclusion and justice show that the North African states of Morocco and Egypt where reforms in family law and divorce laws have occurred share lower degrees of legal discrimination against women (25 and 35) compared to the three other states – Lebanon, Kuwait and Syria – where levels of legal discrimination are at 40, 42, 48 respectively. Also, Morocco and Egypt score high on female parliamentary representation, female employment, and – along with Kuwait – high levels of women's perception of community safety.

*Secondly*, the index shows that Morocco, Lebanon and Syria are three states with high rates of intimate partner violence. In Morocco 45 per cent of women report that they have experienced physical or sexual violence committed by their intimate partner. The percentages for Lebanon are 35 per cent and for Syria 25 per cent. The importance of domestic violence as a women's interest in Morocco after 2011 will be elaborated on further below.

In one significant way the *Women, Peace and Security Index* (table 2) does not support the female citizenship typology (table 1) which classifies Egypt as a “zone of war state” and Lebanon as “realm of peace”. The index shows that Egypt has a lower score on battle deaths than Lebanon – 0.21 battle deaths per 100,000 compared to Lebanon where the figure is 2.61 battle deaths per 100,000. Also, 71 per cent of women in Egypt perceive their community as being safe, while only 46 per cent of women in Lebanon share that view. One explanation for the high levels of communal violence and lower perceptions of community safety in Lebanon is that peripheral territorial areas on the

Table 2: State performances by dimensions measured by the *Women, Peace and Security Index 2017/18*.

		Realms of peace			Zones of war	
		Kuwait	Morocco	Lebanon	Egypt	Syria
Inclusion	Women's year of schooling	7	5	8	6	7
	Women's share of parliament seats (%)	3	18	3	15	13
	Women's employment (%)	49	25	23	19	12
Justice	Legal discrimination against women	42	25	40	35	48
	Intimate partner violence	13	45	35	26	25
Security	Women's perception of community safety (%)	77	71	46	72	17
	Organized violence	0	0	2.61	0.21	172,59
Performance Score (153 states)		83	113	143	138	152

Source: *Women, Peace and Security Index 2017/18*, <https://giwps.georgetown.edu/the-index/>. The three dimensions and corresponding indicators are: 1) *Inclusion* operationalized by indicators that measure education, financial inclusion, employment, cellphone use and parliamentary representation; 2) *Justice* operationalized by measuring legal discrimination (e.g. laws that make it harder for women to own property, open bank accounts, start a business, or take a job and enter professions restricted to men), son bias, and discriminatory norms (captures discrimination against women in economic opportunities and paid work. The index tracks the percentage of men ages 15 and older who disagreed with the proposition: "It is perfectly acceptable for any woman in your family to have a paid job outside the home if she wants one"; and 3) *Security* is measured through indicators pertaining to intimate partner violence (percentage of women who experienced over their lifetime physical or sexual violence committed by their intimate partner. Best country score is 6.1%, worst country score is 78%; global average is 30.3%), conception of community safety (percentage of women ages 15 and older who report that they "feel safe walking alone at night in the city or area where you live"), and organized violence measured in terms of battle deaths per 100,000.

borders to Israel and Syria have experienced several incidents of armed conflict that involve external powers and insurgent groups in 2006 and 2011 respectively. Despite differences when it comes to measuring security and violence where Lebanon scores higher than Egypt in the *Women, Peace and Security Index*, a basic fact remains: Lebanon maintained political stability without the exercise of high levels of control by

the state apparatus during the first three years after the 2011 uprisings. By contrast, political instability in Egypt after 2011 resulted in the toppling of a president followed by a bloody military coup in July 2013 which saw the securitization of Egyptian police and military forces. (Tabaar, 2013).

### **Violence against women as shared women's interest after 2011**

Throughout the Middle East, women lived under fairly similar patriarchal state laws – with the notable exceptions of Tunisia, Morocco, and to a lesser degree, Egypt – before 2010. Enter the 2011 revolts: Which claims were raised as 'women's interests' after the 2011 Arab Uprisings?

The most observable and tangible interest shared by women across the region was related to women's bodies. Atrocities and acts of violence, including sexual harassment in public spaces, domestic violence and rape evolved into the rise of what can be generally termed as 'body politics' as a dominant women's interest. The transformation of body politics from a low politics to a high politics arena has been particularly stunning. Political sociologist Deniz Kandiyoti commented eloquently on the rise of body politics in 2013: "What is at stake is no longer just women and their bodies but the body politic itself." (Kandiyoti, 2013).

In both realms of peace and in zones of war, body politics was a shared women's interest. How was this expressed in the five states, three of which are here seen as belonging to realms of peace – Morocco, Lebanon and Kuwait –, and two states that are conceptualized as belonging to zones of war where systematic violence by the state apparatus has been exercised – Egypt and Syria?

### **Morocco and Lebanon after 2011**

The 2011 uprisings yielded concerted collective efforts at articulating more forcefully the phenomenon of violence as a woman-centred political and legal issue in Morocco and Lebanon. Two specific incidents led to turmoil on a massive scale: first, in Morocco, the suicide of 16-year-old Amina Filali in 2012, after her rapist married her, thereby evading prosecution according to Article 475 of the penal code; and second, in Lebanon, when 31-year-old Roula Yaacoub's husband was suspected, but found judicially not guilty, of beating her to death in July 2013. Rebellion against laws that did not address gendered violence was considerably reinforced after these two incidents.

In Lebanon, Law on the protection of women and other members of the family from familial violence – known as the 'Protection law' or Law 293 – passed through parliament in April 2014. KAFA, an association established in 2005 that addresses all forms of violence against women, spearheaded an intensive lobbying period. Five Lebanese lawyers interviewed said the law was a success and pioneering, because judges have been quick in implementing it, and because it now positions women's claims more adequately in court. The legislation of Law 293 is a political breakthrough and a good example of women's legal mobilization in alliance with female lawyers af-

ter 2011. Lebanese lawyer Marie-Rose Zalzal is a member of the legislation committee at the Lebanese Bar Association, and a member of the Democratic Women's League. She has pushed for more than a decade on enacting a law on domestic violence, and commented on the period from 2012–2014 when pressures grew stronger:

“The President was a failure, Parliament was a failure, the government was a failure ... civil society, and KAFA in particular, pushed for change. There was so much pressure on the government. Every word they said against the [draft] law, or against the women, became blown up on posters everywhere. There was very strong media pressure. Each MP was forced to be accountable for what he said. Enacting the law became an electoral matter, and I think that was very important, because the nominated MP who did not adopt this law would not be elected, not only by women, but also by all those who work with human rights. Therefore this law did not only put on social pressure, but also political pressure.” (Interview with author, 1 December 2015).

Zalzal's account of the legal mobilization process reflects how law and politics were intertwined when it came to pressuring for the enactment of the Protection Law in Lebanon in 2014.

In Morocco, Amina Filali's suicide in 2012 spurred two changes: by January 2014, Article 475 of the penal code was revoked, and a law against violence was drafted in 2013 and was passed in parliament in 2018.<sup>7</sup>

Moroccan lawyers interviewed pointed out poverty, illiteracy, ignorance, and underage marriage as some of the main causes of gendered violence. Some lawyers like Houria al-Hams and Lamia Kharraz, pointed out that Morocco's low level of socioeconomic development is reflected at the individual level, and that illiteracy among women in rural areas constitutes a formidable challenge to strengthening women's civil rights despite the 2004 reform.

To put underage marriage, violence, and socioeconomic development in a larger socioeconomic context: the death of Amina Filali caused an uproar because she was one of an estimated number of 60,000–80,000 girls aged under fifteen who are employed as low-paid domestic workers.<sup>8</sup> The phenomenon of child domestic work in Morocco is, to an extent, related to low illiteracy rates among women in general in Morocco, which is at around forty-one per cent. On this point, Morocco differs when compared to, for instance, Kuwait and Lebanon, where literacy rates among women are ninety-six and ninety-two per cent respectively. Importantly, labour force participation among female citizens in all three states lies at around twenty-six per cent, while GDP (PPP per capita) differs widely: Morocco is a low-income country with 7,040 USD; Lebanon is a middle-income country with 16,794 USD, while Ku-

7 Human Rights Watch, “Morocco: New violence against women law”, 26 February 2018, <https://www.hrw.org/news/2018/02/26/morocco-new-violence-against-women-law>.

8 See point 51 in ‘Gender Equality and Parity in Morocco’, National Human Rights Council of Morocco, October 2015. See also The Advocates for Human Rights report submitted to the 67th session of the Committee on the Rights of the Child, 3–7 February 2014.



wait is a high-income country with 79,395 USD. (*The Global Gender Gap Report 2015*, pp. 274, 238, 230). These socioeconomic factors give substance to significant features of violence, where illiteracy is related to impoverished and illiterate Moroccan girls. In short, domestic violence in Morocco has a double national face: it involves both domestic familial violence, and class-based violence related to poverty and the employment of rural girls. (Maktabi, 2016, pp. 10–11).

### **Kuwait after 2011**

In Kuwait, no legal reform in state law has occurred with reference to violence against women since 2011. The issue has been, however, addressed at the judicial and ministerial levels. In 2011, the Ministry of Interior promoted law graduate and criminal investigator Hagar al-Hagiri as the leader of the criminal investigating office in the district of Sharq. Two years later, in May 2014, al-Hagiri was one of the first twenty-two women chosen by the Ministry of Justice to enter training courses in order to become a public prosecutor. In due course, she may become a judge – a position which no woman has held to date in Kuwait. “It is important for women to enter the field of investigation,” she said. “Female plaintiffs find it difficult to tell things to male investigators, such as about being beaten. The Interior Ministry supports the expansion of women’s role as investigators because they see the positive impact of women’s presence in sensitive cases.” (Interview with author, 9 March 2015). In March 2015, the Ministry of Justice and the Ministry of Religious Endowments sponsored a conference on the issue of violence against women, and promoted it as a health-related concern. Lawyer Shaikha al-Julaibi held a lecture on the issue, urged for passing a law on domestic violence, gathering statistics, and establishing shelter homes. (Interview with author, 23 March 2015). Another lawyer, Areej Hamada, pointed out that the law on e-crime, which was passed in Kuwait in June 2015 as a legislative measure against the financial laundering of military activities, should also be seen as a necessary legal tool to protect women from gendered online harassment: “Without legislation, we have no instruments to prosecute violators. This is also important for protecting children. Incest, for example. I have a case where I cannot do anything because there is no law,” she complained. Hamada’s argument illustrates that – notwithstanding the e-crime law, which mainly targeted terrorism acts, – institutional reforms with reference to violence signal top-down concern, without being supported by legislative reforms in criminal or penal laws in Kuwait. (Interview with author, 15 March 2015).

### **Egypt after 2011**

In Egypt protests led to the downfall of President Hosni Mubarak in February 2011. However, systematic use of force by the state’s security, police and armed forces led to a military coup in July 2013 which saw the imprisonment of the democratically elected President Mohammed Morsi and the ascendance of General Mohammed Mursi as president. (McMurray & Ufheil-Somers, 2013, pp. 57–116). In Syria, a prolonged

civil war raged for more than six years (2011–2018) without the downfall of the Assad regime. (Maktabi, 2018b).

During the first two years after the revolts, security officials as well as thugs in the streets exerted violence against women. Sexual harassment and abuse of women in public spaces occurred during and in the aftermath of the 2011 revolts. The gang rape of women in public spaces, the detainment of women protestors who experienced ‘virginity tests’, and the court trials some of these women raised against the police force during the initial phases of the revolts bore witness to the physical brunt of female political mobilization. Sherine Hafez argued that while women were encouraged to participate in public during the early phases of the revolts prior to the toppling of President Hosni Mubarak on 25 January 2011, women’s bodies grew less welcome in Tahrir Square, where protests occurred, as the revolts progressed. She discusses three cases where women’s bodies became targets as well as symbols of revolt: one of Samira Ibrahim who was detained and forced to undergo a ‘virginity test’ while in custody, the second of ‘the woman with the blue bra’ who was beaten on the street by several policemen and filmed while she was unconscious, and the third of twenty-year old Aliaa Magda Elmahdy who posted a naked picture of herself engaging in nude activism in protest of masculinist honor norms. Hafez argues that harassment, brutal assault, beatings, and deliberately humiliating acts against women’s bodies became sites of contestation over cultural norms and political control in masculine public spaces during and in the aftermath of the uprisings. (Hafez, 2014, p. 83).

During the one-year period under the presidency of Mohammed Morsi (June 2012 – July 2013), proposals raised in parliament by representatives from Islamist parties, such as the Muslim Brotherhood’s Freedom and Justice Party (FJP), aimed at containing female civil rights within family law. For instance, a statement issued by the Brotherhood on 14 March 2013 condemned the UN Commission on the Status of Women (CSW) for violating Sharia principles on the grounds that the UN Commission supported the distribution of contraceptives to adolescent girls, allowing women to file for divorce, and replacing male guardianship over women with equal partnership between husbands and wives within the family.<sup>9</sup> Other pressures to roll back women-friendly policies included abrogating the *khul’* divorce law enacted in 2000, reducing the minimum age of marriage for girls to under 18 years, and changing women’s child custody and visitation rights. (Lindbekk, 2014, pp. 100–102). Notwithstanding governmental pressures to reduce women’s interests, some reforms strengthened women’s rights. Egyptian women married to Palestinians got the right to transfer Egyptian citizenship to their children through the issuing of a decree in May 2011. This

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9 “Muslim Brotherhood Statement denouncing UN Women Declaration for Violating Sharia Principles”, *IkhwanWeb*, 14 March 2013, <http://www.ikhwanweb.com/article.php?id=30731>. See also Hoda Elsadda’s critique “A war against women: The UN Commission on the Status of Women (CSW) declaration and The Muslim Brotherhood Riposte”, *OpenDemocracy*, 3 April 2013, <https://www.opendemocracy.net/en/5050/war-against-women-csw-declaration-and-muslim-brotherhood-riposte/>.

reform deleted the clause inferred in the 2004 Nationality law reform which gave all Egyptian women the right to transfer citizenship to their children except for those married to Palestinians.<sup>10</sup> In sum, Egypt reflects the frailty of female civil rights in times of political turmoil during which the right to divorce gained in 2000 was liable to renegotiation after the 2011 revolts.

### **Syrian women between zones of war and realms of peace after 2011**

The Syrian regime regained control over the most important cities in Syria when rebel fighters were defeated in Aleppo in December 2017 with the help of Russian military power. The North-Eastern part of Syria –the Rojava province– remains under the governance of the self-proclaimed Kurdish authorities. Insurgent groups, such as the non-state organization Islamic state (IS) which gained control over large territorial entities in Syria and Iraq in 2014, had by 2018 been largely defeated by Syrian, Iraqi and Turkish military forces.

Human suffering and death following the atrocities of war have been enormous. Of a population that counted around 23 million before 2011, more than 470,000 people are dead, 6.5 million are internally displaced, and 5.6 million are registered as refugees in neighboring Turkey, Lebanon, and Jordan.<sup>11</sup> Syria is decimated, fragmented, and in shatters while Bashar al-Assad's Ba'athist regime has survived.

During the height of the civil war, women were marginalized and excluded from reconciliation talks and international meetings where factions attempted to find political solutions through negotiations. Women's absence from security negotiations led the United Nations to gather Syrian women's groups from different political wings to a conference in 2014.<sup>12</sup>

In general, Syrian women split in mainly two camps when the uprisings in Syria erupted into war after April 2011. Some Syrian women opposed the rule of President Bashar al-Assad. They left Syria and set up women's organizations in exile. For instance, Samar Yazbeck, a prominent writer and women's rights activist before the war,

10 "Post-Revolution, Egypt establishes the right of women married to Palestinians to pass nationality to children", 13 May 2011, <http://citizenshiprightsafrika.org/post-revolution-egypt-establishes-the-right-of-women-married-to-palestinians-to-pass-nationality-to-children/>.

11 "How Syria's Death Toll Is Lost in the Fog of War," New York Times, April 13, 2018, <https://www.nytimes.com/2018/04/13/world/middleeast/syria-death-toll.html>. The UN Refugee Agency (UNHCR), Internally Displaced People (IDP), last updated July 7, 2018, <http://www.unhcr.org/sy/29-internally-displaced-people.html>. The UN Refugee Agency (UNHCR), Syria Regional Refugee Response, [https://data2.unhcr.org/en/situations/syria#\\_ga=2.56958570.1196079502.1533121135-889607662.1533121135](https://data2.unhcr.org/en/situations/syria#_ga=2.56958570.1196079502.1533121135-889607662.1533121135) (last updated July 29, 2018).

12 «UN-sponsored conference demands full voice for women seeking to end crisis», 13 January 2014. <https://news.un.org/en/story/2014/01/459572-syria-un-sponsored-conference-demands-full-voice-women-seeking-end-crisis>.

established the organization *Women Now* in Paris in 2012.<sup>13</sup> Others remained in Syria and supported the regime in various ways such as maintaining the distribution of social services, education, and contributing as adjudicators in civil courts. (Cardinal, 2018; Maktabi, 2018b). Law professor at Damascus University Kinda al-Shammat participated, for instance, in re-writing the Syrian Constitution of 2012. She was appointed Minister of Social Affairs a year later and served until 2015 before being “released from her position” after pictures showing her hugging a military general went viral, and she was accused of unfit behavior as a veiled Muslim woman.<sup>14</sup> Interestingly, an act which some interpreted as a ‘motherly gesture towards a patriot’ was criticized as an ‘indecent gesture’ by others. A veiled minister who is a believer should, according to the criticism, refrain from physical contact with males. In both cases, the ousting of al-Shammat shows how gender, politics and power merge with, on the one hand, norms about feminine care and masculine vigor, and on the other hand, norms regarding faith, piety, and modesty.

Moving between Lebanon and Syria, some Syrian women who participated at a regional conference held in Beirut in November 2017 on Arab women’s political participation in conflict resolution pointed out that although they are critical of the Ba’ath regime, they accept current power constellations and work for more favorable conditions for women in Syria in a reconciliatory manner. One Syrian woman representing a woman’s group commented: “We have no choice. We continue our work where we left before the war. There is a lot to do to improve Syrian women’s living conditions. We continue our work with providing juridical advice and we do surveys on what women need”. (Conversation with author, 17 November 2018).

Within Syria, sexualized violence and rape were used as systematic weapons of war throughout the civil war (2011–2018). The most inflamed women’s interest throughout the war was thus the use of sexualized violence, including the rape of women, girls, men and boys. The 2013 UN Population Fund (UNFPA) reported that more than 238,000 persons who had been either victims of rape or subject to gender based violence had received psychological help.<sup>15</sup> Commenting on the UN report on sexual violence in Syria released on 8 March 2018, two legal scholars commented specifically on gendered dimensions of war: “Homes ceased to be places of privacy and non-in-

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13 See Yazbeck’s organizations «Women Now for Development», <https://women-now.org>.

14 For an overview over female ministers in Syria, including Kinda Al-Shammat, see <https://guide2womenleaders.com/Syria.htm>. For an article on her resignation with a photo of the embrace with a military general, see *Al-Raiy*, 21 August 2013, “The resignation of Minister Kinda Al-Shammat after pictures showed her in ‘unnatural position’ with ‘Tiger’”, <http://www.alraimedia.com/Home/Details?Id=654bda1b-eca3-452b-8a5c-3fe034f10ebc>.

15 Reuters, 8 January 2014: <https://www.reuters.com/article/us-syria-crisis-rape-idUSBREA0711R20140108>

tervention but places of invasion, violence and humiliation; the association of women with the private space of home makes this an especially gendered form of violence.”<sup>16</sup>

Notwithstanding high levels of violence in different parts of Syria, the capital remained firmly under the control of the Ba'ath-regime throughout the war. With the re-establishment of stability in Syria after 2018, oppositional critics of the Ba'ath regime, including women who did not leave their homeland, have chosen to cooperate with women's groups who support the regime. These groups coordinate their pressures to safeguard women's interests such as the underage marriage of Syrian girls to older men in exile, sexualized violence and the distribution of health and food in besieged areas. In exile, Syrian women and women's organizations became intermediaries between foreign organizations and refugee communities. (Frost, & Shteivi 2018).

### Violence against women as ‘the gender issue’ after 2011

Before 2011, penal codes in all Arab states mainly covered violence in the public sphere. Only one state, Jordan, had passed a law in 2008 against violence (Law no. 6 Domestic Protection Act). All other 21 states of the Arab League had no policy regulations that defined explicitly the content of domestic violence, i.e. violence against women and children at home, nor was familial violence defined as a criminal act in legal terms. After 2011, amendments in criminal and penal codes occurred in several states. These included a law against sexual harassment in Egypt (2014), protection laws against domestic violence in Saudi Arabia (2013), Lebanon (2014), Bahrain (2015), Tunisia (2016) and Morocco (2018). (*Status of Arab Women Report 2017 Violence Against Women: What is at Stake?*, 2017, pp. 13–15)<sup>17</sup>

The trend which sees the articulation of violence against women as a women's interest is particularly visible in the codification of state laws that ensures –at least *de jure*– state institutions such as police stations and in courts will address domestic violence.

What can be observed at the domestic level in the Middle East finds resonance at the international level as well. Jacqui True, a feminist scholar in international relations, argued that sexual violence against women has become ‘the gender issue’

16 Christine Chinkin & Madeleine Rees, <https://www.reuters.com/article/us-mideast-crisis-syria-warcrimes-sexual/thousands-of-women-men-children-raped-in-syrias-war-un-report-idUSKCN1GR1PZ>.

17 In Egypt, an amendment in the 2014 Constitution includes article 11 which states that “The State shall protect women against all forms of violence.” <http://evaw-global-database.unwomen.org/fr/countries/africa/egypt/2014/article-11-of-the-constitution>. A draft law on domestic violence as part of Egypt's penal code is under review, see “Parliament is drafting a new bill to prevent domestic violence”, *Egypt Today*, 9 November 2017, <http://www.egypttoday.com/Article/2/31741/Parliament-is-drafting-new-bill-to-prevent-violence-against-women>. Morocco passed Law 103–13 in February 2018, see “Morocco: New Violence Against Women Law”, *Human Rights Watch*, 26 February 2018, <https://www.hrw.org/news/2018/02/26/morocco-new-violence-against-women-law>.

without which the collaborated efforts of international conventions, foreign policy agendas, feminist research, and women's organizations would not have been raised globally, neither would they have impacted change at the domestic level within state legislatures, as witnessed over the past decade.<sup>18</sup>

In sum, the 2011 uprisings yielded concerted collective efforts at articulating more forcefully the phenomenon of violence as a *woman-centred political and legal issue*. Another central women's interest was politicized during and in the aftermath of the 2011 revolts: pressures to reform the patriarchal nationality laws in Kuwait, Lebanon and Syria surfaced. Although women's associations in all three states supported demands for reform (which occurred in Egypt and Morocco in 2004 and 2007 respectively), not all women agreed. As such, patriarchal nationality laws have emerged as a women's interest on which women have divergent political views.

### **Patriarchal nationality laws: women's interests in conflict**

Women in Lebanon and Kuwait mobilized in March 2011, demanding reforms in patriarchal nationality laws, where nationality is conferred through paternal *jus sanguinis* – that is, through the blood of male kin. Article 1 of the Lebanese nationality law formed in 1925 states that '[e]very person born to a Lebanese father is Lebanese', while Article 2 of the 1959 Kuwaiti nationality law states that '[a]ny person born in, or outside, Kuwait whose father is [a] Kuwaiti national shall be a Kuwaiti national himself'.<sup>19</sup>

In both states, legal mobilization generated resistance among decision-makers against change. The two states share contestations regarding the definition of who constitutes a citizen, the creation of statelessness as legal status (reflected in the Bidun in Kuwait, and the *maktumin* and *qayd ad-dars* persons in Lebanon), the politicization of census figures, the inclusion or exclusion of long-term residents based on religious or tribal affiliation, and the influx of war refugees and migrants into Lebanon and Kuwait since the 1940s, and Syrian refugees after 2011. Female citizens' demands for equal nationality play, therefore, into deeply political issues that Lebanon and Kuwait have grappled with since their establishment as territorial states in 1920 and 1922 respectively.

Demands for reform in the nationality law grew stronger throughout 2011 in both states, because administrative measures do not safeguard the children of female citizens after they reach eighteen years of age – they remain noncitizens in their country of birth and residence. Whereas women's claims to abolish paternal nationality rights are similar in both states, protests were peaceful in Lebanon, while they escalated rapidly into violent confrontations in Kuwait. (Tétreault, 2014).

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18 "Implementing Colombia's new pro-gender peace agreement: What role for insurgent feminism?," Lecture at the Peace Research Institute Oslo (PRIO), Oslo, 8 September 2017.

19 Lebanon, 1925 Nationality Law, Retrieved at: <http://www.refworld.org/docid/44a24c6c4.html>, Kuwait, 1959 Nationality Law, Retrieved at: <http://www.refworld.org/docid/3ae6b4efic.html>.



### **Kuwait: Pressures to reform the 1959 patriarchal nationality law**

Protests in demand of political reforms grew violent in Kuwait but ruling authorities responded swiftly by jailing demonstrators. Stateless Bidun, who number between five to ten per cent of the 2.2 million inhabitants – a significant number of them affiliated to Kuwaitis through tribal alliances and intermarriage – marched for the first time in demand of nationality. 32 Kuwaitis, including members of parliament and well-known politicians, were imprisoned on several occasions between 2011 and 2015. By September 2014, Kuwaiti authorities had stripped nationality from thirty-three Kuwaiti protestors.<sup>20</sup>

Despite the tense political context, Kuwaiti women mobilized. In 2011, the association Kuwaiti Women with No Limits was established, and two years later, Fatima Al-Hewail, a professor in law at Kuwait University, joined as a volunteer legal advisor. “Not all politicians are supportive of women. The law is made and administered by males. Also, the Minister of Interior has discretionary power. We have to address this point much more seriously than we have done up to now. We have to differentiate between discretionary power and state sovereignty, when raising nationality cases in court”, she pointed out. (Interview with author, 12 March 2015). Lawyer Soad al-Shamaly had another opinion: “The nationality law is a sovereign law. It is difficult to raise anything that has to do with the nationality law in parliament. It is related to sovereignty according to what the leader of the state sees fit. I do not believe it will be changed at all,” she said. Referring to Kuwait’s generous welfare rights, lawyer Areej Hamada pointed out: “Kuwaiti nationality has many privileges not all nationalities have.” (Both interviews with author, 15 March 2015).

Whereas both lawyers are supportive of women’s rights with reference to equal access to housing benefits as male Kuwaitis, they do not present clear-cut support for Kuwaiti women’s capacity to confer citizenship to their children. They are representative of most female lawyers I interviewed who agree that socioeconomic reforms related to closing gender gaps in a Housing Law that passed through parliament in 2011, strengthening women’s rights to ownership in the marital home, or working on drafting a law on domestic violence, is easier to attain than pressuring for changes in the nationality law. The latter was perceived as part of the exercise of state power, and thereby outside their realm of influence.

A powerful signal was sent to legislators and rulers when Kuwait’s leading women’s associations marked International Women’s day on 8 March 2015, which coincided with Kuwaiti women’s decade of political enfranchisement. Ten women’s groups and civil society organizations rallied under the banner ‘Solidarity in support of the rights of children of a Kuwaiti female citizen married to a non-Kuwaiti’.<sup>21</sup> The issue of mixed marriages between Kuwaiti women and non-Kuwaiti males, and the legal, social and

20 *Human Rights Watch*, ‘Government critics stripped of citizenship’, 19 October 2014.

21 ‘*Waqfa tadamuniyya li-da’m huquq al-mar’at al-kuwaitiyya al-mutazawwija min ghayr Kuwaiti*’, [Solidarity in support of the rights of the Kuwaiti woman who is married to a noncitizen]. *al-Ra’iy*, March 10, 2015.



economic rights of children born out of these mixed marriages, will most likely be among the most politicized issues with regards to strengthening female citizenship in Kuwait in the future.

### **Lebanon: Pressures to reform the 1925 patriarchal nationality law**

In a symbolic move in December 2011, Lebanese women donated blood, and insisted that it be analyzed to prove that it is as Lebanese as the blood of male citizens.<sup>22</sup> As of March 2011, the Collective for Research and Training on Development – Action (CRTD-A) (established in 2001) under the leadership of Lina Abou Habib, in alliance with several women’s groups, was a driving force behind pressures to amend the principle of paternity in nationality laws through demonstrations, sit-ins, and public debates. Protests were peaceful, but forceful enough to pressure the government in March 2012 to establish a governmental nationality committee to address women’s demands. However, the patriarchal character of sectarianism among Lebanon’s eighteen religious groups was demonstrated when six out of seven ministers signed a memorandum in the all-male cross-religious governmental committee in January 2013, when they rejected women’s claims for equal nationality rights with men. Two years later, in November 2015, parliament bolstered the right to nationality only to the male offspring of emigrants whose ancestors migrated from Lebanon between 1880 and 1920.<sup>23</sup>

Opposition against changing the nationality law comes also from female lawyers, such as Fadia Ghanem, a member of the woman’s committee at the Lebanese Bar Association. She shares political views with opponents of reform in nationality law:

“I am against the Lebanese woman getting the right to give her nationality to somebody. Many people leave [Lebanon] and don’t come back. Also, by culture, [Christians] do not have many children. ... Muslims are the opposite. “Three children? It is shameful!” Five, six, so that we can call it a family. Here, the demographic difference appears.” (Interview with author, 9 December 2015).

By preserving the current nationality law, she seeks to maintain ‘equilibrium in demographic diversification’, as she put it. Lawyer Iqbal Dougan, who volunteers as a legal

22 Saada Alaawa, *As-Safir*, 30 December 2011, <http://assafir.com/Article/261922>.

23 CRTDA, ‘The new law to reinstate nationality to immigrants of Lebanese origin is confessional and sexist’, posted 30 November 2015, <http://www.crttda.org.lb/node/15071>. See also Nizar Saghie, ‘Trespassing on the Nationality of Lebanese Women: Renewing the Guise of Male Privilege’, *Legal Agenda*, 20 January 2016, and Rania Maktabi, ‘Blood, sweat and tears: Maternal jus sanguinis in Lebanon’, *The New Middle East Blog: Perspectives on the Middle East*, Centre for Islamic and Middle East Studies, University of Oslo, 26 February 2016, Retrieved at: <https://newmeast.wordpress.com/2016/02/26/blood-sweat-and-tears-maternal-jus-sanguinis-in-lebanon>.

advisor to the CRTD-A's nationality campaign, challenges what she calls the 'demographic myth' that haunts citizenry configurations in Lebanon:

"They insist on masculinist thinking and reject giving the Lebanese woman nationality rights to their children. It is seen as a right only for those who have Lebanese fathers or grandfathers. So, the issue is not one of demography. The case is patriarchal because if you want to add a particular group you should give [nationality] for the woman and the man." (Interview with author, 7 December 2015).

The Lebanese women's movement did not succeed in pushing for changing patriarchal nationality laws after pressures for reform were renewed in 2011. Ironically, the failure of legal mobilization can also be read as a success story in exposing how the Lebanese political system is characterized less by religious sectarianism than by operating as a patriarchal oligarchy. The show of force by the all-male ministers was not one of sectarian religious divisions. What was exhibited over the period of five years of pressures and counter-pressures for addressing the issue of maternal *jus sanguinis* in the Lebanese nationality law was the opposite: the overlapping of politico-ideological perceptions that Lebanon is a state that valorizes the blood of its sons more than the blood of its daughters. Ministers belonging to different religious sects agreed to disregard women's claims for equal nationality rights with men, and thereby maintain the privileges of males, in conferring membership in the Lebanese state.

### **Syria: Calls to reform the 1969 patriarchal nationality law**

One particular women's interest –the patriarchal Syrian nationality law– was raised by Sawsan Zakzak, a prominent women's rights supporter and a profiled critic against the Syrian regime. Zakzak lost her job as coordinator of women's issues under the auspices of the Prime Minister's office in 2010 after she openly defied religious scholars and their opposition against lifting Syria's CEDAW reservations. (Maktabi, 2015, pp. 178–181). From her exile position as a critical voice in Lebanon, she reminded politicians in Syria of the Syrian Women League's work with 34 parliamentarians in attempting to pass a law proposal in July 2011 demanding reforms in the nationality law that would enable women married to noncitizens to pass their Syrian nationality on to their children. The 1969 Syrian nationality law considers a Syrian national "[a]nyone born inside or outside the country to a Syrian Arab father" (art. 3 A), and "[a]nyone born in the country to a Syrian Arab mother and whose legal family relations to his father has not been established." (art. 3 B).<sup>24</sup>

The Syrian nationality law discriminates not only on the basis of gender, but also on the basis of ethnic belonging, excluding Kurds, tribal groups, and other minorities within Syria territories. (Chatty, 2010, 2014). Therefore, Zakzak discussed the issue of

24 Nationality Law, Syrian Arab Republic, International Labour Organization (ILO), [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=83625](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=83625).

stateless Syrians of Kurdish background who had been stripped of their nationality in 1962 in the same article in which she addressed the gendered nationality law.<sup>25</sup>

Inside Syria proper, the issue of patriarchal nationality laws has also been addressed. An unidentified spokesman of *Syria Law Journal*, which offers juridical advice on legal issues, commented in 2018 that extending nationality rights to female citizens would help in restructuring of the country, adding that:

“In wartime, sometimes new ideas crop up. You have an awakening about what has to be done. I feel optimistic because, today, many public officials are women, unlike in the past. I think now we may have a better shot at granting women the right to pass on their Syrian nationality.”<sup>26</sup>

Seen from a women’s interest perspective, such arguments reflect the potential future of the granting of civil rights to Syrian women in the form of a woman’s right to pass on her nationality to her children, by way of emergency, and as a means to rebuild the country, and not as an apprehension of equal rights denied and thereby an expression of the extension of female citizenship.

To sum up on patriarchal nationality laws as a women’s interest, the issue of extending full citizenship rights to women divides women, particularly in Kuwait and Lebanon where the population is constituted of large segments of noncitizens, stateless persons and refugees. When and how female lawyers challenge or defend the status quo depends on the type of issue raised. Gendered regulations and administrative laws – such as access to jobs in the public sector, drafting laws on domestic violence, and reforming social security laws in ways that take into consideration the economic impact of working mothers – are more susceptible to societal pressures after 2011 in ways that lead to reform.

By contrast, patriarchal nationality laws are less likely to gather momentum as an issue shared by all women – at least as expressed by female lawyers. Reforms in nationality laws would potentially enlarge the number of persons who share economic and social privileges that come with nationality. By extension, reservation about and opposition against reforms in nationality law reflects the reluctance of a majority among the citizenry – including female citizens who prefer to maintain the status quo – rather than supporting reform. Pressures for reforms in nationality laws evidently touched upon policy areas that are related to institutionalized power relations markedly stronger than did societal pressures that aimed for change in family law and criminal law. As such, patriarchal nationality laws defined as a significant women’s interest after 2011 is a shared as well as an interest in conflict.

25 Sawsan Zakzak, *Legal Agenda*, 8 January 2016, «Syrian Women’s right to pass on citizenship to children: An appraisal», <http://legal-agenda.com/en/article.php?id=742&folder=articles&lang=en>.

26 Syria studying proposal to amend nationality law”, *Syria Law Journal*, 16 October 2018, <http://www.syrianlawjournal.com/index.php/syria-studying-proposal-amend-nationality-law/>.

## Variations in women's interests in the Middle East after 2011

Reflecting on Hill and Chappell's point that women's interests can be analyzed in terms of form and content: Women's interests crystallized in the form of political mobilization following social unrest in 2011. In terms of content, women's interests changed character. Before 2011, they were primarily related to strengthening women's autonomy in family law. With the revolts in 2011, domestic and sexualized violence took center-stage as a shared trans-regional women's interest. Despite variations in female citizenship and denizenship in five states – Morocco, Egypt, Lebanon, Syria and Kuwait, each with a distinct 2011 political trajectory – the situation indicates that sexualized violence was articulated in realms of peace as well as zones of war after 2011 as an important women's interest.

Patriarchal nationality laws constituted another significant women's interest in three states – Kuwait, Lebanon and Syria. Although shared by many women, including women's associations, nationality laws emerged as a conflictual women's interest.

Three observations shed light on the driving forces behind the changed character of women's interests and the impact of that change on female citizenship and denizenship nearly a decade after the revolts started in 2010:

*First*, there is the re-emergence of a strengthened and more complex form of authoritarian rule, labeled as 'authoritarian upgrading.' (Heydemann, 2018; Heydemann & Leenders, 2011). One aspect that cuts across zones of war and realms of peace is the resilience and reassertion of autocratic rule in almost all MENA-states after 2011. With the notable exception of Tunisia, and to a lesser extent Morocco, we find variances in repressive measures, exclusionary forms of political participation, and militarized coercion between rulers and ruled amidst heightened security measures in almost all states. Wider variation in forms and types of authoritarian rule begs that attention be directed towards diverse political trajectories that impact the articulation of women's interests and women's political participation in raising claims for strengthened female citizenship under autocratic rule. Authoritarian rule impacts not only the living conditions and life chances of citizens. Authoritarian governance involves also even more forcefully the interests of noncitizens, i.e. women who have been internally displaced, are stateless or have become refugees, and the conditions under which they live. How autocratic rule is enacted in zones of war and realms of peace in ways that support or challenge women's interests is therefore of importance for analyzing post-2011 politics from a women-centered perspective.

*Secondly*, variations in the legal status among residents and inhabitants have become more politicized than before 2011. The legal capacity and ensuing civil rights of women living in different polities premise widely varied opportunities and limitations for female citizens compared to female noncitizens. Women in the Middle East are, in other words, more divided in terms of legal status than they were before the 2011 revolts. By extension, female citizens are *de jure* privileged inhabitants in their state compared to noncitizens. In realms of peace as well as in zones of war, female citizens still enjoy privileges that come with being legitimate members of the state. Some of the

privileges that female citizens enjoy include the right of abode and work within the state's territory, access to scarce, but available public goods such as primary and secondary education along with rudimentary health services and pensions. By contrast, refugee, stateless and migrant women are invariably excluded from receiving similar privileges as female citizens. For instance, the 5 million Syrian refugees who have fled to neighboring states, such as Lebanon, Jordan and Turkey have markedly different needs and little resources compared to female citizens in these states. As noncitizens, women's access to shelter, food, education and health service is contingent on benevolence and dialogue between receiving states and international state contributors through the United Nations and other governmental and non-governmental agencies. (Janmyr, 2018). In short, the 2011 Arab revolts have exacerbated the accumulation of conglomerate forms of legal status between and among female citizens and noncitizens in the region. The plurality in women's legal status impedes efforts at organizing and sustaining societal pressures that address fairly similar patriarchal traits and structures that privilege males over women, and seniors over male and female youths.

*Thirdly*, state feminism – i.e. women-friendly policies initiated by state authorities – is on the rise in realms of peace. (Hernes, 1987). The interests of female citizens are being attended to in a markedly more accommodating way by state authorities than before 2011. Morocco, Lebanon and Kuwait are states where political order was maintained. There, female citizens have been able to pressurize, negotiate, and extract wider civil rights in the past decade. The combination of women-friendly policies and authoritarian rule in the aftermath of the 2011 Arab revolts merits further attention because it is a political phenomenon known as 'state feminism' which scholars on the Middle East addressed in the 1980s, and which has resurfaced in the aftermath of the 2011 Uprisings.

The following two sections address two main features pertaining to women's interests after the 2011 revolts: bolstered female citizenship in realms of peace, and aggravated female denizenship in zones of war.

### **Female citizenship in realms of peace: State feminism on the rise**

What characterizes women's interests under post-2011 state feminist projects? In which ways is the concept of 'state feminism' a fruitful concept to apply when distinguishing women-friendly policies under autocratic rule?

The term 'state feminism' was first coined by political scientist Helga Hernes to describe and analyze policies initiated by state authorities in collaboration with women's organizations aimed at enacting woman-friendly politics within the social democratic welfare state. Hernes saw state feminism as a result of "the interplay between agitation from below and integration policy from above" (Hernes, 1987, p. 11). She emphasized the reciprocal relationship between women demanding that the state apparatus attend to women's interests in matters related to the legalization of abortion, a woman's right to decide about her own body, to have access to publicly funded kindergartens, social security policies, protection in cases of violence against women, and equal wages and

taxes that do not penalize working mothers. (Hernes, 1987, p. 47). Importantly, Hernes was positive towards the involvement of the state in addressing women's interests arguing that "women's lives are more dependent on and determined by state policies than men's." (Hernes, 1987, p. 37).

Feminist searchers on the Middle East have different views on the role of the state as guarantor of women's rights. Some emphasize the state's positive role in sustaining female civil rights, while others are critical of the instrumentalization of expanded female citizenship as a means to bolster authoritarian rule. Legal scholar Lynn Welchman, for instance, points out that women in the Middle East continue to endorse their rights through the mediation of state power. (Welchman, 2007, p. 22). This view is supported by political scientist Eleanor Doumato who commented on women-friendly reforms under authoritarian rule by pointing out that these changes "should alert us to the possibility that, for the time being, women who seek empowerment may be better off under authoritarian rulers willing to promote a feminist agenda." (Doumato, 2011, p. 215). Social anthropologist Frances Hasso, on the other hand, rejects women's reliance on states and courts as arbiters of women's rights. She sees women's continued reliance on the state as a "devil's bargain" because dependence bolsters state authority, and sustains inequitable power relations in the family. (Hasso, 2014, pp. 109–110, 126). Likewise, political scientist Abou-Bakr emphasizes that Egyptian women's activists pay a high price in gaining more rights under authoritarian rule by keeping silent about the military-backed government's violation of human rights after the crackdown on the Muslim Brotherhood in July 2013. (Abou-Bakr, 2015, p. 191).

In Kuwait, the politics of monarchical liberalization through women-friendly policies encompass balancing the interests of autocratic hereditary rule by accommodating conservative constituencies at the same time as supporting women's interests and associations. (Brynen, Moore, Salloukh, & Zahar, 2012, pp. 173–188). The promotion of 22 female lawyers in the judicial sphere for the first time in 2014 in order to enable Kuwaiti women to become judges in the not so far future, the creation of family law courts to strengthen the adjudication of family law cases, and the enactment of a new law on the rights of the child in 2015 are three means through which Kuwait has sought to promote its image as a modern and moderate regime while at the same time sustaining and bolstering authoritarian governance after 2011. (Maktabi, 2017b). With these reforms, the Kuwaiti state is repositioning itself at a critical historical juncture – the 2011 Arab uprisings – on the basis of gendering national politics towards a more women-friendly track. Similar repositioning occurred in Morocco after the Casablanca bombings in 2003, when 14 bombers killed 33 civilians and injured 100, eventually quickening the legislation of the 2004 family law reform. (Salime, 2009). Likewise in Kuwait, the bombing of a Shi'a mosque in June 2015 where 27 were killed and 227 were wounded, created additional leverage to spur monarchical reverence towards harnessing religious orthodoxy. Strengthening political alliances with women's groups is one of several means both monarchies apply to signal such a shift in policy orientation while sustaining authoritarian rule.

Political and militarized tension in the Middle East has led to a rise in nationalism in several states, including what can be labelled as femonationalism, i.e. the interlinking of women's rights with ethnocentric, patriotic and nationalist ideologies that are in line with state feminist authoritarian policies following war and migration. (Farris, 2017). From a woman-centered perspective, this is most clearly witnessed in counterpressures by state authorities as well as mobilized citizens and civil organizations who oppose gender equality in nationality laws in Lebanon, Kuwait, Palestine, Jordan, the Gulf monarchies and Syria. Perhaps it is precisely in these times of contestation of women's membership in the state, that international conventions are most important as guardians of female civil rights and women's interests, particularly for women living in zones of war. However, observations of how states, such as Lebanon and Jordan, have accepted the presence of roughly one million Syrian refugees each in their territories, indicate that small states are able to dictate the terms under which refugees are able to stay.

As uncomfortable as it may be, seen from a democratic governance perspective, the discussion on women's interests and how these are articulated in two different states such as Syria and Kuwait reveals problems of engaging with authoritarian rule. At the same time, the above analysis of the type of issues raised under authoritarian rule, such as protection from domestic and sexualized violence, also shows the existence of windows of opportunities which women find in articulating and raising women's interests *within* authoritarian political regimes. For women's interests to be raised, engaging with the state as the distributor and adjudicator of rights and obligations is unavoidable.

Whether engaging with authoritarian rule is the right thing to do for women's groups cannot therefore be answered as dichotomies of 'yes' or 'no' alternatives. Women's interests, as far as these cover basic needs such as registration of birth, marriage and divorce, nationality, and conditions relating to the distribution of public education, health and work opportunities, are interests which have to be addressed, discussed and deliberated through political processes independently of the type of political regime. For the time being, states in the Middle East after 2011 appear to be a region where women as well as men, have to engage with authoritarian rulers, and walk the fine line between aligning with autocratic power-holders in prioritizing and strategizing which particular interests and claims to push for, as was done by supporters of women's rights under Latin American military dictatorships during the 1970s and 1980s.

In a study on Chile, Brazil and Argentina, Mala Htun looked into policies that regulate gender rights and argued that not all gender rights are the same, but can be disaggregated into five major areas: i) family and property rights; ii) marriage and divorce laws; iii) reproductive rights; iv) sexuality and domestic violence; and v) equal rights. According to her, actors involved in each area can vary, and decision-making procedures within an authoritarian regime can also vary from issue to issue. Pressures for reform and change can therefore be easier to achieve in one or more of these five areas, but not necessarily all. (Htun, 2003, p. 3). Likewise, pressures and potential



positive gender outcomes may stretch over long historical periods of time and differ in each state. (Waylen, 2007, p. 14). Seen from this perspective, the typology of female citizenship and denizenship in the Middle East is a schematic rendering of similar ways of thinking and engaging in women's interests under different forms of predominantly authoritarian regimes after the 2011 Uprisings.

### **Female denizenship in zones of war**

In zones of war, women's interests are – in addition to securing basic needs for food, water, shelter and safety from organized violence – intimately linked to reproductive health and to legal aspects related to getting access to and extracting tangible resources offered by state agencies, more often than not, in cooperation with donor agencies. In the case of refugees and displaced persons, the process of being recognized and registered as a legal person by an authoritative agency has become problematic. Challenges related to registration practices have raised concerns about the international community's ability to protect the documentation of people on the move, and in particular the registration of children born in exile. Women and mothers have faced difficulties when and if they have been separated from male kin or when they are unable to get required documents because male kin are normatively seen as holders of authority in registration practices. ("Registering rights: Syrian refugees and the documentation of births, marriages, and deaths in Jordan," October 2015, pp. 5, 33).

Problems of documentation and registration are not new to the region. Statelessness, internal displacement and waves of refugees have a history in the Middle East dating back to the establishment of territorial states following the downfall of the Ottoman Empire in 1919. Three decades later, another wave of Palestine refugees to neighboring states became *de facto* stateless after Israel was established in 1948. Generations of inhabitants in Lebanon, Syria and Kuwait remained unregistered when borders were established after 1920, and pockets of second-class residents were invariably not counted as citizens in official censuses. The *bidun* (literally 'without' meaning without citizenship) population in Kuwait and other Gulf states, the '*maktumin*' and '*qayd ad-dars*' in Lebanon (literally 'concealed' persons whose citizenship is 'under study'), and non-enumerated Kurds in North-Western parts of Syria after 1962) are examples of segments of people who have been perceived as illegitimate residents of the state remaining at the margins of society. (van Waas, December 2014).

What makes the issue of legal status particularly sensitive seen from a 'women's interest'-perspective is that statelessness along with undocumented and unregistered births have a significant gendered dimension in the Middle East due to patriarchal nationality laws. Patriarchal nationality laws are apt to remain politically significant for the extension of female citizenship in as far as 14 of 27 states in the world that limit a woman's ability to pass citizenship to her child or spouse are member states of the Arab League. (Theodorou, 2014).

The combination of marginalization through the inability of residents to acquire legal documents proving their belonging to the state, and reproduction of statelessness

and refugeehood have resulted in the development of new generations of unregistered refugees along with old generations of unregistered, undocumented and legally unrecognized inhabitants of the region. The accumulation of war-related repercussions represents a formidable challenge for receiving states as well as the international community. Faced with the dilemma that nationality laws remain the prerogative of state authorities, international conventions that seek to abolish discriminatory gendered laws in state legislations are important tools for change when it comes to equalizing female citizens' nationality rights with males.

With reference to stateless, refugee, and displaced women, the UNSCR 1325 concerning the prevention of and protection from harm coupled with women's participation in conflict resolution may well serve as a significant instrument for reducing statelessness, protecting the new-born and refugees from the danger of dropping out of state jurisdictions. The interests of refugee and stateless women have become deeply dependent on donor communities who seek to implement at least some segments of international conventions related to relief and aid. Securing female refugees and displaced persons registration and documentation rights has evolved into a central women's interest in times of turmoil after 2011.

A major obstacle towards the implementation of women's documentation rights lies in tensions between the effectuation of human rights embedded in international conventions and citizenship rights as anchored in rights and obligation within the territorial state. To put it in another way, international conventions such as the 1951 Refugee Convention, the 1954 Convention relating to the Status of Stateless Persons, the 1979 Women's Convention, and the 1989 Convention on the rights of the child cannot be implemented and effectuated without state authority. (Nyers, 2009; Shafir, 2004). International conventions of human rights are thus only as potent as far as decision-makers within territorial states pledge to abide by them.

Following the 2011 revolts, Lebanese and Syrian authorities have chosen to abide by the *status quo* patriarchal rules and regulations pertaining to the indispensability of identifying fathers in birth registrations, and conditions that do not acknowledge women as *de facto* heads of household when male kin are absent or missing in times of turmoil. Mass migration and internal displacement after 2011 have revealed the precarious liminality of women's personhood, and the importance of recognizing legal autonomy unmediated by males as a women's interest.

Do refugee and stateless women live under the mercy of tripartite bargained benevolence of home states, receiving states and international aid organizations? The number of international donor organizations present in realms of relative peace, such as Lebanon, Jordan and Iraq, is significant. Although the international community and the UN Security Council has been unable to put an end to the civil war in Syria, UN agencies and international donor organizations have succeeded in containing the explosive impact of an escalation of the Syrian war on the region. Relief aid, political support and diplomatic negotiation between states that have received refugees, such as Lebanon and Jordan, have been decisive in ensuring that basic needs are addressed.

However, the presence of large numbers of noncitizen refugees in neighboring states has increased tensions concerning the human rights of refugees according to the 1951 Convention on refugees and receiving states. In several studies on the precarious status of Syrian refugees in Lebanon, legal scholar Maja Janmyr has analyzed how Lebanon, which is not a signatory of the 1951 Convention on refugees, nevertheless is home to around 1 million Syrian refugees. She argues that Lebanese officials engage with donor communities and international agencies in ways that circumvent international law leaving Syrian refugees with two options: leave Lebanon or accept exploitation in the Lebanese labor market. (Janmyr, Winter 2016).

## Conclusion

Approaching female citizenship and denizenship through the analytical lens of 'women's interests' is contingent on how particular issues and claims are articulated as reflecting political demands raised by organized women's groups.

The chapter sought to expose the dynamics and variances in what constitutes women's interests in the Middle East in times of turmoil. It makes three specific contributions: theoretically, in delineating and elaborating on the concepts of women's interests, female citizenship and female denizenship as fruitful concepts to identify the form and content of claims and demands shared by women in contemporary states in the Middle East; methodologically, by providing a woman-centered approach towards analyzing variations in female citizenship and denizenship in the Middle East in times of displacement and turmoil; and by pointing out main trends regarding shared and conflicting women's interests in the region after the Arab Uprisings.

The discussion has taken as its point of departure that women living in zones of war, such as in Syria, have seen their civil rights, health and economic conditions deteriorate under extreme forms of militarized and sexualized violence. However, the picture in other states, such as Morocco, Kuwait and Lebanon, is not only one of agony, despair and loss of rights. In realms of peace, women have gained wider civil and socioeconomic rights.

Peace and war have shaped and premised the lives and fortunes of women in MENA in significantly different ways after 2011. In zones of war basic needs for food, water, shelter and security became paramount, influencing thereby the form and content of what defines women's interests under volatile conditions. There, the impact of international donor state and non-state agencies has become a significant condition for safeguarding women's interests. In states where political order was destabilized, women's interests became dramatically more contingent on transnational and international efforts at guaranteeing and enforcing regulations that safeguard their interests. In realms of peace, women gathered force claiming protection against domestic violence, wider socioeconomic rights, and reforms in nationality laws.

Notwithstanding women's marginalization and exclusion from formal security-centered negotiations in war-ridden societies at the state and interstate levels in MENA, I suggest that we need to apply a comparative approach to identifying, ad-

dressings, and assessing the composite multiplicity of ‘women’s interests’. My point is that ‘women’s interests’, although similar in substance, nevertheless differ in form and context. Also, ‘women’s interests’ are articulated differently in various contexts, and may be achieved through multiple channels, and through the use of diverse resources and means. For instance, change occurs through reorienting perceptions of what women and men ‘are’ and ‘can do’ through reshaping attitudes towards femaleness and maleness, engaging in wider forms of political representation in civil society organizations, local councils and parliaments, pressuring for institutionalized reforms in patriarchal state laws, and drawing on regional and transnational support for wider female citizenship in realms of peace, as well as ensuring female security and welfare in zones of war.

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# Building Walls – Building Bridges

## The Role of Ethnicity in American Politics

Robert Mikkelsen

### Introduction

The object of this chapter will be to exemplify the role that ethnicity has played in American politics within the context of American national identity and to show how it has functioned as both a barrier to groups wishing to take part in American life and as a bridge providing them with a path into that life. It will focus on those groups which have come voluntarily to the United States rather than being forced to come against their will, as with most Afro-Americans, or those conquered in situ, as with Native Americans. It will make use of two different ways in which a nation may be defined – as a homogeneous community or as a heterogeneous association.<sup>1</sup>

It will employ this distinction as a framework when examining the impact of ethnicity on selected political conflicts in the American past and present. It will conclude by reflecting on how the impact of ethnicity in America may be related to a wider international context.

### What is a nation?

The concept of nationhood is a relatively new historical phenomenon. Until about 250 years ago, most people lived in societies found within various forms of monarchical states or empires. These were usually culturally heterogeneous; the Habsburg Empire in its various forms is a good example of this. The first recognizably modern mono-cultural nation arose in the fires of the French Revolution in the late 18th century. The concept of “the people” was here first given a territorial specificity in terms of language, culture and religion (or lack thereof). This was later refined and extended by German romantic nationalists to include historical and mythical roots, defining a nation in terms of blood as well as culture. By the middle of the 19th century the concept of the nation as a mono-cultural community had engendered a powerful nationalism that swept the European continent, and later the world. The frontiers were rewritten in terms of nationalism.

The origins of the American nation, however, preceded this development. America was established in the decades before the French Revolution and the later rise of romantic nationalism. Like the French Revolution, nationalism in the United States was predicated on what were viewed as universal Enlightenment values such as liberty,

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1 Those acquainted with Ferdinand Tönnies's *Gemeinschaft und Gesellschaft* (1887) will recognize the use I have made of his basic categories.

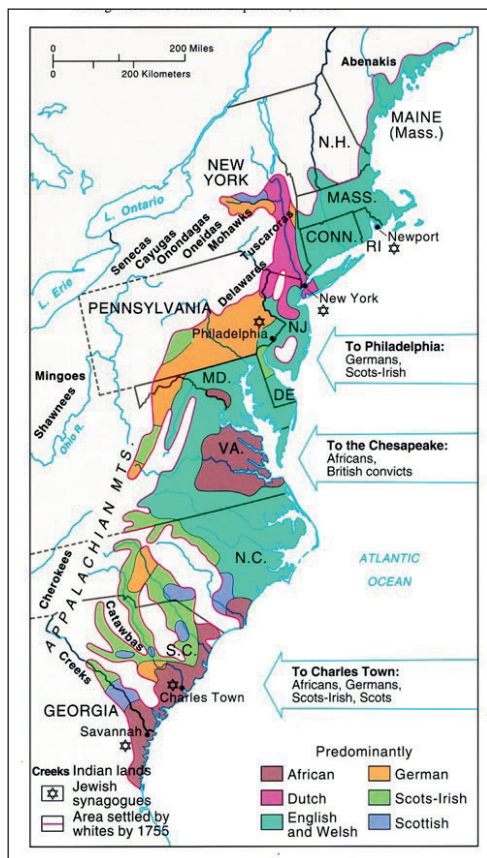


Figure 1, Source:  
Ethnic Map of the North American  
Colonies (c 1755) <http://adamfamilydna.com/2013/02/14/scots-irish-migration-to-america/>

equality and brotherhood. These values were employed, however, to define American nationhood not as an exclusive community, but as an inclusive association which one might join and which was held together not by blood, but by mutual agreement.

There were two reasons for this. First, to unite during the Revolutionary War (1775–1781), the thirteen original colonies had to put aside their cultural, religious and institutional differences and form a unified front. Colonial – and later state – heterogeneity has been part of America’s political DNA from the start. Thus the American motto, *E pluribus unum* (Out of many, one). Second, from the outset the population of the newly created nation was culturally heterogeneous, including English and Welsh, Scottish, Scots-Irish, Dutch, German, French, and African inhabitants, along with a wealth of Native American tribes (see figure 1). The coming of mass immigration from Europe starting in the 1820s after the Napoleonic Wars extended this quality, a stream of immigration that continues to the present day. It is important to keep in mind that no single ethnic group has ever constituted a majority of the population of the United States.

## America as an association of communities

The point here is that in order to understand the interaction of ethnicity in the life of the United States it is necessary to perceive the country not in terms of a nation fashioned around one exclusive and limited mono-cultural ethnic community, but as an inclusive and open association of many ethnic communities in interplay. To understand that interplay, it is useful to have a clearer perception of the how these two forms of organizing human interaction differ. In the classic Tönniesian terms, a community is discovered – as in the discovery of one common German national identity in the 19th century. In contrast, an association is invented, as in the creation of the United States by the Declaration of Independence of 1776. One is born into a community, while one joins an association. Membership in a community is involuntary. It is older than the individual. In contrast, membership in an association is voluntary. It is a conscious decision. While the bonds holding together a community are common culture, proximity, and (for many) blood ties, an association is held together by common rules and ends.

No theoretical structure can ever capture the subtlety of reality, but to an important degree, these distinctions provide insight into the American body politic. Just as the original thirteen states voluntarily decided to create the association that became the United States, so too did the individuals making up its immigrant groups decide to become part of that association throughout American history, banding together in ethnic communities dotting the landscape. The common rules that held these disparate groups together are to be found in the Constitution adopted in 1787. The common end has been to improve the lives of its members and – in a larger sense – to create a new and better form of society.

## Boundaries and bridges

Having set the premises of discussion, let us now examine the impact of ethnicity within this context. On the one hand, ethnic identity has created boundaries within the American body politic from its inception to the present day. For example, even before the creation of the United States, one of its Founding Fathers, Benjamin Franklin, complained about the undermining of English colonial society by the impact of the large German ethnic community invited into Pennsylvania. To quote:

“Why should the Palatine Boors be suffered to swarm into our Settlements and, by herding together, establish their Language and Manners, to the Exclusion of ours? Why should Pennsylvania, founded by the English, become a Colony of Aliens, who will shortly be so numerous as to Germanize us instead of our Anglifying them, and will never adopt our Language or Customs any more than they can acquire our Complexion?” (Franklin, 1755, paragraph 23)

(Note the hint of racism here – already a part of American consciousness and identity. More on this later.)

Franklin's statement may be compared to more recent expressions of skepticism by American President Donald Trump about the large Mexican immigration to the United States.

“When Mexico sends its people, they're not sending the best. They're sending people that have lots of problems and they're bringing those problems. They're bringing drugs, they're bringing crime. They're rapists and some, I assume, are good people, but I speak to border guards and they're telling us what we're getting.” (Pestano, 2015)

Ethnicity has created boundaries not only between the established portions of the population claiming to represent the larger, American society, but also between the many individual ethnic groups which, as we shall see, have often found themselves living cheek and jowl in competition and conflict – i.e. think of *West Side Story*.

On the other hand, ethnicity has been a source of internal unity and strength for the many groups making up the diverse American nation. It has given them a platform upon which to defend their interests, as well as providing a pathway into the larger American society. Through it, they have gained their American identities as German Americans, Irish Americans, Mexican Americans or Norwegian Americans. Internal cultural solidarity has provided social, economic and political strength. In that sense, ethnicity has functioned as a bridge into the larger associational structure of the United States.

This was well expressed in the 1920s by one of the leading proponents of cultural pluralism, the Jewish-American immigrant Horace Kallen. His perception of ethnicity was as a benign force that should be welcomed as an ethnic group's individual contribution to the greater harmony of the nation as a whole. “Nature,” he observed, “is naturally pluralistic...her unities are eventual, not primary; mutual adjustments, not regimentations of superior force.” He believed that “Democracy involves not the elimination of differences but the perfection and conservation of differences” (Higham 1975, p. 196; pp. 198–201). From this perspective, the relationships between the many ethnic groups of the United States could be seen as the source of its national unity, not its division – *E pluribus unum* in another guise.

### **Ethnicity and urban politics**

The interplay of the dividing and unifying aspects of ethnicity are evident throughout American political life. A good example of its boundaries and bridges may be found in the development American urban politics experienced under the impact of mass migration at the end of the nineteenth century. The immense numbers of immigrants arriving in the rapidly expanding industrial centers of America created a cityscape that was a patchwork quilt of ethnic groups of different sizes, languages, levels of skill, cultures and religions. Earlier decentralized forms of urban government were overwhelmed, creating a desperate need for some form of central authority to sort out the chaos of growth.



Into this power vacuum stepped a uniquely American institution, the Political Machine. The Political Machine gained its name from the fact that it had no other goal than self-preservation as a center of political power from which it could, in the words of one British political commenter, use urban government “as an orange to be squeezed” (Cole, 1958, p. 814). It operated beyond the law, fueled by graft and kick-backs, ordering both legitimate and illegitimate activities in the city no matter who was ostensibly elected to office. Its methods were often criminal and always self-interested, but its function was to provide the missing central authority to which all could turn. Tammany Hall in New York run by “Boss Tweed” is perhaps the most famous example.

The power of the Political Machine rested on its ability to gain the votes of the many ethnic communities that – joined together across their cultural and geographic borders – made up a majority of the electorate of the new urban centers. It did this by constructing an associational political organization that used ward heelers – conversant in the language and culture of each community – to carefully approach the leadership of that group’s own internal social, economic and religious organizations. In return for the votes of the members of these communities, the Boss of the Political Machine could offer a bridge to each community and its leaders into public services and promotion within the Machine. To paraphrase Kellen above, rather than eliminate borders between ethnic groups, it perfected a way to make a political use of these borders to its own ends (Jackson & Schultz 1972, p. 357–370).

For their part, the individual ethnic communities taking part in these associational coalitions used the Political Machine as a pathway into the political and economic life of the larger society. This allowed each ethnic community to leverage its internal solidarity into a resource that permitted its members to maintain their cultural heritage while at the same time becoming part of the larger pluralistic urban society around them. Perhaps the most famous example of this is the journey of the Irish Americans into American political life. From being a despised minority in the middle of the 1800s, they rose to prominence primarily through Democratic Party urban politics of the late nineteenth century. This is the origin of the Kennedy clan of Boston, starting with Patrick Joseph “P.J.” Kennedy (1858–1929) and culminating with the election of his great-grandson, John F. Kennedy, as President of the United States in 1960 (Winthrop Memorials).

Interestingly, in urban centers which did not have as great an ethnic diversity as that found in for example New York or Chicago, the Political Machine could often not take hold and a different political dynamic could develop through the influence of ethnicity. Milwaukee, Wisconsin, is an example of this. Much of its social and political life was dominated by one ethnic group, the German Americans. They had been present from the start of the city in 1848. By 1895, the German American community made up fully 49% of Milwaukee’s population, with new immigrants adding to it yearly (U.S. Eleventh Census 1895, table 6, p. 370; table 52, p. 708; table 53, p. 710). When these men and women arrived, rather than being integrated into an associational political structure through their ethnic community, many entered a working class that

was integrated into the party structure, the Social Democratic Party of Milwaukee (SDM), a party established in 1898 and modeled on the Sozialdemokratische Partei Deutschland (SPD) in Germany. Thus, in Milwaukee, one of the salient political borders was between classes, rather than between ethnic groups. The SDM could include elements from other predominantly working class ethnic communities, such as the Polish-Americans. The SDM played a similar role as the Political Machine in helping to centralize and organize the city's urban development, but for reasons of ideology, not profit. Once established, the SDM went on to play an important role in the city's political life well into the 1960s, illustrating how initial conditions of ethnicity have affected political developments throughout America.

The SDM was, however, an exceptional case with regard to the relation between ethnicity and the labor movement in America. The close cooperation the SDM developed with the city's Federated Trades Council – part of the larger American Federation of Labor – was extraordinary, as we shall see below (Mikkelsen 1985, pp. 277–294).

### **Ethnicity and the labor movement**

Ethnicity has bedeviled the labor movement from its beginnings in the United States in the middle of the 1800s. As in other social and political arenas, it has created both opportunities and limitations. On the one hand, some of the strongest unions in the country have been forged with an underpinning of ethnic solidarity. For example, in the middle of the 20th century, the United Farm Workers were primarily Mexican American. On the other hand, ethnicity has formed barriers of language and culture that have served to exclude potential members outside the union's ethnic makeup, isolating newcomers within an immigrant ghetto. In sum, ethnicity has been a source of strength and division, a quality it has retained to the present day.

More fundamentally, however, the very existence of so many diverse ethnic groups making up the working class has profoundly affected the development and structure of the American labor movement, arguably creating more barriers than bridges. The increasing stream of mass immigration during the period of rapid industrialization in the late 19th and early 20th century placed the movement in a dilemma. Should it try to organize all of the newly developing working class – both skilled and unskilled – in all its bewildering ethnic variety and conflicting interests? Or should it concentrate on organizing only that portion which had skills, focusing efforts within the workplace? The former would require industrial unionization. The latter would mean organization on the basis of trade or craft unions, excluding the majority of the members of the newly arrived groups, who were unskilled. This would in practice split the working class.

Initially, some efforts were made to include all workers, skilled and unskilled, in a broad associational structure like that developed by the Political Machine. The most notable of these was the Knights of Labor, established in 1869. Its policy was to include all workers irrespective of race, gender or national origin. It expanded rapidly, reaching 729,000 members in 1869, but its undisciplined and heterogeneous organization

was unable to endure and collapsed in 1893. It was succeeded by the craft and skill based American Federation of Labor, which emerged in 1886. The pragmatic AFL avoided ideology and focused on improving the wages and working conditions of its members at the exclusion of unskilled workers, a policy it called “pure-and-simple trade unionism.” To do this, it needed to control access to its skilled pool of labor. Therefore, from the outset the AFL opposed the unrestricted immigration of new ethnic groups, creating further barriers between its members and the rest of the unskilled ethnic working class.

In addition to economic reasons, an element of racist and ethnocentric justification crept into the AFL’s policy. This reflected attempts to create a community based on the mono-cultural definition of the United States at the turn of the century – nativist sentiments to which we will return below. In the 1920s, the AFL supported the adoption of limitations on immigration from Southern and Eastern Europe on the grounds that these new ethnic groups were by nature far less intelligent than the old immigrants from Northern and Western Europe and therefore detrimental to both the national community and the union movement.

The boundaries within the AFL and between it and the rest of the unskilled working class continued until the Great Depression, which saw a renewal of industrial unionism with the rise of the Congress of Industrial Organizations in 1937.<sup>2</sup> The stated aim of the CIO was to “bring about the effective organization of the working men and women without regard to race, color, creed or nationality (i.e. ethnicity).” It rapidly expanded, particularly among ethnic groups from Southern and Eastern Europe. This forced the AFL to adopt some measures of industrial unionism as well. Competition between the two was intense until 1955 when the border between the two was eliminated with the creation of the AFL-CIO. This was at roughly the same moment that organized labor reached its highpoint, encompassing about one third of the American workforce.

Once having embraced industrial unionism, the AFL-CIO gradually adopted a more tolerant attitude towards immigration and the inclusion of new ethnic groups in the labor movement, turning away from a mono-cultural and exclusive perception of national identity to an inclusive and culturally pluralistic perspective. It supported liberal immigration policies adopted in 1965, which removed many of the racially inspired limitations of the 1920s and opened the way for a new wave of mass immigration that has continued up to the present day.

Barriers within the movement caused by ethnicity have, however, remained, in part exacerbated by the development of the post-industrial service economy, which has seen the percentage of the workforce organized in unions drop dramatically to below 15%. Most new immigrants today are initially drawn into service jobs in small businesses outside the borders of traditional union organizations. Like the “sweat shops”

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2 Some historians have posited that the imposition of immigration restrictions in the 1920s, removing the pressure on the bargaining position of the labor movement, was a necessary condition for this development.

of the past, these businesses exploit the newcomers' cheap labor, creating barriers that keep them isolated from the larger economy and host society. Attempts to reach these workers led to a new boundary within the labor movement in 2005 between the more traditional AFL-CIO, based on manufacturing unions made up primarily of already established ethnic groups, and the Change to Win Federation (CtW), focusing on service sector unions made up largely of the newly arrived ethnic groups, women and people of color. The difference between the two is one of emphasis, with the CtW showing a much greater level of activity in recruiting both legal and illegal immigrants as new union members.

In sum, the basic opportunities and limitations created by ethnicity continue to affect the development, organization, and attitudes of the American labor movement. It still faces the fundamental issue of how to encompass the constant stream of newly arriving ethnic groups. And – as always – these efforts are buffeted by powerful political currents in the larger body politic of the nation, not least the nativist reactions we shall examine below (Mikkelsen 2013, p. 1723–1742).

### **Nativism and ethnicity**

Although, as pointed out earlier, the United States is a fundamentally culturally pluralistic nation based on an associational political and social structure, it has not stopped repeated attempts to create a mono-cultural definition of America as a single national community with a limited membership. Such definitions have been used to argue for the creation of boundaries to exclude specific undesirable groups from taking part in the political and social life of the nation. This form of nativism, favoring the established inhabitants as opposed to newcomers, can be found throughout American history with varying degrees of influence. It did not, however, become politically powerful until mass immigration after the end of the Napoleonic Wars.

For the American Party of the middle of the 19th century – also known as the Know-Nothing Party – the central characteristic defining a true American was religion, specifically the Protestant religion as opposed to Roman Catholicism. The thought was simple and fetching. Roman Catholic Irish and Germans immigrants flooding into the country at this point were seen as intrinsically unable to understand or take part in American republican institutions because they were subservient to the Pope in Rome and his priests – who were viewed by nativists as agents of a dangerous foreign power. In addition, of course, the Irish and Germans were also subject to the usual negative stereotypes about newly arrived immigrants – they were seen as criminal, of low intelligence, dirty, lazy, immoral, etc.

The American Party did not, however, wish a legal barrier to immigration from these countries. Rather it wished to deny suffrage to the first generation of immigrants from them, banking on the assimilation of their children into truly American values. The American Party enjoyed some significant success in the 1840s and '50s, electing numerous local, state and federal representatives. The coming of the Civil War proved its undoing, however. Irish Americans and German Americans died by the tens of

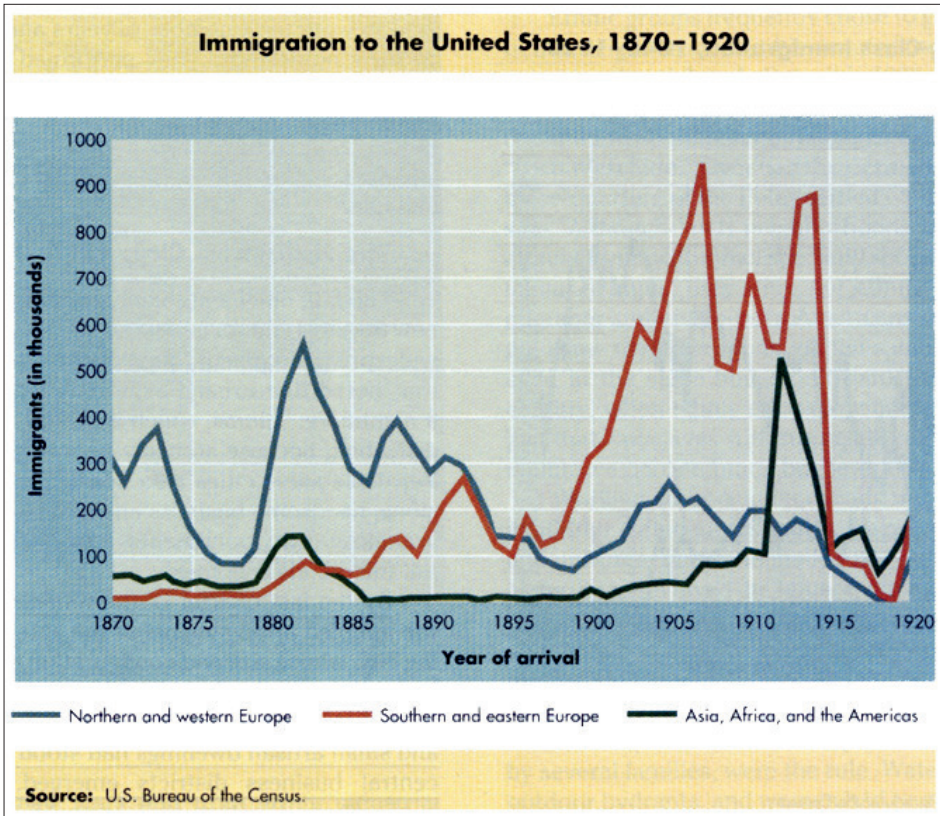


Figure 2.

thousands for the Union cause and it is not possible to be more American than to die for your country. By the end of the war, the Know-Nothings were a spent force (Anbinder 1994, p. 103–126).

The next great wave of nativism came thirty years later and had a more serious long-term impact on America's ethnic groups and American national identity. It was a response to the influx of new immigrant groups from Southern and Eastern Europe during the period of America's industrialization and urbanization between 1880 and 1920 (see figure 2). The newcomers came in unprecedented numbers, far overreaching contemporary immigration from Northern and Western Europe. Significant numbers of the established population were alarmed by their political, economic and cultural impact on the county.

The American Protective Association and the more mainstream Immigration Restriction League were established in 1887 and 1894, respectively, with the aim of creating barriers against this threat. Culturally, they echoed earlier Know-Nothing arguments, viewing the new ethnic groups as too illiterate, ignorant and simply too foreign to understand or take part in American social and political life. But they had a new tool at hand. The rise of Social Darwinism and pseudo-scientific racism in the intervening years gave nativists a set of criteria independent of cultural values. They could



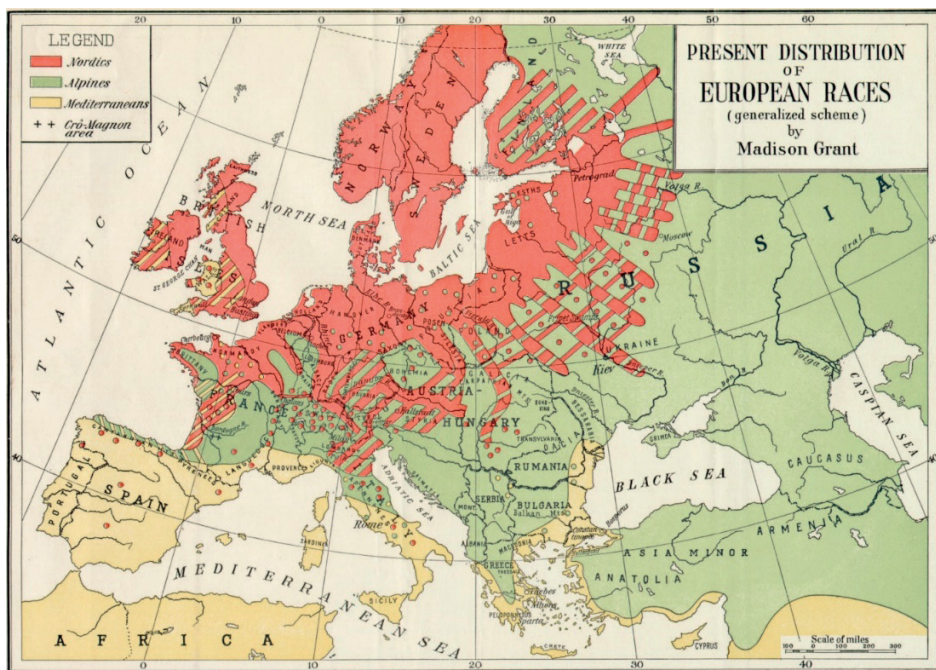


Figure 3, Source: [https://www.amfirstbooks.com/IntroPages/ToolBarTopics/Articles/Featured\\_Authors/Stoddard,\\_Lothrop/Works/Racial\\_Realities\\_In\\_Europe/Art/RRIE\\_Present\\_Distribution\\_of\\_European\\_Races.1200x831.jpeg.jpg](https://www.amfirstbooks.com/IntroPages/ToolBarTopics/Articles/Featured_Authors/Stoddard,_Lothrop/Works/Racial_Realities_In_Europe/Art/RRIE_Present_Distribution_of_European_Races.1200x831.jpeg.jpg)

now claim that the new ethnic groups were biologically inferior and therefore would never be able to assimilate into American life. At best (or worst) they would mix with the established population, reducing the intellectual and moral level of the country. The only solution was their exclusion through legal limitations.

Racism has, of course, deep roots in the American body politic, black slavery being imbedded in its Constitution of 1787. Negative racist associations like that made by Benjamin Franklin at the start of this article about the Germans were made at one time or another about any number of ethnic groups including the Irish, the Italians and – surprisingly – the Norwegians and Swedes. Perhaps the clearest earlier expression of racist ideology in the context of immigration and ethnicity was the Chinese Exclusion Act of 1882. What was new at the turn of the 19th century was that racism was given a theoretical underpinning that allowed it to be systematically turned for the first time to justify barriers against European ethnic groups.

The central tenets of this new racist strand of nativism can be found in the work of Madison Grant in *The Passing of the Great Race: Or, The Racial Basis of European History* (1916). Grant posited the existence of a hierarchy of races, the Nordic people, Alpine people and Mediterraneans in descending order (see figure 3). At the apex of this racial hierarchy sat the most creative, intelligent and purist of all the Nordic people – the White Anglo-Saxon race (often since referred to as the WASPS). It was this race that had created the United States and which was now under threat from the po-

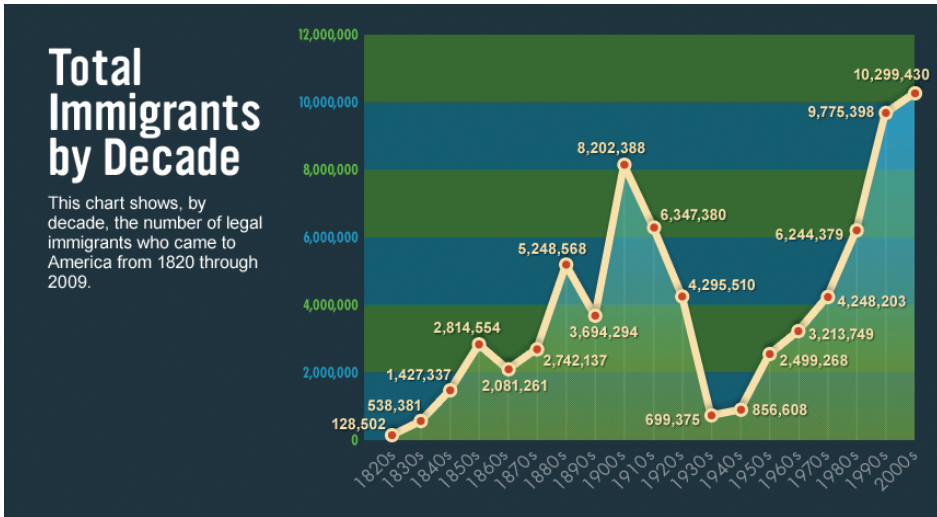


Figure 4, Source: Scholastic, [http://teacher.scholastic.com/activities/immigration/immigration\\_data/](http://teacher.scholastic.com/activities/immigration/immigration_data/)

tential mixing with other, lower races. Note that the frontier erected between acceptable and unacceptable ethnic groups had now been placed between all of Northern and Western Europe and all of Southern and Eastern Europe, reflecting the successful integration of the earlier ethnic groups into the established American associational social and political structure (Kraut 2001, p. 193–202; Higham 2002, p. 131–158).

It is this definition of being truly American that the American Federation of Labor reflected earlier in this article – an attitude aptly summed up by the chaplain of the Junior Order of United Mechanics in 1914 when expressing his wish for immigrants “to come from which we came... I glory in my kinship. My father on one side was a German, my father on the other side was an Englishman.... That is the kind we can absorb... They belonged to that independent race... who came with the idea ... of the beauty of self-government” (Degler 1970, p. 300–301).

The efforts of the Immigration Restriction League and its allies were successful in the wake of World War One. A series of laws limiting immigration were passed between 1921 and 1929. For the first time, an upper limit was set on the number of immigrants who could come to America per year. By 1929 that limit was 153,000. More importantly for the purposes of this article, a system of national quotas was put in place which gave preferential treatment to new arrivals from Northern and Western Europe while severely reducing the entrance for Southern and Eastern Europeans (not to mention the complete exclusion of the Chinese and other Asians).

The impact was immediate, severe and long lasting (see figure 4). For example, the number of Italian immigrants sank from 158,000 in 1920 to a mere 5,800 in 1929. These racially inspired laws set the tone of American immigration policy for the following forty years. They also served to reinforce racial and ethnocentric boundaries within the country and gave credence to the claims of nativists who believed they rep-



resented the only true American heritage. Immigration to the United States entered a long period of relative dormancy (Kraut 2001, p. 202–213).

### **Modern times**

It took forty years before the racially inspired quotas adopted in the 1920s were superseded by a new set of liberal immigration laws in 1965, during the same era in which the Civil Rights movement was removing racial barriers in other aspects of American life. Both these developments reflected the international pressure put on America in its new roll after 1945 as “Leader of the Free World” in the Cold War. One could not lead the world and at the same time view major portions of its population as racially inferior. These changes corresponded with a general swing towards a more liberal culturally pluralistic definition of the American nation. The new laws set quotas from all countries irrespective of which region of the world they were in. They also opened the way for family reunification by setting up a system by which relatives of citizens were given preferential treatment. An important aim of these laws was the reunification of Southern and Eastern European families that had been divided forty years earlier (Barkan 1996, p. 115 -119).

In fact, the new laws had the unintended effect of opening the United States to a new wave of mass immigration not from Europe, but primarily from Latin America and Asia. This has continued to the present day (see figure 5). America currently admits about one million legal immigrants per year. In addition, there are an estimated 11 million illegal immigrants in the country. In terms of absolute numbers, it is the greatest surge of immigration the USA has ever experienced, encompassing about 59 million individuals. America’s boundaries are once more open (Pew Research Center; Hispanic Trends).

However, both the ethnic composition and the sheer numbers of new arrivals have once again led to reactions among the established population calling for barriers similar to those at the turn of the 20th century. The Federation for American Immigration Reform (FAIR), founded in 1979, calls for a limitation in immigration (currently to 300,000 per year), as well as for a moratorium to give the nation time to assimilate these new foreign ethnic groups. The more extreme American Immigration Control Foundation, founded in 1983, provides materials which are reminiscent of the racism of the 1920s, claiming that “current trends, history, sociological research and sociobiological theory suggest that the United States has thoughtlessly placed its future in peril by embarking upon an unprecedented experiment in the large-scale mixing of multiple peoples with highly diverse cultures in a democratic society” – a statement that on the face of it might actually sum up most of American history (Pickus 2005, p. 8; Immigration Reform Mission Statement: “Time-Out” (Moratorium); Elmer & Elmer 1984).

More importantly, the issues of ethnic and national identity have once again taken center stage in the intellectual and political life of the United States. In his book, *Who Are We? America’s Great Debate* (2004), Professor Samuel Huntington of Harvard

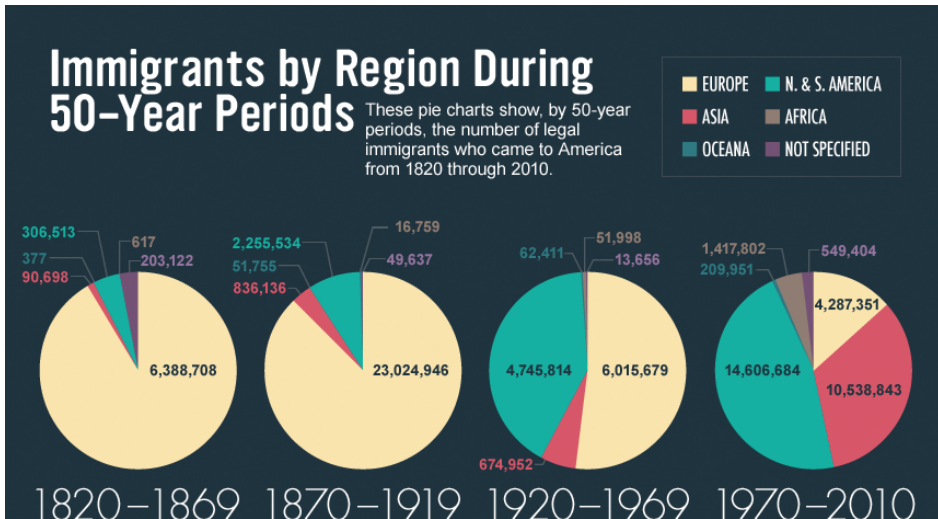


Figure 5, Source: Scholastic, [http://teacher.scholastic.com/activities/immigration/immigration\\_data/periods-and-region.htm](http://teacher.scholastic.com/activities/immigration/immigration_data/periods-and-region.htm)

University posited that the impact of multiculturalism and, specifically, the influence of the Mexican-American community had become a threat to what he termed the core culture of Anglo-American Christianity – a new version of a mono-cultural definition of the US. Note that the borders of true American identity have once again been expanded to now include all Europeans, irrespective of continental region (Huntington 2004, pp. xv-xvii).

The Mexican-American community was singled out for two reasons. First, like the German-American community at the end of the 19th century, it has grown rapidly since 1965 to about 37 million today – and like the earlier Germans, it has made efforts to maintain its native tongue, albeit as a second language for the great majority. This has rattled self-proclaimed English-speaking patriots. Second, a significant number of illegal immigrants in the United States are of Mexican origin – an estimated 5.5 of 11 million. This reflects the fact that Mexicans were not included in the immigration restrictions of the 1920s, setting the stage for a seasonal movement of workers back and forth across the long frontier to the US throughout the 20th century, with and without citizenship (Pew Research Center, 2017; Kraut 2001, pp. 193–202).

The political impact of the new Latin American and Asian ethnic communities on national politics has been direct and clear. The majority of voters in both sets of communities have become part of the Democratic Party coalition, as did many of their immigrant predecessors to America. Both gave a solid majority (from 60% to 70%) of their votes to Democratic Party candidate Barack Obama in the presidential elections of 2008 and 2012. Without this support, he would not have won the presidency, gaining only a minority of white (that is, European or “Anglo” Americans) voters in both elections. These ethnic communities were rewarded by liberal policies supporting their interests. For example, President Obama’s Executive Order creating

the Deferred Action for Childhood Arrivals (DACA) program, protecting young illegal immigrants brought by their parents as children from being deported. In this case, ethnicity once again became the bridge to political influence.

On the other hand, in the 2016 election, the Republican candidate Donald Trump made illegal Mexican immigration into one of his banner issues, promising to literally build a wall along the long Mexican border to keep out the unwanted and generally casting doubt on Mexican-American immigrants, as mentioned earlier. This was used as a rallying point for his political base, a large portion of which consisted of precisely the white voters of European heritage who often viewed the newly arrived ethnic groups as economic and cultural threats and who were correspondingly deeply skeptical of a culturally pluralistic definition of America. He carried 57% of the white vote in 2016 (Roper Center for Public Opinion Research, 2016). Similarly, Trump drew on the issue of religion to attack ethnic groups with ties to Islam, despite their small number (less than 0.5% of the population). He presented them – as the Irish had been presented in the 1800s – as potential agents of a foreign power, setting their values in contrast to those of law-abiding Americans. To quote: “They have to work with us. They have to cooperate with law enforcement and turn in people who they know are bad. They know it...they know what’s going on” (Pestano, 2015). As President, he went on to institute a ban on travel and immigration from a number of Islamic countries. In sum, in this instance ethnicity has again become grounds to erect barriers to America and participation in its political life.

## Conclusion

To sum up, from the outset ethnicity has served as both a bridge and a barrier into American social and political life and continues to do so today, as yet new groups are added to the culturally pluralistic mix that makes up the nation. Does this make the United States exceptional, as it is often inclined to view itself? Certainly, in this age of globalization, conflict between established populations and immigrants has become a worldwide phenomenon. One might simply point out the resurgent nationalist and anti-immigrant attitudes found in Europe – Brexit in Great Britain or Marine Le Pen’s National Front in France – to illustrate this point. However, as indicated at the start of this chapter, the United States does have one characteristic that might set it apart – a national identity that is based on an associational social and political structure. This allows newcomers to assimilate into America through their ethnic identity, rather than at its expense. This does not make the United States immune to the populist calls for one overriding vision of American nationality, but it does present a powerful opposing definition of the nation with deep roots in American history.

Whether such a culturally pluralistic and associational structure may serve as a model for resolving conflicts between established populations and newcomers elsewhere in an increasingly multicultural world is an open question. The essential issue when talking about assimilation and integration is how the host society defines the nation into which new groups are to become a part, for it is the host society that sets

their limitations and judges their success. In those countries where a mono-cultural definition of nationality is prevalent, both the terms assimilation and integration can implicitly come to mean that newcomers should shed their ethnicity as soon as possible and seamlessly blend into the established population. If not, they may be seen as a potential threat to the host society's nationhood. In contrast, in a nation defined as culturally pluralistic, assimilation and integration may be conceived as a two way process in which both the established host society and the ethnicity of the newcomers provide one another with new cultural impulses, enriching both. No nation existing in the world around us today may be placed fully in either of these categories, but they may serve to clarify the issues surrounding what has become a pressing issue of our times.

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# Ta(l)king Women out of the Picture – How Extreme Republican Discourse Framed Women Outside Women’s Issues: 2010–2012

Johanna M. Wagner

*The boundary of who I am is the boundary of the body,  
but the boundary of the body never fully belongs to me*  
(Butler, 2009, p. 54).

## Introduction<sup>1</sup>

When shooting a photograph, one determines what will be inside its frame and what will be outside. This framing of the photo – which comes long before its hanging on a wall or sitting on a desk – is an integral step that defines its subject by exclusion. In creating a picture, then, one crafts what the viewer sees, and, crucially, what the viewer does not. It is less a spontaneous instance of truth caught on camera than a deliberate policing of the frame’s boundaries to ensure the desired image. And, as noted in the quote by Judith Butler at the outset of this chapter, if one is captured in this metaphorical photo, one is not necessarily also the one controlling its boundaries. In other words, the subject’s position within the image is endlessly vulnerable to the whims of others who fix the frame.

Like the visual framing of images, in political discourse the rhetorical framing device is of utmost importance. The more controversial the issue, the more painstaking it must be framed by politicians to win support for their various positions. In some instances an issue is altered so dramatically in its framing that it becomes nearly unrecognizable. Such is the case with the issues surrounding the resurgence of “The War on Women” ushered in by Tea Party candidates and other conservatives backed by the Tea Party between 2010–2012.

In 2008 Republicans lost heavily in the general election, not only losing the Presidency to relative newcomer Barack Obama, but also losing the Senate and widening their losses in the House of Representatives.<sup>2</sup> These losses caused a major disruption

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1 I want to thank two of my colleagues, Dr. Kirsti Cole and Dr. Sheryl Cunningham, for engaging in discussion and offering their own opinions regarding this chapter. Their insight into the issues surrounding the War on Women has influenced much of my own thoughts on the subject. I also wish to thank Dr. Rania Maktabi for her insightful comments and suggestions.

2 Republicans and Democrats each held 49 seats in the Senate before the 2008 election. After the election, Republicans held 41, and Democrats held 57. In the House, Republicans held 199 seats before the election and Democrats held 236 seats. After the election, Republicans held 178 seats and Democrats, 257.



in the Republican Party, culminating in the rise of the Tea Party movement in 2009. Although this conservative populist movement was initially described as a movement centrally concerned with small government and economics (“Taxed Enough Already” being the rallying cry for the group), the movement soon showed its interest in social and religious views as well. As noted by the Pew Research Center in 2011, all views espoused by the Tea Party were more extreme than the Republican electorate they supported, and could certainly be seen as extreme compared to the general U.S. electorate (Clement and Green, 2011).<sup>3</sup> It was within this milieu, these two election cycles energized by the Tea Party, that the discourse of the Republican party (the Grand Old Party, or GOP), regarding women’s issues hardened, demonstrating extreme rhetoric that seemed intent on framing women’s issues without women.

The phrase “The War Against Women” became recognizable in the 1990s when Susan Faludi published *Backlash: The Undeclared War Against Women* (1991), and Tanya Melich followed suit in 1996 with her book *The Republican War Against Women*. According to both women, this “war” can be traced back to the 1980s and the Reagan Administration, although Melich specifically states that the war began around the late 1970s when the “New Right” Republicans<sup>4</sup> converged with the “Religious Right”<sup>5</sup> –

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- 3 The Pew study notes that a September 2010 survey suggests that “almost nine-in-ten registered voters who agree with the Tea Party (88%) prefer a smaller government with fewer services, compared with 80% of Republicans and Republican-leaning independents and 56% of all registered voters” (Clement and Green, 2011). “Tea Party supporters” the Pew study suggests, “also tend to take socially conservative positions on abortion and same-sex marriage. While registered voters as a whole are closely divided on same-sex marriage (42% in favor, 49% opposed), Tea Party supporters oppose it by more than 2-to-1 (64% opposed, 26% in favor). Similarly, almost six-in-ten (59%) of those who agree with the Tea Party say abortion should be illegal in all or most cases, 17 percentage points higher than among all registered voters. Tea Party supporters closely resemble Republican voters as a whole on these issues” (Clement and Green, 2011).
  - 4 The “New Right” is a term that describes a trend in conservative thinking that “fuse[d] economic libertarianism with state and social authoritarianism,” which manifested “radical, reactionary and traditional features” (Heywood, 2017, p. 83): “Its radicalism is evident in its robust efforts to dismantle or ‘roll back’ interventionist government and liberal or permissive social values”; its reactionary-ism is apparent “in that both neoliberalism and neoconservatism usually hark back to a nineteenth-century ‘golden age’ of supposed economic vigour and moral fortitude”; and its traditional bent is one in which “emphasis” is placed on the neoconservative concept of “traditional values” (p. 83). The United States’ “New Right” signified most strongly in the decade of the 1980s and is symbolized by the Reagan administration.
  - 5 The “Religious Right,” also known as the “Christian Right,” was a “loose network of political actors, religious organizations, and political pressure groups that formed in the United States in the late 1970s” (McVicar, 2018). This network appealed to Americans by espousing “traditional family values,” backing “free-market economics,” criticizing “secular and materialistic trends in American culture” and suggesting the United States’ “moral and economic decline” was due to those trends (McVicar, 2018). Although this



especially Jerry Falwell's Moral Majority<sup>6</sup> – and began employing aggressive political tactics regarding issues specifically involving women. If the idea of this war ever diminished, it was revived again during the George W. Bush administration as the “War on Women,” as noted by Barbara Finlay in *George W. Bush and the War on Women* published in 2006 (p. 9), and most recently came to the political foreground soon after the 2010 mid-term elections that swept a number of religiously-minded conservative Republicans into local, state, and federal offices in the United States. With these politicians in place, the Republican Party moved even more sharply toward extreme conservative stances on social issues. Under the guise of fiscal responsibility and religious freedom, old social issues many Americans believed settled – although for some, uncomfortably so – were dredged up and appallingly brought back into the public eye. And in dredging up these divisive cultural issues, the GOP aimed to frame women's issues void of women. Specifically, their framing sought to reposition women ancillary to another subject, subordinate to another subject, or *outside* the frame of the subject altogether.

This chapter will argue that in 2012 the culmination of the extreme conservative rhetoric of Tea Party members and Tea Party backed candidates of the Republican Party since 2010 came to a head. Within these two years, through various rhetorical moves and ideological stances – from transposition to anti-intellectualism and anti-rationalism – extreme voices on the right sought to frame women's issues entirely without women. By means of the aforementioned strategies, the GOP cut and cropped women to the edges, or completely out of the picture of women's issues, while downplaying their importance in those issues altogether. These strategies all seemed to coalesce into an attempt to discount women as subjects in political discourse.

### Transposition through Metonymy and Other Rhetorical Moves

Unsurprisingly, most of the arguments in *The War on Women* have revolved around abortion; however, contraception for some reason also became an incredibly hot topic as well. Both were legalized nearly a half-century ago (contraception by 1972 and abortion by 1973).<sup>7</sup> But here they were, resurrected yet again in the public square in rhetorically remarkable ways. One way the issues re-emerged was through metonymy.

Metonymy is a rhetorical tool in which a word or concept is used to represent some other word or concept closely related to it. According to Roman Jakobson in *Funda-*

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network was strongest in the 1970s and 1980s, it has persisted into the 21<sup>st</sup> century as a significant political force.

6 “The Moral Majority” was founded in 1979 by Jerry Falwell. It was an organization that “acted to mobilize Christians to social and political action” (McVicar, 2018). This organization had much to do with the success of the Religious Right to establish itself as a significant political power in the U.S.

7 Contraception for all Americans (not just married couples) was legalized in *Eisenstadt v. Baird* (1972) and abortion was legalized in *Roe v. Wade* (1973).

*mentals of Language* (1956, 2002), the principle of *proximity* is what makes metonymy distinct from metaphor, a tool that works under the principle of similarity (p. 84). The use of metonymy is often a benign commonplace in daily life, a way to mundanely refer to something by way of something else. But, in political discourse it can be manipulated much more insidiously. In the case of *The War on Women*, this rhetorical device has been used by members of the GOP to consistently and extensively underexpose the presence of women while framing issues regarding women's reproductive health around something only approximately related. Not only can women not be spokespersons of the issues, but the delineation "woman" often does not appear in the discourse. While these extreme voices seemed to use the term "abortion" excessively – possibly because the connotations, both sobering and discomfiting, continue to resonate with all people across the political spectrum – the usage of "woman" or "women" in their discourse during these years has been less frequent; this could be because, perhaps, these terms are more problematic and difficult to control. Regardless of the reason, in these cases GOP voices used various rhetorical moves in their arguments, which downplayed the importance of women to the issue, and/or ultimately transposed "woman" or "women," with "baby," "pro-life," or some other metonymic variant.

For example, when asked in a 2012 interview how he would enforce the law he voted for in 2007 – a law that would criminalize abortions (doctors could end up with felonies on their records and women could be prosecuted) – Tea Party-backed, Rep. Rick Berg in the N. Dakota Senate race answered: "...my position is pro-life. I care about the unborn and that's where we should be in our policy" (as cited in Terkel, 2012).<sup>8</sup> The exact question from his interviewer, Jim Shaw, was: "Why would you force a woman who has been raped to have to have that baby?" (as cited in Terkel, 2012), a clear question regarding the woman as subject in this situation; yet Berg's answer, using "pro-life" and "the unborn" as subjects is basically a *non sequitur*<sup>9</sup> in that it literally *does not follow* the logic of the conversation as a whole. His statement itself is an example of *petitio principii*, or begging the question, in which the truth of the conclusion is assumed by the premise upon which it relies (Begging, n.d.).

Likewise, in the Vermont senate race, John MacGovern, another Tea Party supported Republican was asked by his opponent, Bernie Sanders, whether or not he believed that "a woman should be forced by the government to give birth to a rapist's baby against her will" (as cited in Kinzel, 2012). Similar to Berg, MacGovern answered: "Uh, I've always in my career and to this day been loyal to the principle of life. I'm pro-life. I'm profoundly pro-life. I'm pro-life to my core" (as cited in Kinzel, 2012). In MacGovern's case, his words act as a logical red herring by attempting to lure the

8 Rick Berg had been elected to the U.S. House of Representatives, representing a N. Dakota congressional district from 2011–2013.

9 A non sequitur is a logical fallacy in which the conclusion does not follow the premise (Van Eemeren, 2001, p. 297). In looking at the question/answer situation as a logical sequence, the premise would be the question asked by Shaw and the conclusion would be the answer by Berg.

audience away from the question at hand, while his use of *epistrophe* – the repetition of the same ending in a series of lines or phrases (Peters, 2001, p. 261) – attempts to drown out the image of a raped woman via a reprise of feel-good words such as “pro” and “life.” Nearly identical, Berg’s and MacGovern’s tactics transpose women out of the issue and reframe it metonymically through a fetus supported by the politician’s policy position or principles.

When asked by Associated Press journalist Mark Scoloro “how [he] would tell a daughter or granddaughter who became pregnant from rape to keep the child against her will” (as cited in LoGiurato, 2012), Republican Tom Smith of the Pennsylvania senate race who was endorsed by the Tea Party, waxed eloquent on the subject confiding that “he lived something similar to that in his own family,” although, “don’t get me wrong,” he stated, “it wasn’t rape” (as cited in LoGiurato, 2012). However, when prompted by the interviewer to explain how his experience was “similar” to rape, he answered, “having a baby out of wedlock.” Incredulously, the interviewer asked, “[that’s] similar to rape?” and Smith replied, “no, no, no,” but then doubled down: “Well, put yourself in a father’s position, yes, I mean it is similar” (as cited in LoGiurato, 2012). Unpacking Smith’s response suggests a number of things that go beyond simple metonymy. First, he transposes a woman who has become pregnant through the act of “rape,” a real criminal term that is built on the fundamental fact of a person lacking sexual agency, with the gentler euphemism of pregnancy “out of wedlock,” which is built on the exact opposite. The sex forced non-consensually on a woman who is raped is clearly unlike the consensual sex a woman participates in with a chosen partner; it is a faulty analogy, an analogy made between disparate things by overly emphasizing a shared trait (Faulty, n.d.). Furthermore, the latter pregnancy, importantly, connotes shame,<sup>10</sup> which suggests this idea of shamefulness in pregnancy is the shared trait; the metonymic link between the two for Smith. Following these rhetorical moves, Smith then thrusts women entirely from the frame of the issue: it is “his experience,” it is something “he lived.” Amazingly, a “father’s position” – not the raped daughter... or even the pregnant unwed daughter, is the primary subject. The patriarchal head and his feelings are centrally positioned.

Shockingly, the 2012 campaign season disgorged constant dialogue surrounding “rape” for the GOP, which became a consistent talking point for them, but an appalling conversation for much of the rest of the country.<sup>11</sup> Because Americans on the whole

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10 “Out of wedlock” is a term used in many U.S. religious communities to denote something that takes place outside of marriage. In these communities, pre-marital sex (sex before marriage) is looked down upon, as is becoming pregnant without first being married. Smith opposed abortion in all cases, and his open acknowledgment of his faith during the campaign, as well as his use of “out of wedlock” in this instance suggests his view is a result of his religious convictions.

11 To be clear, the reason Republican candidates discussed rape so often is because they were consistently asked about their stances on abortion. The Republican Party in general is pro-life or anti-abortion (The 2012), but some candidates make exceptions for the

are sympathetic to rape and incest victims across the political board in the abortion debate (Gallup, 2018),<sup>12</sup> these pro-life/anti-abortion candidates had a challenging job framing an abortion stance that remained stringently consistent with their beliefs, yet did not fly directly in the face of most of the citizenry of the country.

We now come to the most brazen and alarming moment in the run-up to the 2012 elections (which will not fully come to light until later): Tea Party Republican Todd Akin, running for a Senate seat in Missouri, referred to something he called “legitimate rape,” in an interview with KTIV TV,<sup>13</sup> noting that in “legitimate rape,” pregnancy “very rarely” occurs (as cited in Blake, 2012). A furor arose after these remarks because people understood that effectively Akin was at the least equivocating<sup>14</sup> and at the most attempting to redefine “rape,” which would suggest some rapes are not actual rapes, and should therefore be excluded from the discourse. Through his rhetoric the violated bodies of sexual violence are transposed out of the frame of this issue, while a type of rape deemed “legitimate” by Akin takes center stage. Captured in this frame are the assertions that not only is “legitimate” rape extremely rare, but that women who *are* impregnated have not been “legitimately” raped. We will return to Akin’s comments later in the chapter.

Another person to fall into the precarious position of discussing his views on rape publicly was John Koster, a Tea Party Republican running for a Washington state House race. Questions to him about his stance on abortion were diverted to an in-depth discussion about rape and incest. As he freestyled his answer, he referred not once, but twice to “rape” as a thing: “But the rape thing... you know, I know a woman who was raped and kept her child, gave it up for adoption; she doesn’t regret it. In fact, she’s a big pro-life proponent. But on the rape thing, it’s like...” (as cited in Weiner, 2012). Rape, for Koster, is “the rape thing,” which is certainly easier to say because it minimizes the trauma of the term by adding both a definite article<sup>15</sup> and a non-de-

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health of the mother, rape, and/or incest. Often journalists will ask candidates who are pro-life/anti-abortion without exception to explain how they justify disallowing these exceptions.

- 12 In May 2018, Gallup asked Americans if an abortion should be legal in the first trimester if the pregnancy is caused by rape or incest. 77% of their respondents believed it should be legal in these cases, and only 21% believed it should not be legal.
- 13 H.R.3, the “No Taxpayer Funding for Abortion Act” is a bill that was introduced to the 112<sup>th</sup> Congress (2011–2013) of the U.S. by House Representatives Chris Smith (R-New Jersey). The bill was passed in the House, but did not come up for a vote in the Senate. The early language of the bill would have changed the term “rape” to “forcible rape,” stimulating many to argue that Republicans were trying to change the legal definition of rape. Todd Akin was a sponsor of the bill.
- 14 Equivocation occurs when a speaker plays on the ambiguity of an important term in an argument (Hansen, 2015).
- 15 A definite article is a word that identifies a specific thing. In English, *the* is a definite article. An indefinite article is one that does not indicate a specific thing. In English, *a* and *an* are indefinite articles.

script placeholder.<sup>16</sup> The placeholder *thing* after the term “rape” functions to make indefinite the normally definite article *the* while signaling the overall term’s insignificance. Add the faulty generalization<sup>17</sup> of his quaint narrative of the woman – whose only consequence of rape has been that she has become a major pro-life proponent – to Koster’s dismissive attitude on the topic, and the horrific nature of rape becomes a fairytale depiction of everything *except* actual rape.

The next example is in regard to Paul Ryan,<sup>18</sup> the Tea Party endorsed Speaker of the House, and 2012 Vice Presidential nominee. He responded to an interviewer’s question regarding his stance on abortion and exceptions for rape and incest. Ryan stated: “Well, so, I’m very proud of my pro-life record, and, um, I’ve always adopted the idea, the position that, the method of conception does not change the definition of life” (as cited in O’Donnell, 2012). Again, we see metonymy work furiously to transpose the harshness of pregnancy through “rape” and “incest” (words that decidedly connote violations of women, and also demand empathy) to the more sterile, “method of conception.” This change in language implies women as well, yes, but it also acts as a euphemism that diminishes the need to empathize because of its neutrality: “method of conception” infers a woman’s calculated and desired hope for pregnancy, without any suggestion of a lack of agency or flagrant violation of someone’s body. In this way, Ryan links euphemism and metonymy to obliterate women – especially victims of horrifying crimes – from the issue’s frame.

In a final example, this chapter explores the House Committee on Oversight and Reform hearing regarding certain aspects of The Affordable Care Act.<sup>19</sup> The hearing, chaired by Darrell Issa on 16 February 2012, was titled “Lines Crossed: Separation of

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16 In linguistics, the placeholder lies under the umbrella of “filler” words, which are spoken “devices” in conversation “that can be deployed after the current word has been brought to completion to delay the next word due” (Fox, 2010, p. 2). These fillers, such as “um,” and “ah,” in English, indicate that the speaker is not yet finished speaking (Davis and Maclagan, 2010, p. 190). However, the placeholder has been found to “carry a range of morphological markings,” one form of which is “appropriate for adjectives and adverbs” (Fox, 2010, p. 3). This is the form employed by Koster.

17 Faulty generalization is a logical fallacy where a speaker reaches a conclusion from weak premises” (Dowden, n.d.b).

18 Paul Ryan is a Republican from Wisconsin who was first elected to the House of Representatives in 1998. He became the Speaker of the House in 2015.

19 The Patient Protection and Affordable Care Act, or just The Affordable Care Act (ACA), otherwise known as “Obamacare,” was enacted in March 2010 during President Barack Obama’s first term in office. The ACA was a major overhaul of the United States’ health-care system. One thing significant to this study is that the law required that all insurance programs subsidize contraception (birth control measures) under the category of preventative care. In the U.S. context, this was quite a change since one’s health insurance was historically bound to one’s employer; this meant that one’s coverage was determined by said employer, and not by the individual. For more information, please read the Act in full; the website is noted in the bibliography.

Church and State. Has the Obama Administration Trampled on Freedom of Religion and Freedom of Conscience?” However, it quickly became clear that the subject of the panel was really women’s issues, especially female contraception. The transcript of the hearing exhibits about ten references to “man” or “men,” (roughly half or more of these are the archaic term for “human”). However, surprisingly the word “woman” is used at least 16 times and “women” is used at least 80 times; there are roughly 25 instances of “birth control” (always female), another 14 or so references to “the pill” (birth control for women), and around 45 to “abortion”: all things metonymically related to women. Yet, the panelists told the conveners of the hearings and the audience that this was clearly *not* about women.

Under the guise of “religious freedom” and “freedom of conscience,” the hearing attempted to separate women out of women’s issues; but it was the visual of the first expert panel – five men – that made it unspeakably clear women had not only been transposed, but summarily erased from the frame altogether.<sup>20</sup>

### Transposition through Anti-intellectualism and Anti-rationalism

Underlying *The War on Women* are not simply the ways in which certain conservative politicians replace women in the frame of social issues, but the ideological strain of anti-intellectualism that has festered in the U.S. for decades, and especially its related sentiment identified by Susan Jacoby as *anti-rationalism*. The idea of anti-intellectualism in this chapter is derived from a general sense of Richard Hofstadter’s concepts in his 1963 book *Anti-Intellectualism in Public Life*, which suggests that anti-intellectualism is a disdain for the life of the mind, for what we might call “academic” subjects, and for precise logic and reasoning. Anti-rationalism, according to Jacoby in her 2008 essay “The Dumbing of America,” is not just a penchant for ignorance, but an “arrogance” about that ignorance, a “smug[ness]” in which Americans believe “they do not need to know [certain] things in the first place” (p. 2). They revel in that ignorance (think, for example, the “gut feelings” of President George W. Bush regarding Vladimir Putin’s soul in 2001).<sup>21</sup> So, anti-rationalism is an extension of anti-intellectualism with the addition of an emotional component: hubris. To follow are a few examples of how right-wing anti-intellectualism and anti-rationalism have attempted to frame women’s issues in *The War on Women*.

Rush Limbaugh – a radio personality of the extreme right who is nonetheless taken seriously by the mainstream GOP even today – became an unsurprising figurehead in *The War on Women* when he stepped into an argument regarding the subsidiza-

20 Please see the photograph by Center for American Progress online. Full citation is in the bibliography.

21 At the 2001 summit in Ljubljana, Slovenia, to the question: “Do you trust Vladimir Putin?” George W. Bush answered: “I looked the man in his eye. I was able to get a sense of his soul” (Wyatt, 2001). This comment suggested that Putin’s soul was a trustworthy one, with good intentions.



tion of contraception, specifically birth control pills. While mocking Sandra Fluke, a Georgetown law student who advocated for subsidization, Limbaugh demonstrated astonishing ignorance regarding basic facts of female reproduction.<sup>22</sup> He suggested that the student was “going broke” because “She wants all the sex in the world, whenever she wants it, all the time”; that “She’s having so much sex, she can’t afford it” (as cited in Wemple, 2012). As noted by Adam Serwer in *Mother Jones*, “Limbaugh repeatedly suggested that the amount of sex a woman has is related to the amount of birth control she needs to take, as though women took birth control pills” only on the days they have sex, which is “how, say Viagra, the erectile dysfunction medication works” (2012).

This kind of ignorance regarding a subject that MSNBC cable television host Rachel Maddow jokes as having been taught in “freshman year human biology” (2012) is astounding to many Americans but to these extreme members of the GOP – many of whom continue to argue that the earth is no older than 6,000 years (Newport, 2012) – this man, who has no idea how female contraception works in the first place, is a reasonable spokesperson for a debate on contraception. Predictably, no Republicans had much to say about Limbaugh’s rants (at least 20 attacks on the student over two days), and not one of them thought it noteworthy that the radio host did not understand how the pill worked. For this wing of the GOP, generally, one does not need to understand the science of an issue to frame the debate; a strong opinion repeated with malicious merriment seems just as valid.<sup>23</sup>

In this vein, we revisit John Koster. His “rape thing” comment was not the only thing unfortunate about his interview. Along with another candidate, Roscoe Bartlett (Tea Party Caucus incumbent up for reelection in the 2012 Maryland U.S. House seat race), Koster makes the anti-intellectual argument that because something is not as frequent as something else, it is not important. Koster suggests that “incest is so rare, I mean it’s so rare” (as cited in Weiner, 2012); somehow expecting his audience to understand that the “rarity” of incest excuses his not having to consider it in the argument surrounding abortion. And Bartlett states that the “percentage of abortions for rape” is “tiny. It is a tiny, tiny percentage” (as cited in Volsky, 2012). The logical assumptions hidden behind these few words are that their anti-abortion stances should not have to make exceptions for victims of rape or incest who may want abortions be-

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22 Sandra Fluke was not permitted to speak at The House Committee on Oversight and Reform hearing on 16 February 2012, spoken of earlier in this chapter. Darrell Issa, the chairperson of the hearing, refused her request. She was later allowed to speak at a Democratic Steering and Policy Committee meeting on 23 February 2012 (House Committee).

23 It should be noted that this chapter does not cover even a fraction of what Limbaugh said about Sandra Fluke. The lengths to which Limbaugh went in order to mock her, and the palpable sexism and misogyny within his attacks are breathtaking; an analysis of these events could be a chapter in and of themselves. For a list of his 20 major attacks, please see Wemple (2012).



cause pregnancy through these means is less frequent. These kinds of arguments rely on illogical comparisons between figures and frequency, faulty equivalences between various types of pregnancies that end in affirming the consequent – “treating a sufficient condition” (something that happens rarely should not be considered valid in the abortion debate) “as a necessary condition” (van Eemeren, 2001, p. 298) – summarily crowd out of the frame the human factor of the woman and her body.

To continue the incident, after having explained how miniscule the number of rape and incest victims who become pregnant is, Bartlett is challenged by an audience member who states, “There are 20,000 pregnancies every year from rape.” To which Bartlett retorts, “Yeah and how many abortions? In the millions” (as cited in Volsky, 2012), assuming tit-for-tat logic stands up in political discourse. Astonished, the audience member replies: “That’s 20,000 rapes, that’s 20,000 people who are violated” (as cited in Volsky, 2012). Only when this audience member confronts Bartlett with the fact that this number, this “tiny, tiny percentage” is in fact not the whole picture, and rather pulls actual people – violated women’s bodies – back into the frame does he seem to snap out of his false equivalence<sup>24</sup> numbers game, and finally ends with “I know... I know...” (as cited in Volsky, 2012).

The GOP in general is notoriously antagonistic toward science (consider, for example, GOP stances on climate change, the age of the earth, evolution, etc.),<sup>25</sup> so when they do embrace “science,” their more extreme members’ anti-intellectual and anti-rationalist impulses tend to make science less scientific. Joe Walsh (incumbent Tea Party Republican running for the 2012 Illinois house seat), for example, attempted to use his understanding of science to argue against having any exceptions for abortions, even discounting the life and health of the pregnant woman. For Walsh, some kind of vague “advances in science and technology” eliminated the risks of pregnancy and childbirth for pregnant women (as cited in *The Young Turks*, 2012). He never actually names these amazing advances in both science and technology (although it is interesting to witness a GOP politician attempt to use “science” as support for his argument at all). But, with his final sentence, he belies his faith in said science and technology and illustrates his anti-rationalism regarding the topic of abortion.

After he has noted that “science and technology” have made pregnancy more like not being pregnant at all, the real impetus behind his stance shines through:

*“This is an issue that opponents of life throw out there to make us look unreasonable. There’s no such exception as life of the mother and as far as health of the mother... same thing. [...] the... health of the mother has been... has become a tool for abortions anytime under any reason” (Walsh as cited in *The Young Turks*, 2012).*

24 A false equivalence is a logical fallacy in which one argument or claim is set up as logically equivalent to another argument or claim when it is not (Dowden, n.d.a).

25 For a view of Republican sentiments toward science even prior to the Tea Party, please see Seth Shulman’s book, *Undermining Science* (2006). Full citation is in the bibliography.

These final sentences have nothing whatsoever to do with science *or* technology and simply state matter-of-factly Walsh's desire to eliminate abortion altogether. Surprisingly, unlike previous GOP examples, he does not attempt metonymy or euphemism in order to avoid conjuring women. He arrogantly believes his passionate disinformation about science and technology regarding pregnancy is an effective foundation on which to base his reasonableness. In fact, he is so smug in his reasonableness that he plants "mother" squarely in the frame.

Interestingly, it can be argued that his use of "mother" instead of, say "woman," seems to make his comments that much more shocking. After assuring his reasonableness, he preserves the "mother" in the frame but discounts her need for "health" and even "life," a risky move since most people have a visceral reaction concerning "mothers." "Women," they may be dubious about, but "mothers" is a loaded term encapsulating a number of things most sentimental to our cultures; therefore, it seems the irony of his self-proclaimed reasonableness on the one hand and sanctioning mothers to death on the other is completely lost on him.

Returning again to another previously mentioned politician, Todd Akin (the "legitimate rape" politician from Missouri), we finish an analysis of his full comment. His use of metonymy was interesting enough, but the rest of his comment is what puts him in the limelight of this section on anti-rationalism. "From what I understand from doctors, that's [pregnancy from rape] really rare. If it's a legitimate rape, the female body has ways to try to shut that whole thing down" (as cited in Eligon & Schwirtz, 2012). Like Limbaugh, his ignorance of both reason and science, especially as related to what the female body can and cannot do is astounding, but his conviction *in* that ignorance is something else entirely.

Similar to Akin, during a debate in the Indiana senate race, Richard Mourdock stated, "Even when life begins in that horrible situation of rape, then it is something that God intended to happen" (ABC, 2012). Although many critics of his comment grasped the low-hanging fruit in order to condemn what he may not have particularly meant: that God condones rape; it seems more appropriate to attack the more outrageous belief behind the remark that he clearly does assume, which is that reproduction is somehow magical and mysterious, that humanity has yet to figure out these mysteries, and that pregnancy in general often relies on divine intervention. His willful ignorance of biological facts and his adamancy that God trumps biology is a stunning reminder of anti-rationalism in the GOP.

Finally, Tom Corbett, the Tea Party ally and elected Governor of Pennsylvania, supported a bill in 2011 that would have required all women seeking abortions to have an ultrasound (not specified as vaginal or abdominal) which would be explained in detail by the doctor while the screen with the ultrasound image was placed in the woman's line of vision.<sup>26</sup> To be clear, the ultrasound was medically unnecessary, as

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26 House Bill 1077, or "The Women's Right-to-Know Act," was passed in committee February 6, 2011, and sent for debate on the floor. A March 12 debate on the bill was cancelled by House Majority Leader Mike Turzai.

were the details of the ultrasound that must be explained by the doctor, and only vague references to the fetal size, age, and heartbeat were used to “scientifically” or “intellectually” justify the ultrasound in the bill. When asked by an interviewer whether or not he thought “the bill goes too far” by making the “woman look at [an] ultrasound,” Corbett stated “I don’t know how you make anybody watch, [clears throat...], ok, cause you just have to close your eyes” (as cited in Bassett, 2012).

It is obvious that although Corbett and anyone else discussing this bill cannot engage its requirements in a scientific way or defend its components through rational deliberation, his simple, off-handed rhetoric regarding the bill demonstrates quite clearly the extreme right’s willingness to forcibly assert their physical will upon another person – a woman specifically – even transvaginally. In other words... to literally rape for their cause.<sup>27</sup> Corbett’s explanation suggests an aggression toward and power over women that ends in forcing women to watch their own assault... although they can “close their eyes” if it becomes too unbearable.

## Conclusion

As exemplified throughout this chapter, the extreme right – embodied by the Tea Party that arose in the Republican Party in 2009 and held immense influence over the 2010 and 2012 elections – attempted to move women out of women’s issues by transposing them from the frames of discourse via rhetorical moves and specific ideological arguments. By metonymically transposing “women” linguistically, the GOP ejected women and their bodies *outside* the rhetorical framing of the issues. This was done even more effectively when paired with the seemingly endless anti-intellectualism of the GOP and their deep sense of anti-rationalism. In the nexus of these rhetorical and ideological moves, they attempted to erase women’s bodies and voices from the portrayal of women’s issues in the national discourse. By discounting women’s bodies and alienating even the timbre of women’s voices in such discourse, Republican power endeavored, and continues to endeavor, to prevent women’s images and participation in national dialogues about themselves.

It is now 2019. The Tea Party has lost influence (Mascaro, 2018), but was successful in thrusting the Republican Party to the right on women’s issues. What many may have thought was an anomaly in *The War on Women* between 2010 and 2012 – a part of a multifaceted backlash against the election of Barack Obama and the progressive causes for which he advocated – has become mainstream in the GOP. From the 2016 election of a candidate to the highest office in the land who has overtly bragged about sexually harassing women throughout his life, to the recent, explosive Senate hearings of the newest Supreme Court Justice Brett Kavanaugh in September 2018, we can see

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27 Although it may seem an extreme analogy, unnecessary medical procedures that penetrate a woman’s body have been compared to rape since the transvaginal ultrasound laws have appeared around the country. For a thorough exploration of this comparison, please see Kelsey Anne Green’s 2013 article in the bibliography.

the GOP continues to systematically minimize or disregard women as subjects in the frame of political discourse. A study exploring the years 2012 to the present would be a valuable addition to our understanding of this ongoing and disheartening *War*.

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# Another Brick in the Wall: Motion Pictures and Latin American Immigration during the Age of Trump.

Wladimir Chavez

## Introduction

For undocumented migrants from Latin America, the trip to the United States is dangerous. They must face robberies, kidnappings or sexual abuse during the journey, and they also must deal with the risks inside the host country. In 2017, more than 400 deaths were reported when attempting to cross the border (“El número,” 2018). In the same year, the US authorities deported 226 000 people and arrested 111 000 illegal immigrants (Torbatí, 2017). However, it is estimated that each year about half a million people (Morgenfeld, 2016, p. 17) accept the risk and manage to reach US soil. Their stay in the Land of Opportunity has become more difficult since the arrival to the presidency of Donald Trump, an unpredictable and out of the ordinary politician: “Neither the discipline of power, nor convention, nor political correctness matters to Donald Trump” (Robertson, 2017, p. 1).

Both from fictional motion pictures and documentary films, migration is a topic that has been treated successfully by Latin American filmmakers working in their own countries —Diego Quemada-Díez in *The Golden Cage* (2013) or Pedro Ultras with *La Bestia* (2010)—, but also by directors of Hispanic origin already well established in Hollywood —Alejandro González Iñárritu and his movie *Babel* (2006)— or American filmmakers who collaborate in co-productions with Latin American film crews —Cary Joji Fukunaga with his movie *Sin Nombre* (2009)—. In recent years we should also point out another type of audiovisual product: the television series of channels like FOX or HBO, or exclusive programs that are shown in streaming media such as Netflix or Amazon. On the subject of migration and Hispanic communities, there are series like *Welcome to Maine* (Andreeva, 2017), *Have Mercy* and *Dr. Illegal* (López, 2017), which are currently in different stages of development and production.

The present study will analyze examples of discrimination, the issues of identity and the symbolic presence of the US-Mexican barrier in three audiovisual products that were released after the election of Donald Trump: *Beatriz at Dinner* (2017), by film director Miguel Arteta; *Sicario: Day of the Soldado* (2018), by Stefano Sollima; and the television series *Run Coyote Run* (2017), created and directed by Gustavo Loza. The reflections of scholar Joaquín Alvarado collected in his article “Changing faces: Exploring Latino/a History, Culture, and Identity through U.S. Cinema” (2006) will be used as a theoretical framework.

## The migration policy of Donald Trump and the Latin American community. Did only “legal immigrants” make America great?

When it comes to bilateral and regional relations, migration has always been a hot topic for both the United States and Latin America, but it has become especially sensitive since June 2015 when, in his official presentation as a presidential candidate for the Republican primary, businessman Donald Trump talked about his particular understanding of what migration was and what was happening on the southern border of his country: “When Mexico sends its people, they are not sending their best. They’re bringing drugs. They’re bringing crime. They’re rapists. And some, I assume, are good people.” (“Donald Trump Speech,” 2016). From then on, Donald Trump’s rhetoric has criticized negatively the migration that occurs across the US-Mexican border, which is mostly a Latin American migration.

According to a Pew Research Center report, 57.5 million Latinos (“La población hispana,” 2017) lived in the United States in 2016, equivalent to 18% of the country’s total population. It is also estimated that the US is home to about 11 million “undocumented” immigrants (“Cuántos indocumentados,” 2018), and more than a half of them are from Mexico (De Bastos, 2017). These numbers not only confirm the importance of the migratory flow that begins on the other side of the southern border, but also make clear the size and influence acquired by the Hispanic community in the host country.

As has already been indicated, since his first political speeches Donald Trump has linked illegal migration with the issue of crime and internal insecurity. However, there are academic researchers that prove him wrong. “The Trump Hypothesis: Testing Immigrant Populations as a Determinant of Violent and Drug-Related Crime in the United States”, a study published in 2016 by scholar David Green, analyzes the statistics of violent crimes and their possible relationship with members of foreign communities, despite having legal residence or not. The Mexican community is included. Although the study found a minimal relationship between groups of undocumented migrants and drug-related crimes, the direct relationship between illegal migration and violent crime was also completely ruled out. In fact, Green’s conclusion is nothing new:

*Researchers usually find either no significant relationship between crime and immigration, or they find that immigrants are less likely to commit crimes compared to natives (...). A number of possible explanations for this phenomenon have likewise been suggested, such as immigrant self-selection resulting in hard-working individuals making a positive contribution to the host economy (Borjas, 1993; Cobb-Clark, 1993; Model, 1995), immigrant optimism and determination in the face of hardship and disadvantage (Kao and Tienda, 1995; Martinez, 2006), and close family and community ties reducing the propensity to commit crime (Ousey and Kubrin, 2009; Sampson, Morenoff, and Raudenbush, 2005) (Green, 2016, p. 508).*

It is a fact that illegal immigrants contribute significantly to the economy of the United States by paying billions of dollars in taxes, and in many cases, they cannot take advantage of the benefits of the system, for example in cases of medical coverage

(Fernández Campbell, 2018). The undocumented migrants are also an important labour force: they represent 15% of the workers in the construction sector, and in agriculture that percentage rises to 26% (Krogstad et al., 2017). However, Donald Trump refuses to acknowledge their social and economic contribution, as we can understand from his statements at a campaign event in New Hampshire:

*Trump responded after a questioner at an Exeter, N.H., rally said illegal immigrants are the “backbone” of America.*

*“Oh, illegal immigrants are the backbone of our country? I don’t think so, darling,” Trump replied. “I don’t think so. I don’t think so. No, I don’t think so. They’re not the backbone. Let me just tell you something. Let me just tell you something,” he added. “You know what the backbone of our country [is]? People that came here, and they came here legally — people that came here to this country legally, and they worked their ass off, and they made this country great.” (Richardson, 2016).*

Dozens of intellectuals of different origin —among them journalists like Carlos Elordi, researchers like Leandro Morgenfeld or writers like Jorge Volpi—, have denounced what they consider the xenophobic positions of Donald Trump, synthesized in the anti-immigrant policy of his administration. One of the incidents that has produced the most controversy was that of family separation. For a few weeks —between April and June of 2018— the zero-tolerance immigration policy was largely criticized when it became clear that families were separated on the same border, and undocumented children were kept in cages (Rhodan, 2018; “Trump Migrant Separation,” 2018), a practice that was finally eliminated by an executive order on June 20, 2018.

The Trump administration has succeeded in suppressing the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) and has tried to do the same —unsuccessfully at least until October 2018— with the Deferred Action for Childhood Arrivals (DACA). Both policies were implemented by Trump’s predecessor, president Barack Obama. The DAPA was created in November 2014 and granted to undocumented parents who had American children and had lived in the United States uninterrupted since January 1, 2010. To apply for DAPA, beneficiaries must have a clean criminal record. DAPA prevented the deportation of 5 million undocumented parents and granted them work authorizations. However, it was stopped by Donald Trump on June 15, 2017.

The predecessor of the DAPA was the DACA, a program implemented in June 2012 that has offered temporary protection to undocumented migrants who arrived as children in the United States. The beneficiaries of the program are known as “dreamers”. Thanks to the DACA, the “dreamers” have temporary residence permits, which allow them to get work or apply for a driver’s license. Among the requirements to be considered a “dreamer”, the applicant must have arrived in the United States before reaching the age of 16, lived in US territory since June 2007, and not have a criminal record nor be considered a threat to national security. In addition, the “dreamers” must have been students, have finished school or completed military service. There are about 800 000 “dreamers” (“Quiénes son?,” 2017). The government of Donald

Trump took the first steps to rescinding DACA on September 5, 2017, and to stopping new enrollments in the program. However, courts in California and New York have stopped, at least temporarily, the plans of the Trump administration.

Probably the most controversial campaign promise of Donald Trump was his commitment to build a wall on the border between Mexico and the United States. Currently there is a fence that covers approximately one third of the length of the border. However, Trump not only has promised the construction of a larger structure that completely divides the United States from Mexico, but he has also guaranteed that Mexico would be responsible for covering the costs, something that Mexican authorities and politicians have repeatedly denied, and sometimes with great vehemence: “Well, you could use my words, ‘We’ll never pay for that fucking wall,’” said former president Vicente Fox in an interview (Le Miere, 2017). In addition, Fox added:

*But it’s still who can think about a country paying for a wall that is going to be built in the neighbor’s territory. Why should Mexico pay for the wall? What’s the reason? We don’t need a wall. If Trump wants to build a wall, he has to go to Congress, and he has to tell the truth to U.S. taxpayers that they’re going to pay for that. (ibidem).*

Although by June 2018 it was announced that construction had begun in the Californian section of the border (Zwirz, 2018), it was not the wall itself that was under construction, but old fences that had to be replaced (Timm, 2018). By January 2019, construction had not yet begun, because the Trump administration expected the US Congress to approve its financing. On February 15, 2019, President Trump “declared a national emergency to unlock billions of dollars in federal funds to build a wall” (Diamond et al., 2019) in order to stop what he described as “an invasion of our country with drugs, with human traffickers, with all types of criminals and gangs” (Lybrand et al., 2019). It is estimated that the wall will cost about 25 billion dollars (“How Trump’s border,” 2018) and that its maintenance will be approximately 700 million dollars per year (Graham & Midgley, 2017).

### **Joaquín Alvarado: Border, community and representation of Latinos in the cinema**

In his chapter “Changing faces: Exploring Latino/a History, Culture, and Identity through U.S. Cinema” (2006), Joaquín Alvarado studies the representation of Latin American characters in the media, a representation that has been guided by stereotypes: “With disturbing regularity, mainstream depictions of Latinos/as have been predicated on misguided paternalism, racist misconceptions, and economically driven vilification” (p. 77). Alvarado’s research is divided into eight sections, and the first one recalls the presence and growth of the Hispanic community in the United States. Then Alvarado reviews the image of Latinos in controversial advertising campaigns, such as those of the Frito Bandito or Elgin Watches. Regarding silent films such as *The Greaser’s Gauntlet* (1908) or *Martyrs of the Alamo* (1915), Alvarado assures that “Both

of these early films depict their Mexican characters as ignorant, idiotic, and lecherous villains capable of extreme acts of violence and depravity” (p. 80).

Arguably, the most interesting films studied by Alvarado are those that move away from the stereotypical or prejudiced view towards the Latino community and have been released since the 1980s. For instance, he reflects on movies linked to the border between Mexico and the United States (pp. 83–86), pointing out the physical and mental division in communities (for instance, the film *Lone Star*, from 1996), or that the border can be a place of encounter and transformation (*La Bamba*, 1987). But Alvarado explains that these sorts of films can develop different nuances. These nuances can then lead to reflections on stereotypes from a humoristic perspective (*Born in East LA*, 1987), reflections on bilingualism and cultural exchange (*Selena*, 1997) or a plot that describes different economic and social realities (*Alambrista!*, 1978).

Alvarado also reflects on films that focus on Latino communities established in large urban centers such as Los Angeles (in movies like *Stand and Deliver*, 1988; or *My Family*, 1995) and New York (for instance, the Puerto Rican gang in *West Side Story*, 1961). In those cases, his study highlights the problems of young Latinos who live in the middle of poverty and violence. At the same time, Alvarado is interested in the research of how identity issues, both individual and group, of the members of Hispanic communities are represented in these movies.

Although Joaquín Alvarado’s paper should be updated —it was published in 2006— both with a new list of films and with new thoughts and information in its final subchapter entitled “Towards a New Media” —new distribution channels in the Internet and platforms like Netflix should be included—; his work is still essential for research on discrimination, the border and the representation of the identity of Latinos in the cinema.

## The wall: identity, border and discrimination

### ***Run Coyote Run* (2017). Identity issues in a town with “Good hombres, bad muro”.**

*Run Coyote Run* (2017) is a comedy from FOX, created and directed by Gustavo Loza, which tells the adventures of two friends: the Mexican Gamaliel (played by actor Harold Torres), simply known as “Gama”; and Morris (Eivaut Rischen) from the U.S. Both of them work as human traffickers, so called “coyotes”.<sup>1</sup>

They have a supporting team, in which the most important two members are Kewewe (Jean Roland Dufresne), a migrant from Zambia who had decided to stay in Mexico, and Güevín, a vagabond, who has communication issues. All of these characters live in the border town of Naco,<sup>2</sup> in the Mexican state of Sonora.

1 In Mexico, people smugglers are called “coyotes” or “polleros”.

2 The border town of Naco, Sonora, exists in real life. On the other side of the fence is the twin town of Naco, Arizona (USA).

*Run Coyote Run* is filmed on both sides of the border. In Naco, Sonora, some scenes are recorded in the house of Gama, who lives with his sister-in-law and his nephew, but also in the municipality building (Naco is governed by a corrupt mayor), the night-club of a local drug trafficker named Don Rómulo, or at the Centro de la Esperanza (a refuge center for migrants). Locations in the United States are more varied, and sometimes Gama and Morris must go to places as diverse as San Diego or Las Vegas. The first season consists of 13 episodes. The series is a risky bet: it tries to develop a comedy in the midst of a difficult and delicate situation such as the migration of so-called paperless people. However, it has had a positive response from the viewers and from critics. In 2018 the director was preparing the filming of the second season.

Gama and Morris have known each other since childhood: Gama used to pass marijuana to the American side (this job is called “burrito”, which means “little donkey”), and on one of those trips he met Morris. They met again, already adults, and decided to open a “travel agency specializing in extreme sports”, which is only the facade for their activities as human traffickers. In the case of Gama, he has practically no other work option. He was a little child when his father had explained to him that “In this town [Naco], there is no one with a degree, nor thinker, nor engineer” and that “You [Gama] can only become a pollero like me or a drug dealer like your uncle”. In the case of Morris, he becomes a coyote because he hates the U.S. Border Patrol: one of those agents now lives with his former girlfriend, Alice. Despite the circumstances, Gama and Morris are good-hearted coyotes, and they record an “advertising” video where they make clear their principles: they do not rape women, they do not rob migrants, nor do they kidnap them. They don’t transport drugs to the America side either, because Gama’s days as a “burrito” are part of the past.

Joaquín Alvarado remembers a film tradition of Latin American characters who live in poor and violent neighborhoods and find almost insurmountable difficulties in accessing education or carving out a better future without being an active participant in the brutal and vicious environment. Gama belongs to that tradition. When he discovers that his own nephew is working as a “burrito”, he convinces him to stop doing that: “You have to study. I do it [to be a coyote] just because. I was stupid and I did not have other opportunities.” Although circumstances have forced Gama and his group to engage in an illegal activity, they all maintain solid moral principles. That is why the slogan of the series is “Good hombres, bad muro”.<sup>3</sup>

*Run Coyote Run* reflects on the concept of identity, for example in relation to gender. Some of Gama’s attitudes, conscious or unconscious, are examples of a conservative vision about the roles of men and women in society. Both his girlfriend Teresa and his friend Morris believe that these attitudes are unacceptable. One day, Teresa tells him that she would like to do some sightseeing, and Gama replies: “As soon as I finish my current duties, I’ll take you out for a walk”. The answer infuriates Teresa: “You’ll take me out for a walk? I am not a dog!” Morris even advises Teresa that she has to

3 It also seems like a direct reference to Donald Trump, who used the phrase “Bad hombres” (Larson & Mehrotra, 2017) when talking about migration.



“Educate the Mexican-macho [Gama].” In fact, Gama cultivates the image of a typical male provider: he brings money home, and the little nephew, his sister-in-law and Teresa live in the same house under his protection. Joaquín Alvarado (2006, p. 91) points out that certain films about Hispanic communities develop characters with machista features. *Run Coyote Run* shows a conservative behavior not only in Gama, but also in other inhabitants of Naco. One of the episodes of the series is about the election of the most beautiful woman in town (Miss Naco). The organization of the event is entrusted to a homosexual, and the mayor of Naco does not stop mocking him, as if there were a clear hierarchy between the two, an opposition between “macho” versus “half-man” (gay). On the other hand, the mayor himself refers to women as a decorative object: “Here [in Naco] only beautiful women are born. We force the ugly ones to hide in their houses (...) Here the directors of Hollywood will come to look for their actresses. The millionaires will look for their wives.”

The series also points out the concept of identity in relation to the US-Mexican border. From a cultural perspective, it is a porous border: it shows that no fence stops the exchange and mutual influence between the United States and Mexico. In one of the episodes, a band of Mexican musicians wants to go to USA to perform at a festival. Morris is surprised that the band has so many musicians. He thinks that musical groups should not be more than four people, like *The Beatles*. In the end, however, he will end up playing folk dance music with them. In the same line of thought, Joaquín Alvarado (2006, pp. 85–89) has reflected on the film *La Bamba* (1987), by director Luis Valdez. *La Bamba* tells the true story of Ritchie Valens, a young Mexican-American who will become a music star. In a passage of the film, Ritchie attends a party close to the US-Mexican border and listens to a Mexican folk song: “La Bamba”, which reminds him of his roots. After that Ritchie will make his own version of “La Bamba” in rock and roll style, culturally merging the Mexican world with the Anglo-Saxon. Morris is the example of the same duality, but not only because of an isolated anecdote about music. Morris and Gama often discuss the differences between Mexico and the United States, for instance in which country they treat animals best, or in which country there are more traditions, or in which country there is more corruption. And although Morris was born in the United States and has no Hispanic roots, during the course of the episodes his Anglo-Saxon identity is enriched by the permanent contact with the Latino world. At some point, Gama tells him: “Deep down, you’re a fucking Mexican who has not come out of the closet yet. Deep down you love us, fucker.” And “gringo” Morris agrees with his pal.

According to Joaquín Alvarado, the border can also be a place of transition and transformation, which opens, paradoxically, the possibility of becoming a symbol of union and encounter. A certain image in the first episode is quite revealing. Morris and Gama throw a baseball to each other: Morris is in the US territory and Gama in Mexico, and the ball passes over the border fence at the same time that both boys are talking to each other. In this way, the physical obstacle of the Mexico-US barrier does not prevent them from developing a personal relationship. While this image might seem pure fiction, it actually happens in real life. In an example of photojournalism



published by Alan Taylor in *The Atlantic*, different pictures of the border are shown, and one of them portrays some of the residents of Naco, Sonora, playing a volleyball game with their neighbors in Naco, Arizona, while using the border fence as a net. This proves that both communities are not as separate as one might believe.

Another factor of interest in *Run Coyote Run* is the idea of the mental barrier. This special “wall” rises up with the bricks of prejudices. When the series refers to Mexico, the prejudice is not directed towards the United States, but rather to its own economic hierarchy, based on a social pyramid, which causes in practice the existence of second-class citizens. In one of the episodes, Gama and Morris must help a Mexican politician, who is wanted for corruption, to cross the border. Of course, Gama and Morris will make life impossible for the fugitive. But during one of those meetings, the politician makes it clear that he does not want to have companions during his journey to USA: he is not interested in joining a group of poor Mexican and Central American migrants, and to emphasize his argument, he assures that “Even dogs have different breads”. However, Gama replies that “Everyone has the same need to cross to the other side of the border. And everyone deserves the same respect.”

The mental barrier in some of the American characters of the series is a nationalistic prejudice. This preconceived opinion can be detected even in the authorities and the police, for instance in Agent Gonzalez, an American citizen of Hispanic origin who works for the US Border Patrol. Gonzalez is in love with Alice, Morris’ former girlfriend, and they both decide to live together. But after a while Alice leaves Gonzalez’s home and starts again her love affair with Morris. In a certain scene, Gonzalez is guarding the US border inside an official car, and next to him is one of his colleagues from the US Border Patrol. González has told him his romantic troubles, and the following dialogue takes place:

*US Border Patrol Agent: What’s wrong with you, man? We are soldiers. We are fighters. We are Americans. We always win. Are you an American or a Mexican, mother-fucker?*

*Agent González: An American!*

*US Border Patrol Agent: So, what are you going to do?!*

*Agent González: Voy a pelear por ella!*

*US Border Patrol Agent: In English!*

*Agent González: I will get her back, Sir!*

[They do not realize it, but an undocumented migrant has crossed the border while they were talking]

This supposed hierarchy between what is Mexico and the United States is also found in the mind of Scott, Morris’ half-brother. After having fought as a Marine in Iraq and Afghanistan, Scott has returned to the United States in a wheelchair. In his encounter with Morris after so many years, Scott reveals himself as a supporter of Donald Trump. He is ashamed that Morris works as a coyote, helping “fucking immigrants” to cross the border.

*Morris: The people that I help to cross to the United States of America are honest people who come to work. These people do not take anything away from anyone. Besides, these people do the jobs that all you pinches do not want to do. And then you pay them badly and discriminate against them. Who do you think you are, bastard? (...) Trump's son!*

*Scott: Our president, remember?*

*Morris: That man is not my president!*

In fact, these prejudices against migrants end up in violence. And such violence is also portrayed in the series. The final episode of the first season contains the most dramatic scenes and shows the complexity of the situation around the US-Mexican border. It describes the heartbreaking experiences of Central American migrants who cross Mexican soil, and how they are victims of extortions and mistreatment by local authorities. And on the American side of the border, groups such as the Minuteman Project are waiting for them. Some of those Americans are portrayed as nationalistic fanatics and dangerous people, and Scott himself embraces this community as a family.

### ***Sicario 2: Day of the Soldado* (2018). A border of violence and death.**

Matt Graver (played by actor Josh Brolin) is a CIA agent who has been ordered to weaken the drug cartels in Mexico, responsible for organizing the entry into the US of illegal migrants, among them suicide bombers. Graver requires the help of Alejandro (Benicio del Toro) to organize a war between the Mexican cartels and make them weaker. The plan is to kidnap Isabela (Isabela Moner), the teenage daughter of a Mexican mafia boss, and release her after pretending that kidnapers were members of a rival group. The plan, however, does not go as Graver had calculated, and there is a diplomatic friction between Mexico and the United States that will have consequences in the final mission of Alejandro.

This is the plot of *Sicario 2: Day of the Soldado*, directed by Stefano Sollima. The film shows the border as a dangerous place, not only on the Mexican side – the violence generated by drugs and human trafficking –, but also on the American one, as the *coyotes* help international terrorists with weapons and explosives to cross to the United States. Joaquín Alvarado's film article was published in 2006, months before the so-called Mexican Drug War started, and because of that he does not mention films specifically related to border violence. However, Alvarado wrote about some specific movies that dealt with problems related to armed gangs and drugs in Latino communities. Films like *My Crazy Life*, by director Allison Andersen, or *Stand and Deliver*, by Ramón Menéndez, show how young people of Hispanic origin must survive and try to succeed during adverse social conditions. Heading in the same direction, *Sicario 2: Day of the Soldado* develops the story of Miguel Hernández (Elijah Rodríguez), a Mexican-American teenager who has joined the human traffickers. At the beginning, Miguel only performs support tasks for the coyotes. He is important

for the criminal organization because of his American citizenship, which allows him a free transit through the border. But at one point he receives a weapon in his hand and must decide whether to execute a defenseless person or not. Suddenly, Miguel realizes that he has entered into a dangerous world and there is no escape now.

Regarding the violence and its consequences, it is interesting that Gama and Morris from *Run Coyote Run* share the same worries that agents Graver and Alejandro have in *Sicario 2*: no terrorist should cross the border into the United States. In fact, Gama and Morris consider themselves a basic security filter. They never help gang members or terrorists to move to the US side, although in one episode a Buddhist monk who turns out to be an anti-system extremist deceives them. Despite the fact that their work is illegal, Gama and Morris do not doubt that it is their moral duty to guarantee the security of the United States. In *Sicario 2*, guaranteeing that same security implies the existence of two simultaneous paths: internal security, which implies border protection. The other is external intervention: that is why the CIA is putting together a secret mission in Mexico to start a war between cartels. This latter point is important especially if we compare it in light of certain events also mentioned in *Run Coyote Run*: the “gringo” Morris tells his brother Scott that the US Marines get into countries where they are not invited and all they do is make things worse. In *Sicario 2* we confirm that some policies of the United States only increase the violence:

*Graver: I need Blackhawks, strike teams, attach drones.*

*Arms dealer: Where's the coup?*

*Graver: Mexico.*

*Arms dealer: You got to be kidding.*

Alejandro is a CIA agent of Latin origin. His values and sense of responsibility go beyond any irrational defense of his homeland. This means that he does not allow himself to be led blindly by what the system demands or by the orders of his superiors. It is true that his actions – murdering, for instance – can be objectively repugnant, but he always listens to his conscience and follows his moral values. For example, the girl he must ultimately protect (Isabela) is the daughter of a drug trafficker who ordered the death of his own family. Alejandro, however, does not seek revenge. He is willing to protect her with his own life:

*Graver: You got the girl? [referring to Isabela]*

*Alejandro: She's with me now, yeah.*

*Graver: They want me to cut ties. You got to get rid of her.*

*Alejandro: I can't do that.*

*Graver: What are you telling me?*

*Alejandro: Not this one. (...)*

*Graver: Don't put me in that situation.*

*Alejandro: You got to do what you got to do.*

*Graver: Good luck.*

*Alejandro: Luck doesn't live on this side of the border.*

Alejandro's last sentence ("Luck does not live on this side of the border") shows this bipolarity of the border quite well, where the Mexican side is portrayed as the kingdom of chaos and death, a type of violence that in the movie threatens to infect the United States. After an armed incident, Alejandro and Isabela are alone in Mexico and try to cross the border as illegal migrants. As mentioned, within the human trafficking groups there are also Latinos like Miguel, who has a special role in the organization. There is a very complex structure behind these illegal networks due to the profits that are at stake because: "it's now more profitable to smuggle people across the border than drugs" (Guerrasio, 2018). In *Sicario 2* migrants are transported by bus with the help of Miguel to the border before beginning their journey on foot. The description is realistic and there is a permanent feeling of violence and insecurity. In a specific scene, Isabela must be disguised to cross the border, and she has the appearance of a boy. Isabela should not be recognized as the daughter of the mafia boss, because her life is in danger. But the fact that a teenager like her has to disguise herself as a man to cross the border is a strategy that is seen in other films (in *The Golden Cage*, for example), a strategy that is also common in real life: during the trip of the undocumented people to the United States, women can be victims of sexual abuse. Some of them cut their hair and put a belt on their chest to look like men. Others take contraceptives from the beginning of the trip, because they know the risk to which they are exposed. And the danger not only threatens Isabela: Alejandro has disguised himself as a Mexican peasant. Unfortunately for him, he is discovered and taken to a desolate place, where he experiences the violence of the border in his own flesh.

While the film has received positive reviews for its action scenes and narrative, it could also be analyzed as something more than a simple entertainment product. Although *Sicario 2: Day of the Soldado* does not mention President Donald Trump, it is easy to find some parallels with the current political situation. Peter Bradshaw, a film critic for *The Guardian*, wrote:

It is tactlessly about just that Latino gangbanger-migrant connection that the Trump administration seek to exploit and amplify at every opportunity (...) This movie [*Sicario 2: Day of the Soldado*] channels the paranoia and bad faith that's in the air at the moment and converts it into a thriller of visceral hostility and overwhelming nihilism. (Bradshaw, 2018)

That "paranoia" and "bad faith" to which Bradshaw refers is related to an anti-migratory feeling that exists in some parts of the United States and that has been fueled by Trump's speeches. In fact, Bradshaw has not been the only one to find matches between *Sicario 2* and the social and political situation in which the film premiere took place. Todd VanDerWerff, *Vox's* film critic, points out that:

Around a half-hour before sitting down for a screening of *Sicario: Day of the Soldado*, the sequel to the 2015 crime thriller *Sicario*, I read MSNBC journalist Jacob Soboroff's lengthy Twitter thread about his visit to a shelter for detained child migrants

in Brownsville, Texas. Sobering and thoughtful, the report was one of the first major glimpses at a humanitarian crisis that has come to dominate headlines.

And then, as *Sicario 2* began with images of brown people fleeing for the border, American helicopters tracking them with searchlights, I sank lower and lower in my seat. No matter how complicated, no matter how thoughtful, no matter how empathetic or respectful the story may have been, it really didn't feel like the time to see a movie that begins with a base premise of "Nonwhite people entering America carry with them an unspecified existential threat to the country. (VanDerWerff, 2018)

However, VanDerWerff explains that this violent portrait of what the border may be – which is similar to Trump's opinion – is not the movie's fault but is a sample of certain images already extended and even accepted within the film industry and American pop culture: the US-Mexico border is a place without order or law. Basic prejudices arise from this one-dimensional understanding, such as the assumption that those who come from the other side of the border, or even from more remote latitudes, hide sinister intentions and should be treated as suspects: they belong to the category mentioned by VanDerWerff of "Nonwhite people entering America". This detail shows that *Sicario 2* has a less complex script than *Run Coyote Run*. Of course, its format as a TV series with different episodes allows *Run Coyote Run* not only to try different plots but also to have a greater possibility of deepening in the stories. It does not hide the existence of violence, but the work by Gustavo Loza develops the causes and consequences of certain actions, and also the sufferings and the desires of the characters. For instance, it is shown that most migrants want to reach the United States for economic reasons, and because of that they are motivated to get a job. If the wall in *Sicario 2* is synonymous with death and violence, in *Run Coyote Run* it is not limited to that, it also means hope: it is the last obstacle before the "undocumented migrants" start what they hope will be a better life.

### ***Beatriz at dinner* (2017). The unwanted immigrant.**

*Beatriz at dinner*, a film by director Miguel Arteta, tells the story of Beatriz Luna (Salma Hayek), a Mexican who works with alternative healing therapies in a place near Santa Monica, California. Some of her clients are people with a lot of money and influence. Beatriz helped in the past a young sick woman named Tara, so her parents were always grateful to her. Especially the mother, Kathy (Connie Britton), who still has contact with Beatriz and usually hires her as a masseuse.

One day, after visiting Kathy and giving her a massage at home, Beatriz's car suffers a mechanical breakdown. Because Kathy feels sorry for Beatriz – a neighbor has killed the pet of the masseuse, a goat who was bleating too loudly –, she convinces her husband that Beatriz should stay in that huge and luxurious mansion until the next day. For the same night Kathy's husband has organized a business dinner, and the main guest is the billionaire Doug Strutt (John Lithgow). The plot of the film develops around that meeting in which Beatriz feels like an unwanted guest.

When Joaquín Alvarado talks about the image of Latin women in commercial cinema, he points out that they are usually represented as “spitfires, loose women, or docile victims” (2006, p. 83). Although the behavior of Beatriz shows us that she has a complex personality, at the beginning of the dinner Beatriz is understood as a one-dimensional woman by the guests, but for different reasons. For Kathy, Beatriz continues to be a “docile victim”. Kathy knows that her masseuse has suffered a lot in her life, that she comes from a poor family in Mexico, and that she has gone through a divorce. She also knows the tragic fate of her goat. Kathy even wants to give Beatriz extra money so Beatriz can pay for the expensive crane that will take her car, but Beatriz is proud and refuses any help. Throughout the film, Kathy addresses Beatriz with much condescension. For her, Beatriz is not an adult woman, but a girl who needs protection.

For Doug the billionaire, Beatriz is also one-dimensional. She seems insignificant to him and he even treats her as a “loose woman”: at some point Doug asks her if she is going to give a free massage to everyone, as if it were a kind of sexual favor. And in a passage of the film, after Beatriz insists: “I think I know you”, Doug responds: “Have you danced in Las Vegas?”, before laughing. And for the other guests at the dinner, Beatriz remains one-dimensional, but in a third way: she is a “spitfire”. She does not avoid confrontation. In her way of talking, she includes phrases that destroy the general environment. After dinner, Beatriz confronts Doug, questions the honesty of his business decisions and emphasizes his lack of humanity that has made him a rich man. And in spite of the other guests trying to stop her and defend Doug, he asks them not to intervene. He does not need help.

It is the union of all these factors of “unidimensionality” that makes Beatriz a complex character. She is not a stereotype at all. During the course of the evening, it is clear that Beatriz is definitely different from the rest. She greets everyone with a hug, she advises the other guests to take home remedies, she is concerned about the conservation of nature. She lives in a sort of spiritual world; meanwhile the other guests just care about business and material goods and enjoy superfluous conversations. In addition, Beatriz is the only Hispanic of the group, and Doug makes sure that distinction becomes evident from their first meeting: although Beatriz does not have a uniform, Doug confuses her with a domestic servant and asks her to bring him another drink. After being informed that she is also a guest, the following conversation takes place:

*Doug: Where are you from?*

*Beatriz: Altadena.*

*Doug: Where are you really from?*

*Beatriz: I was born in Tlaltecuhli, Mexico.*

The special way Doug pronounces “really”, together with his previous mistake – he thinks that a Latina at that business dinner can only be part of the domestic staff – only confirms his prejudicial nature. Doug has a barrier: it is a mental one. In his mind, there is a frontier which separates the Anglo-Saxon world from the Latin world

and gives supremacy to the first one. His behavior, in contrast to that of Beatriz, justifies the importance of the whole film in the current political situation, as was already pointed out in an article published by Reuters: “A dinner party turns into a debate on humanity, racism and empathy in the film *Beatriz at Dinner*, which despite being written two years ago is being hailed as a must-see film in the Trump era” (“Beatriz at dinner seen”, 2017). There are other examples to illustrate this debate on racism proposed by the film. For instance, among the various shameful episodes that occur during the evening, one of them is related to the following dialogue:

*Beatriz: When I came to USA a long time ago....*

*Doug: Did you come legally?*

*[Beatriz looks surprised]*

*Beatriz: Yes.*

*Doug: How did that work?*

*Beatriz: I had family on my mother's side, my grandmother died and...*

*Doug: Are they all citizens or..?*

Despite the fact that *Beatriz at Dinner* lacks any explicit references to the Donald Trump government or its immigration policies, it seems clear that a character who represents the idea of “Trumpism” is Doug, a businessman who says: “I have opinions. And because I have money, people listen.” Doug buys land and owns hotels both in the United States and abroad. He has promoted controversial real estate projects, so he has also had to confront various social activists and opponents. He is a billionaire just like Trump, who sold voters his image of a successful man in business to convince them that he would be able to lead a country. In the same line of thought, the film critic Owen Gleiberman of *Variety* finds a parallel:

It [*Beatriz at dinner*] also has the distinction of being the first dramatic comedy that's an explicit — and provocative — allegory of the Age of Trump (...) [Doug] Strutt is portrayed as a voracious pig who is all about acquiring, dominating, destroying, and taking pride in how little he could care about who gets hurt. You could say that he's a satire of Trump, and you wouldn't be wrong (you don't introduce a character who's a real-estate baron, and who talks about razing land before anyone can discover he's done anything unconscionable, without expecting people to make the connection), but he's really a takeoff on the spirit of Trump. (Gleiberman, 2017)

As a character, Beatriz opposes Doug in every sense: she is a woman, she is Hispanic, she is a healer. Unlike the billionaire, she thinks that nature shouldn't be bought or destroyed. A businessman similar to Doug built a hotel in Beatriz's hometown. In order to do that, the land was confiscated, and the Mexican police killed some protesters. That's why Beatriz says to Doug: “I know you”: she has met people like him before. There is a position of permanent rebellion in Beatriz. She and Doug are direct opposites regarding moral principles, and those standards of behavior, in a polarized



context (in this case, the dinner at Kathy's house and her guests) can perfectly be understood in political terms, as Gleiberman has suggested.

## Conclusion

Joaquín Alvarado's paper reflects on the Latino image and stereotypes in American movies. His theoretical approach was applied to all three cases studied in the present research. Among the findings, it was stated for instance that Gama (*Run Coyote Run*) was the typical example of a character who lives in a violent environment and finds it difficult to engage in legal activities, a feature also in other films with Latinos in the main roles. Both *Run Coyote Run* and *Beatriz at Dinner* not only reflect on gender roles, they show a clear opposition to a macho view and develop female characters of Hispanic origin that are not the stereotypes sometimes denounced by Alvarado.

The scripts in *Run Coyote Run* and *Sicario 2* allow us to reflect on different issues of the identity concept. On one hand, there is a cultural exchange at the US-Mexico border, and mutual influences seem inevitable. The best example here is Morris, because the border is not only a transit place, but also a place for transformation. In the specific case of immigrants, the border relates to an image of hope. However, due to the drug trafficking and people smuggling, the border can also be a territory of death, and this last portrait has been generalized in the mass media. Then the border becomes unidimensional: the Mexican side is described as dangerous, as a no man's land, and its inaccuracy feeds the prejudices of some viewers.

Another interesting notion is the so-called "mental barrier". In this respect, *Run Coyote Run* and *Beatriz at Dinner* show examples of prejudice and discrimination towards Hispanics. The border that divides the USA from Mexico is not physical: it is psychological. For the billionaire Doug Strutt, Beatriz is a Mexican woman who can only be a servant. And it does not matter that Beatriz is not part of the domestic staff: she will be treated as a second-class citizen anyway because of her origin. In *Run Coyote Run*, Scott (Morris' half-brother) has developed a clear discriminatory mentality towards the Latin American community. As pointed out by Joaquín Alvarado (2006, p. 77), the accumulation of prejudices against Latin Americans in US cinema is not uncommon. And from a political perspective, it is peculiar that the name of Donald Trump is clearly mentioned only in *Run Coyote Run*. We can speculate that *Beatriz at Dinner* and *Sicario 2* may not have had time to adapt their script to the new political circumstances, despite both having their premiere during Trump's presidency. Or perhaps the producers were not interested in taking an explicit step in that direction. In any case, all three cases studied are products of their time, since their plots end up fitting a political and social situation which is relevant and very well known by the audience.

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# **Prerequisites for Niche Savings Banks' Survival – Unattractive Economic Statistical Outlook, but Positive Political Support in the Local Municipality?**

*Marjo Rynning*

## **Introduction**

In management strategy literature, it is common to categorize firms by their national competitive positions into leaders, challengers, followers and nichers and suggest strategies particularly suited for the four positions (e.g. Kotler & Armstrong, 2016, 580–585). A leader bank is a bank with the largest market share. In Norway DnB is a clear leader. A challenger bank is a runner-up that attempts to increase its market share. Large regional banks such as SMN in Trondheim and the SR bank in Stavanger are typical challengers. A follower bank makes efforts to defend its share. Smaller multi-municipality district banks, e.g. Jæren savings bank, are followers. Finally, a market nicher is a bank, such as the Ørland savings bank, that caters to the needs of a smaller segment that other, often much larger banks, overlook or ignore as insignificant.

Market nichers survive, even profitably, if they serve their target customers better than their larger competitors, which only to a small extent or occasionally serve the same type of customers. In other words, nichers survive because they create value for their customers by specializing in the type of customers, type of products or services, or different aspects of the service delivery such as distribution (availability, convenience) or price in the sense of total cost to the customer both in monetary and non-monetary terms, not merely in the list price.

The major risks for nichers are that the geographic or customer markets they serve dry up or the nichers do economically so well that they attract the larger firms' attention, which leads to more intense competition.

In this chapter, we will see that increased financialization and digitalization of the banking industry has put pressure on the niche savings banks. Centralization and expectations of cost efficiency to give continuous growth would predict the death of the local niche savings bank that concentrates on providing local economic development. Still, many a niche bank has survived. We empirically explore possible explanations derived from international literature by systematically comparing niche savings banks (locally headquartered savings banks that are preferred deliverers of services to their home municipalities) to those who are not (followers). We find that the nichers' home markets are less attractive to the larger banks. The nichers enjoy, however, more support from the local population and their political representatives. We conclude by expressing a need for actors specializing in providing finances for economic development even in the future.

## Financialization

Originally, only commercial banks had shareholders. Savings and cooperative banks had depositors, municipalities, and the employees' representatives make decisions on their board composition. The savings banks that have issued share capital have had to open up the Meeting of Representatives for the owners of equity certificates at the expense of the share of local politicians, who originally established the banks, and the share of the rest of the represented stakeholders.

Admittedly, the main logic of any bank is commercial interests and profits. In addition, a savings bank has, from the profits it creates, a corporate social responsibility role as a donator to various community organizations (e.g. Johansen, Olsen, Solstad & Torsteinsen, 2015, 731). The stronger the competition in the financial sector at large becomes, the stronger the emphasis on profits, even in savings banks.

Financialization, individualism, and competition have increased over the last two decades in society. Financial motives and institutions have gained a more important role with an emphasis on property and share prices, rather than the activities in the economy itself and the best for the community, whether local, regional or national.

Christopherson, Martin, & Pollard (2013, 351–352) comment that more financialization inevitably takes place at the expense of the growth of investments in the real economy. Financialization is also a geographically uneven development benefiting more the central areas. Furthermore, it affects the population unevenly so that underprivileged groups, the least mobile, the least physically able, the least affluent in the society, such as recently arrived immigrants with no employment and credit record, get hurt the most. Financialization tends to entail myopic, short-term focus and herd mentality at the expense of investment in long-term well-being and sustainability. Debt finances short-term growth and the returns are placed globally, based on short-term profit criteria.

Hansen (2014) argues that when finance gets too dominant a position in a society, both financial and social instability follows, evidenced by financial crises, unemployment and increased inequality. Follower savings banks may, in Hansen's terminology, run the risk of becoming too much shareholder capitalists, while niche savings banks continue to act as stakeholder capitalists. Consequently, the disappearance of niche savings banks would increase financial instability.

In principle, banks can create reserves during good times and unlock them in bad times to level off the fluctuation. Still, a large shareholder bank is under greater pressure to reduce its costs and improve its profitability than a traditional savings bank and is thus less likely to adhere to intertemporal smoothing (e.g. Leyshon et al., 2008, 454). Rather than wait, it will always be more profitable for the bank to either sell the extra reserves separately or as part of the whole bank during the good years (cf. Ayadi, Schmidt, Valverde, Arbak & Fernandez, 2009, 24–26). Savings banks, public banks and cooperative banks are, however, through their statutes, prevented from selling their operations at full market value. Consequently, traditional savings banks have

an incentive to act in the interest of the entire economy rather than solely within the limits of their own financial interest.

Furthermore, savings banks alleviate social exclusion. Profit-oriented banks are reluctant to serve clients without sufficient collateral. Neither do the banks appreciate clients that do not fit the screening model criteria that they use to qualify their loan customers. In special cases, philanthropically motivated lenders such as charitable organizations or self-help institutions might be willing to help the less advantaged clients. Yet, until today, savings banks have had a larger, stabilizing role to play in serving the less advantaged customers. Through focus on and expertise in the local community, without a motive to overcharge for their services, savings banks have continued to contribute to regional and local development (Ayadi et al., 2009, 21).

A review of a number of Spanish, German and Austrian savings banks demonstrates that irrespective of the advantages and disadvantages of the two main operating logics, there are merits in having a mixed national financial sector composed of both commercial and savings banks with different portfolios of customers (Ayadi et al., 2009). The diversity of actors enhances competition, increases stability and makes the national financial sector less exposed to global crises.

New and small businesses rely more on banks for their financing needs than established, larger businesses. Even today, municipalities take an interest in ensuring that local businesses have access to capital to produce revenues, that the local population finds employment and that taxes accrue to the municipality.

## Digitalization

During the branch delivery era until around 2005, it was important to have a bank, preferably a headquartered bank, in a municipality. In today's digital delivery era, banks that are headquartered, not merely present through a branch office in a municipality are still highly appreciated, simply because they are likely to be more committed to the well-being of the community. Banks headquartered in local communities, rather than regional centers or big cities, continue to be part of the social networks in their home markets. Consequently, even today, the local headquartered banks expose themselves to and collect more soft information on their customers than the branch offices of large, far-away headquartered banks (Teckchandani, 2016).

The threat, especially to peripheral municipality citizens, is that the long-term financial security of the post-war welfare model may be altogether abandoned by the state and passed on to individual citizens and the retail financial services sector acting on behalf of short-term focused financial capital owners only (Leyshon, French & Signoretta, 2008, 449).

Since the middle of the first decade of the 2000s, internet banking and mobile banking with different applications for instant payment have reduced the importance of local branch offices and access to cash. The larger savings banks have become sizeable regional actors through mergers or by opening up for equity share capital and by entering further-away customer markets and even international capital markets.



Savings banks that have crossed the border of issuing share capital today even have to satisfy shorter-run investor needs for profits due to their new governance model.

### **Profit-making strategies among follower vs. niche savings banks**

In the following, we will build up hypotheses on how niche savings banks have managed to survive. The literature seems to point to two major factors: the unattractiveness of the home market for larger actors and local support. The importance of the latter grows with the recent increase in central lending by robots, which may result in unintended discrimination of customers in peripheral markets.

### **Unattractiveness of the home market to larger banks**

Savings banks are not necessarily inferior to commercial banks in economic performance measured in terms of profits, efficiency or stability of earnings. Some authors do, however, claim that the lack of difference in profitability in Germany, for example, is due to the savings banks' advantageous access to lower funding costs thanks to stronger reliance on retail and small business depositors who are less interest rate sensitive (Altunbas, Evans & Molyneux, 2001, 947). Other authors, such as Crespi, García-Cestona & Salas (2004) have shown that Spanish savings banks do not punish their management for poor performance by removal as keenly as their commercial counterparts. The poorly performing savings banks do not go bankrupt but become acquisition objects for the larger savings banks instead. The less flattering economic results lie buried in the acquirers' financial results.

Basic banking services include collecting deposits and granting loans. In addition, banks charge fees for different services and engage in capital market transactions. Even if the share of other than interest income from revenues has increased, interest is still an important source of income. Similarly, the cutting of operating costs is a common goal for all banks. Recently, interest rates have been low, which has spurred banks to search for other sources for growth and to cream skim customers that have high income potential but low serving costs. Such customers are scarce in small peripheral markets.

Depositors visiting local branch offices have been price inelastic. They have not hurried to move their deposits from one bank to another, in order to take advantage of small differences between competitors (cf. DeYoung, Lang & Nolle, 2007, 1034). Nor have they continually compared loan rates with competitive offers. Yet, depositors on the internet seem to be more likely to click on the best offers, and move their funds around. Today's bank clients are less prone to develop multiple-product relationships with their banks (DeYoung et al., 2007, 1035).

The conventional wisdom that large banks are not interested in small and medium-sized firms (SMEs) as customers does not hold for all SMEs, nor to the same extent under the digital delivery of services and screening of customers as in the face-to-face delivery during the brick-and-mortar offices era (e.g. De la Torre, Pería

& Schmukler, 2010, 2281–2282). Still, smaller local banks should have better chances of controlling the borrower's behavior. Under conditions when hard data comes out infrequently, a widespread banking network seems superior for both the local banks and their customers, whether persons, firms or the public sector. Implicit in much of the banking literature is the idea that the bank operates on a modest scale in its home or neighboring market(s).

In the case of some of the major industries in the periphery, such as tourism and fishing, the client firms deal primarily with export markets, but the production takes place locally. The planning horizon is long and the soft knowledge is industry and location specific. The information is not compiled, stored and distributed by rating agencies or credit bureaus but is mainly available in the heads of the bank's local loan officers. By the logic that local banks that are good at collecting and using local information would survive longer as independent units, one would expect the current niche banks to be particularly strong in dealing with soft information. By contrast, larger banks would hardly find these customers cost-efficient enough to pursue.

The large banks focus on profitable firms in strategic industries, or smaller entities or partners of larger corporations. Firms with more traditional profiles do not presumably catch commercially oriented banks' interest. Larger banks serving many markets are also faster in removing their assets from economically struggling municipalities towards prosperous, more central, municipalities with more convincing market opportunities.

Banks are more and more relying on fees from new services such as funds management, insurance, investment advice and stock trading. Profit-maximizing banks do not cross-subsidize socially or geographically but segment their customer markets, target some of the most profitable segments and stratify their customers to different categories of value leaving the less valuable customers to niche institutions of different types, if such institutions prevail (Argent, 2002, 325). Many new financial products exist mainly for well-to-do customers in central markets.

The digitalization of banking results in lower barriers of entry for competition. Still, savings banks seem to be able to operate on markets not attractive to their competitors and/or to defend their smaller and more peripheral markets (e.g. De Guevara & Maudos, 2007, Rynning, 2017). This chapter continues with a discussion of the role of local support to the survival of niche savings banks.

### **Local support**

Strong local banks have provided individuals and businesses an access to face-to-face financial services at a convenient distance, at reasonable cost. In addition, individual citizens have had access to local, skilled employment opportunities (Argent, 2002, 319). Similarly, municipalities have benefited from continuity in their banking relationships. On a more macroeconomic level, savings banks contribute to increased competition, regional development and growth, financial stability and financial inclusion.

The beneficial effect of savings banks on regional development and growth depends on the banks' ability to cater specifically to the needs of local depositors and SMEs and the banks' efforts and wish to prevent a capital drain of the mobilized, local deposits and profits to larger, economically more active, central markets.

Leyshon et al. (2008, 454–458) have called for studies of the financial sector through a wider, social well-being lens. According to the authors, an analysis of relevant consequences should, in addition to geographical access to financial services include the effect on income, employment, health, education, skills and training, and housing; i.e. the major considerations of the local politicians. Such studies on regional well-being and regional policy were much debated in the 1970s and 1980s (e.g. Asheim, 1978), but many of the studies have evaded digitalization and are seldom cited in today's research.

A study of bank branch closures measured against geodemographic characteristics of census areas between 1995 and 2003 in Britain does, however, show that areas with below average branch closure rates were of three types, viz suburbs and small towns, coastal and countryside and industrial hinterlands (Leyshon et al., 2008, 456–457). In other words, the local businesses, the local bank, the community politicians and population at large in some cases seem to have committed themselves to a long-term relationship to create local welfare in terms of employment, profits and taxes that protected seemingly unattractive communities against centralization.

### **Potential effects of increased central lending by lending robots**

We may think that the geographical proximity of banks is less important today as many services are available digitally. Still, it is possible that some users benefit, and others suffer from the recent development. According to Phelps (1972) and Chakravarty (2006, 422–424), unintended discrimination by peripheral location could emerge.

Overall, the closing of branches and the concentration of a bank's decision-making in a few central core areas follows a commercial logic of efficiency. The evaluation criteria of loan applicants under new technology reflect the applicants' objective creditworthiness, not their location, which sounds fair enough. The facts should be the same no matter how far away from the decision-point they are collected. At the extreme, a lending robot could make the decision to grant a loan. No bank or financial institution would be needed, only a good contract. We are, however, as of yet, not able to write complete contracts. Furthermore, initial pure statistical discrimination can occur, if additional, soft qualitative, local data is available only of the headquarters' immediate markets.

A credit-scoring model ranks applicants in categories. Subsequently, deviations from expectations for a particular group of applicants influence future lending decisions to these groups. Banks have initially more reliable information about the areas closest to their own decision-making units. The decision-making units being in the bank's core make additional information about the central areas better available. Even monitoring costs should go down in the core. Over time, the applicants in the periph-

ery would not benefit from any adjustments based on soft information. Inevitably, the updated model in the following loan application rounds would learn to discriminate against applicants from the periphery, who would proportionally more often turn out as non-performing loans due to more lax lending in the previous rounds. Ultimately, the consequence would be systematic prejudice by the bank's regional or national headquarters against periphery on one hand, and the gradual loss of confidence of getting a favorable decision among loan applicants in the periphery on the other hand. In the end, potential loan applicants would have to flee from periphery to core areas in order to get access to bank financing for their projects.

The evaluation of loan applicants by the remaining, not strictly profit-driven, niche banks would, however, include local information. Or, in the case of a regional bank's branch office, at the minimum they would insist on conveying such information to the more central units of their bank.

In summary, particularly after the financial crisis of 2007–2010, web-based applications for the distribution of banking products and the handling of bank-customer relationships together with increased reliance on risk analysis based on statistical information and automated credit-scoring models have decreased the importance of a short geographical distance between the lending bank and the borrowers. Regulatory acts entailing removal of barriers of entry to geographic and product markets have increased competition. Heightened capital requirements and more transparent risk management have increased costs and further accentuated the necessity of cost-efficiency in operations. Consequently, centralization has increased. Not only has the number of banks gone down, also the number of bank branches in the remaining banks has decreased.

Local branch offices, if still physically present, function as retail sales and service outlets. In order to cut costs, only regional or national centers have back-office functions. A physical bank branch may collect applications but no longer makes loan decisions. When bank branch managers still had the authority to make loan decisions, and face-to-face communication mattered, the distance between the borrower and the bank branch was preferably short. Today, two other distances to measure proximity between the loan provider and borrower, viz branch-to-headquarter distance and borrower-to-rival-banks-distance are more relevant (cf. Papi, Sarno, & Zazzaro, 2015, 5–6, 25). Since financial institutions even today seem to have a home bias in their credit allocation and they in hard times have a tendency to favor their decision-making centers at the expense of any branch offices, having a headquartered local bank in a community has both economic, social and symbolic value for the community. Italian empirical evidence by Papi et al. (2015) points to the increased interconnectedness of geographical credit markets resulting in increased competition yet higher levels of centralization, which may be detrimental to particular bank customers such as start-up firms and small-and-medium-sized firms that generally contribute positively to local growth in employment.

There are few empirical studies on the consequences of digital banking on small business lending by smaller local banks. A systematic comparison of click-and-mor-

tar banks, i.e. early small commercial community banks that adopted transactional web sites in the U.S.A. with brick-and-mortar banks, i.e. pure branching community banks, by DeYoung et al. (2007) shows practically no differences in loan portfolios. There are, however, differences in bank profitability such that internet adoption seems to improve profitability through increased deposit service charges in the early days of internet adoption. Furthermore, banks that adopted the internet invested a larger portion of their assets in loans, particularly real estate as opposed to business loans. The assets of internet banks were also to a higher degree financed by money market deposits than traditional core deposits (DeYoung et al., 2007, 1046). In short, less interest in contributing to real economy and more emphasis on finances seems to ensue.

Smaller niche banks, superior collectors of soft data about their local firms and good, close customer monitors as they may be, may still gradually be outcompeted by larger, distant lenders due to cost efficiencies in a new logic of lending. Petersen and Rajan (2002, 2535), show that today's banks can choose to ignore the close contact with the borrower altogether, at little cost to themselves. Timely hard information helps in initial screening about an applicant's creditworthiness. The initial screening may be less accurate. Yet, access to more diverse, frequent information during the loan period allows for good enough monitoring and quick intervention by a bank. The old logic of strict ex-ante screening and costly ex-post monitoring of the borrower to keep losses from lending down has increasingly given way to coarse ex-ante screening and cost efficient digital monitoring and, if needed, the subsequent quick withdrawal from a customer relationship. Consequently, the bank at distance may not experience any economic difference, but the (potential) borrowers and the local communities (population at large and the public sector) would experience short-term unpredictability. The people and firms in municipalities without a headquartered bank, even without a branch office, would definitely be opposed to any discrimination, however unintended, against periphery.

### **An empirical exploration into niche vs. follower savings banks**

More than ten years into the digital delivery era, there are still locally headquartered savings banks in Norway. Under the new lending logic, being good in dealing with soft information is not enough to explain the survival of local banks. Is there something in the form of local embeddedness that keeps the banks alive? The following empirical study is an exploration into the local demographic, economic and political conditions and time horizon assumed by the local banks as possible contributors to the nichers' having survived the digitalization process. Could it be that local customers make conscious choices on whom to have as their financial service providers and thereby directly contribute to the banks' survival? Is there evidence for the customers of the niche savings banks focusing less on short-term economic motives and more on sustainable well-being?

## Expected differences

Hard, statistical data is usually the sole basis of the segmentation of customers by regional and national banks. Creditworthiness, for example, is not refined through personal contact or soft information. While middle- and high-income customers are favorite targets of financial institutions from core areas and can pick up their bank, those with low incomes or assets, particularly far away from the core areas, might end up with limited or no access to a bank.

The overall hypothesis is that niche savings banks differ from follower savings banks in the attractiveness of the business and population structure of their home markets and the level of effort of the population at large and the local municipality politicians to keep the bank in the municipality. More specifically:

*Hypothesis 1:* Niche savings banks are more likely to exist in municipalities with less economic growth and a negative outlook. Unfavorable population structures such as a large portion of elderly would strengthen the tendency for larger banks not to compete for the preferred banking services provider contracts in these municipalities.

*Hypothesis 2:* There are many more SMEs in the municipalities with niche savings banks.

*Hypothesis 3:* The municipalities of the niche savings banks are located less centrally with economic activity based more on primary industry, tourism and small-scale manufacturing, which are less profitable targets for larger banks for entry.

*Hypothesis 4:* The citizens in the niche bank municipalities are more active in their support of local decision-making. This would show in the citizens' using democratic means to protest against community mergers and against bank mergers or closure of the local bank. More specifically, niche bank municipalities should have a larger share of the population participate in the local elections and in the local savings banks there should be an expressed reluctance to open up for outside investors as owners. The banks would rather stick to the traditional governance model.

In sum, there should be more economic activity in terms of a larger number of SMEs, more engaged citizens, and a more long-term oriented municipality administration with focus on the well-being of the inhabitants and firms in the niche bank municipalities than in the follower bank municipalities. Furthermore, the effort to prevent capital drain of local savings to larger, distant capital markets should be the strongest in less central municipalities where local soft information matters more, such as small, peripheral primary industry and tourism municipalities.

## Empirical evidence

The sample consists of 98 savings banks that at the end of 2016 served the retail and SME markets, outside the capital city. The data stems from annual reports of the

Table 1: Differences in means between follower and nicher banks

	Followers	Nichers	Total	Sign.	Support to:
<b>Bank Level:</b>	(n = 46)	(n = 52)	(n = 98)		
Loans to deposits ratio in 2016	124,1	116,4	120,0	< 0,01	Post hoc
<b>Headquartered municipality level:</b>					
Population growth in 2000–2016	14,9	4,8	9,5	< 0,01	H1
Population growth forecast for 2015–2040	20,8	12,3	16,3	< 0,01	H1
Number of firms per 100 inhabitants in 2016	11,1	13,6	12,4	< 0,01	H2
Employment rate in population of 20–66 Y in 2016	75,0	75,0	75,0	n.s.	Control only
% of elderly (67 + Y) at the beginning of 2017	15,8	18,0	17,0	< 0,01	H1
# second-homes per 100 permanent residences, beg. of 2017	20,0	56,0	39,0	< 0,01	Post hoc
% of eligible voters at local elections participating 2015	58,6	63,4	61,2	< 0,01	H4

banks, summary statistics published by Finance Norway, and official municipality level statistics made available by Statistics of Norway. The variables included in the custom-collected database for the study appear in the first columns of Table 1, Table 2 and Table 3, respectively.

Each comparison is between savings banks that have their headquarters in municipalities that do not have the bank as their main contracted provider of financial services, the followers, with savings banks that have their headquarter in such municipalities, the nichers. The procurement process is public and regulated to ensure competition and openness. Still, the specification contains many weighted qualitative considerations, some of which may give the local provider an advantage.

The followers have either lost their historical preferred status in competition or considered the specifications so hard to satisfy that they have not applied. In practice they, then, have had to find other customers to compensate for the loss of a large customer, i.e. either invite share capital within the limits of the savings banks statutes and expand the boundaries of their geographical markets or intensify their competition for customers in the local markets against other banks operating in the same markets. The first hypothesis gets support (see Table 1).

Nichers are more common in municipalities that have less economic growth and a more negative outlook for growth. The proportion of the elderly is also higher in municipalities with niche banks. The number of firms per 100 inhabitants served as a proxy for entrepreneurship/economic activity/SME in testing the second hypothesis.



Table 2: Differences in category measures between nichers and followers

	Followers (n = 46)	Nichers (n = 52)	Total (n = 98)	Pearson's Chi Square	d.f.	Sign.	Support to:
%							
<b>2.1 Status as equity certificate bank</b>							
No equity certificate capital	46	62	54	2,48	1	< 0,11	H4
Equity certificate capital	54	38	46				
<b>2.2 Asset category of the bank (median split, NOK)</b>							
Small (LT 3 500 000 NOK)	41	58	50	2,62	1	< 0,01	Post hoc
Large (GE 3 500 000 NOK)	59	42	50				
<b>2.3 Municipality's location (Statistics Norway)</b>							
Less central	33	58	46	6,18	1	< 0,01	H3
Central	67	42	54				
<b>2.4 Municipality's industrial profile (Statistics Norway)</b>							
Primary industry	2	13	8	16,85	6	< 0,01	H3
Mixed agriculture and manufacturing	17	13	16				
Manufacturing	13	10	11				
Mixed service and manufacturing (less central)	2	25	14				
Mixed service and manufacturing (central)	35	23	29				
Service (less central)	11	6	8				
Service (central)	20	10	14				

The larger relative number of firms in niche bank municipalities supports the hypothesis. There is also support for the third hypothesis (see Table 2). Niche banks are significantly more often located in less central municipalities (cf. Standard Classification, 1994, 26) and in areas with a focus on primary industry or mixed industry structure.

As expected, in terms of the fourth hypothesis, the local population of the niche banks' municipalities has a higher participation rate in municipal elections (see Table 1). A test for a difference in the participation rate in the latest parliamentary elections

Table 3: Differences in political engagement of citizens and politicians

Headquarter municipality:	Followers	Nichers	Total	Pearson's Chi Square	d.f.	Sign.
%	(n = 46)	(n = 52)	(n = 98)			
<b>3.1 Mayor's party</b>						
Left-wing	48	29	38	13,00	2	< 0,01
Center	9	40	25			
Right-wing	43	31	37			
<b>3.2 Involvement in municipality mergers</b>						
No involvement	59	71	65	4,39	2	< 0,11
Involved as a small municipality	13	17	15			
Involved as the larger municipality	28	12	20			

to see whether political interest in general was higher in the nichers' municipalities showed no difference. Both follower and niche banks' communities had a participation rate of 77 percent in the parliamentary elections.

The tendency for niche banks to be less willing to open up for outsider investors (see Table 2, status as a bank with equity certificate capital) was statistically indicative and in the expected direction. Since the owners can be either local investors or distant actors, one would have to take a closer look at the ownership structure to test more precisely.

The follower savings banks had, on an average, higher loans to deposits ratio than the nicher banks (see Table 1). The relationship remained even when the banks were further split into small and large banks and compared within size groups. Savings banks that did not have a contract with the home municipality seem to have compensated for the lost income source by extending more loans, which implies increasing risk and most likely, higher costs.

The finding of no difference in the employment rate of the population in working age in the follower and nicher savings banks' home municipalities seemed, at first sight, contrary to the hypotheses. Consequently, a systematical search for possible explanations followed. Interestingly, there were on average 56 second-homes per 100 permanent residents in the municipalities of niche banks. In the municipalities of follower savings banks, there were only 20 second-homes per 100 permanent residents. Local economic activity related to the second-home market may in part explain the optimism, despite the unattractiveness of the overall economic outlook.

At present, the government encourages municipalities, preferably voluntarily, to merge into larger entities. The niche banks might lose their preferred status in such mergers. A review of the officially available merger plans revealed the following pat-

tern: Approximately one third of the municipalities in the sample were on the lists of merging municipalities (see Table 3). The difference between follower banks' and niche banks' municipalities was statistically indicative of the fact that 29 % of niche bank communities were involved with mergers, while 41 % of the follower bank communities were involved.

In Table 3, one can also see that the mayors of the niche banks' municipalities significantly more often belong to the Center party, while the mayors of the follower banks more often come from the left or right-wing parties. The cross-sectional design of the study does not allow testing for causality. Still, the two findings together give support to the reasoning about engagement on the part of the local population and municipality politicians in preserving financial versatility in the less central, economically less advantaged areas of the country.

## Conclusion

Based on the empirical study, the survival of niche banks seems to be dependent on the commitment of the local citizens and local politicians to the bank and the bank's reciprocal commitment to the municipality in face of a seemingly unattractive, low-growth future of the local market in terms of standard evaluation criteria used by larger banks. The recent wave of municipality mergers may, however, redefine the home market borders and change the local political power structure in disfavor of the nichers. Should the new, larger markets attract more competitors, the nichers' chances of survival would diminish.

Centralization may entail the removal of financial resources from peripheral communities to central communities and result in less access to lending, which would become a vicious circle for municipalities in the periphery.

Large U.S. and European financial institutions have argued that regulation should be more lenient, allowing large institutions to become even larger. Large banks have actively promoted and lobbied for the «conventional wisdom» according to which giant financial institutions are safer than small, specialized institutions. The claim is that the giants are better able to meet the demands of large multinational corporations worldwide, and help keep foreign entrants at a distance (see Wilmarth, 2013, 1284, 1427–1428).

Still, deprived of their funding advantages in terms of subsidies, the largest banks may not be superior to their smaller competitors, despite some scale-based cost advantages. Furthermore, large corporations, as customers of financial services, do not generally rely on one single bank anyway. Rather, they deal with a group of banks for their loans, equity needs and securities. Opponents to giant financial institutions maintain that even the arguments of cost advantages lack empirical evidence of all the relevant costs.

Consequently, many opponents demand higher equity requirements and limited access to governmental safety net subsidies for the larger financial actors so that ordinary taxpayers would not end up financing large, under-capitalized banks' risky de-

cisions through subsidies to too-big-to-fail banks. Wilmarth (*ibid.*, 1312–1316) points out that the society would benefit from avoiding crises, which result in government support to financial institutions, rescue operations of particular institutions and capital assistance to ensure a few, very large, institutions' survival.

Potential benefits from splitting up the large institutions are usually not included in the cost-benefit analysis of the global or national structure of the financial sector. Likewise, negative consequences such as reduced gross domestic product, the decline in prices of homes and financial assets, not to mention increased unemployment, are usually absent from the calculations on consequences. Even at the regional and local levels within countries, the revolving door effect – the movement of people between public and financial sector positions – may result in the unwarranted similarity of views of the decision-makers in favor of excessive faith in financial innovation by large institutions and self-correcting markets.

Would the structure of financial industry globally, nationally, regionally and locally be different without subsidies and bailouts of the largest banks? In order to make even the largest actors take responsibility for their lending policies and risk taking, Wilmarth (2013, 1439–1446) claims that ordinary citizens demand reforms that include deviation from free markets back to more regulation. The following measures have appeared in discussions on the removal of incentives to excess risk taking. First, delimiting the safety net of deposit insurance and emergency credit to concern traditional deposit-taking, payment services and lending. Non-traditional activities, such as capital market operations in separate entities, not protected against failure, would be required to meet any equity threshold separately set for these activities. The change would prevent the large financial institutions from misusing subsidies aimed at traditional banking activities.

Second, the introduction of higher equity ratio requirements for the largest banks and simultaneously narrowing equity to mean tangible equity and assets to include unweighted assets, even off-balance sheet risk exposures, should discourage irresponsible growth.

The basic question of Hansen (2014) was whether growth of the financial sector should be the objective instead of economic development. Growth of the financial sector would imply a master's role, whereas economic development would imply the role of a servant for the financial sector, in Hansen's terminology. Having a financial sector open to the majority of people and being open to evaluate their projects sounds like a good objective. If savings banks no longer perform the function, someone else must take over. In recent years, many old ideas have had a renaissance. Argent (2002, 330), for example, describes an Australian financial service initiative by a community bank. Local investors raised start-up capital in return for face-to-face banking services from a local branch, staffed with local employees. The bank and the local shareholders share the profits. The financial institution invests a portion of the profits in local economic or social development. In the same vein, crowdfunding is becoming popular.

Still, savings banks have an established cooperative network structure and the local emphasis is already in place. Some claim that they represent an anti-competitive

element in the financial markets. Competition, however, seems to lead to financial exclusion and increase financial instability. Contributing to the stability of the financial system and wide access to financial services should be on the agenda of any government, central or local. Where should they strike the balance?

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# Man and His Fellow Machines – An Exploration of the Elusive Boundary Between Man and Other Beings

Henrik Skaug Sætra

*“For seeing life is but a motion of limbs, the beginning whereof is in some principal part within, why may we not say that all automata (engines that move themselves by springs and wheels as doth a watch) have an artificial life? For what is the heart, but a spring; and the nerves, but so many strings; and the joints, but so many wheels, giving motion to the whole body, such as was intended by the Artificer? Art goes yet further, imitating that rational and most excellent work of Nature, man.”*

(Hobbes, 1946).

## Introduction

Man is a peculiar being, but what are the boundaries between human beings and machines? Many attempts at demarcating humanity, and by that identifying what makes us special, have been made throughout history. These debates are important, because they have implications for questions of both morality and politics. Even more so, it is important today because artificial beings now imitate just about all facets of humanity. This chapter examines various candidates for criteria of demarcation, such as reason, understanding, emotions, etc., and evaluates their merit. In this process, old debates of a similar character are briefly examined – debates regarding the question of what sets man apart from animals.

Morals are generally seen to dictate that we treat our fellow human beings with respect and consideration. They are part of our moral community, and worthy of moral consideration. Furthermore, we consider each other moral agents, which means that we also have moral obligations, in addition to rights. This makes the question of the demarcation of humanity important, since it determines what rights and obligations we, and the “others”, have. What sort of a moral entity is artificial intelligence, and how do we determine this question? The method of demarcation by *defining characteristics* is considered here. Political rights determine what we can and cannot do, to a certain degree disconnected from direct moral considerations. We can have instrumental arguments in favour of granting rights and protection to certain entities, even if we do not consider them part of our moral communities.

In order to determine what status artificial intelligence is to have, the boundary between man and his fellow machines is explored, both biotically and abiotically. The argument that most criteria of human uniqueness are flawed in some way is proposed, and any serious discussion of the status of artificial intelligence will have to deal with the issue of how and why, AI is to be included in, or excluded from, man's moral community. A mechanistic and functional approach is chosen in this search for the boundaries, as this approach most clearly illustrates the fundamental questions



in play. For ease of mind, one might of course adopt a, let us say, theological view of these questions, but it is interesting to challenge oneself to see if a boundary can be found in the manner here adopted as well. As Orban and Strand Larsen (2019) note in the introductory chapter, borders have a dynamic quality and that is certainly the case for the border between man and other beings. As such, this chapter discusses the “re-bordering” around humanity.

## Background and theory

Before exploring the boundary between man and other beings, some of the theoretical concepts employed are introduced. The approach is interdisciplinary, and draws upon philosophy, environmental ethics and political theory. What this all amounts to, is a contribution to the field of robot ethics.

### Moral philosophy and environmental ethics

Smart machines give us great benefits at the cost of, amongst other things, some new philosophical questions. Our values and the very notion of morality are now in play, both reviving old philosophical questions and raising new ones (Chalmers, 2015).

Environmental ethics can be perceived as the “attempt to expand moral thinking and action in two directions: beyond the human species and into the distant future” (Nolt, 2015, p. xii). This makes it interesting, because it deals with the demarcation of man, and the purpose is to establish a taxonomy of terms that can be used in the exploration of this boundary.

A *moral community* consists of all entities classified as *morally considerable*. An entity that is morally considerable is an entity whose welfare or interests are considered to be of ethical value. These considerable entities are also called *moral patients*. It is important to note that one *may* include entities that do not have reason, consciousness, “morality,” a soul, etc. as citizens of our moral community. Whether such entities are the senile, rivers, newborns, trees, oysters, the intellectually challenged, or whatever else, matters little here – *everything* can potentially be a part of a moral community. Not all of these can be assumed to *act* ethically, however, so while all members of the community are *morally considerable*, the “passive” members receiving ethical consideration are moral *patients*, while those expected to have the competence required to act ethically are moral *agents* (Nolt, 2015, p. 47).

This framework lets us differentiate the various forms of morality in different societies; from the narrow moral communities of an imagined tribe where only fellow tribesmen may be of ethical interest (anyone else being fair game) to the deep ecology of Arne Næss where practically *everything* is morally considerable, while only humans are considered moral agents (Næss, 1989).

With an anthropocentric approach to the questions of morals, intelligent machines may be seen as a problem. Less so if one was to follow, say, Arne Næss’ *bio-spherical egalitarianism* (Næss, 1989). Here, man being challenged is the main idea,

and not at all a problem. However, these approaches seldom consider the challenge from *machines* and artificial life. As such, environmental philosophy often needs to be reworked when moving from the status of *animals* to that of *machines* (Sætra, 2018a).

The philosophical terms *transhumanism* and *posthumanism* are both of potential interest with regards to the current topic, but are not discussed in detail here. In brief, *transhumanism* regards the enhancement of humanity through technology (Ferrando, 2013). *Posthumanism* centers on the “decentering” of man, and can thus be seen as related to approaches such as Næss’ deep ecology (Braidotti, 2013, p. 2).

## Robot ethics

Robot ethics is a field that deals with the ethical implications of AI, and as such, this chapter is a contribution to this field. Risse (2018, p. 1) states the problem as a set of questions arising through “the anticipated arrival of entities that are not alive in familiar ways but nonetheless are sentient and intellectually and perhaps eventually morally superior to humans”.

Today, computers can simply be turned off, but this might not be the case in the future (Risse, 2018, p. 3–4). Even if they could be turned off, would this be a criterion for treating them differently than humans? After all, human beings can easily be shut down, too.

Veruggio (2006) states that there are two approaches to the question of the boundaries between man and machine. One is to see robots as *moral agents*, as referred to above, and the other is the one just mentioned, of examining whether or not they are conscious, have mental states etc. (Veruggio, 2006, p. 613). Both approaches are considered here, as the answer to the first question is a result of how the second one is answered. These questions, and many others, are the domain of robot ethics, and they are explored here.

## Man and animal – a mechanistic approach

What separates man from other things? This is an ancient question, and some of the main arguments from the discussion of what separates man from *animals* are examined in the following. The problem is similar to the question of what separates man from AI, and is thus of great interest. The way to demarcate man from the animal kingdom is to figure out what sets man apart.

Some historical ways of defining man may now seem more amusing than serious. This is because of the daunting character of the task, which is far harder than one might at first imagine. Some suggestions have been that man is “a political animal (Aristotle); a laughing animal (Thomas Willis); a tool-making animal (Benjamin Franklin); a religious animal (Edmund Burke); and a cooking animal (James Boswell, anticipating Lévi-Strauss)” (Thomas, 1983, p. 31).

Some of the philosophical issues involved will now be discussed, with a particular focus on the philosophy of Hobbes, treating him as a prime example of the mechanist

approach chosen here. This choice was due to a wish to examine the question in a manner that presents the most interesting problems, and in which the boundaries are hardest to identify. A brief examination of some psychological perspectives that share some similarities with Hobbes' ideas, as reflected in the opening quote of this chapter, follows.

### Hobbes' mechanism, animals and human uniqueness

Hobbes starts *Leviathan* by calling man the "rational and most excellent work of nature". Man might be most excellent, but is he fundamentally different from other beings? Hobbes is a champion of *mechanism*, stating that life is "but a motion of limbs, the beginning whereof is in some principal part within" (Hobbes, 1946, p. 5). This mechanism places man firmly in the domain of the natural world, and is thus an interesting perspective in our search for the boundaries of man. Animals move, and as such, they are surely *living*. Life, then, cannot be our criterion of demarcation here.

If not *life*, what separates us from animals? *Sense* is also shared with animals, and its cause is an "external body, or object, which presseth the organ proper to each sense" (Hobbes, 1946, p. 7). Man and animals thus get sense-impressions, and these compose what he calls "original fancy" (Hobbes, 1946, p. 7). *Imagination* ("decaying sense") is also present in "men, and many other living things" (Hobbes, 1946, p. 9).

What about our ability to *understand*? For Hobbes, understanding is defined in two ways. The first involves recollecting "by way of words of other voluntary signs" (Sætra, 2014). Animals, which can be conditioned, respond to words and signs etc., can do this. The other definition says that understanding is "nothing else but conception caused by speech" (Hobbes, 1946, p. 24). If speech is defined as something uniquely human, *understanding* could be a candidate for our criterion. However, both Hobbes' first definition, and common-sense reflections of whether or not animals can *understand*, should lead us to conclude that it is not a very promising candidate.

Thinking, and reflecting, then? If "mental discourse" is the process where one thought leads to another, this is a capability animals share with us, should they be granted *understanding*, and accept that they can learn (Hobbes, 1946, p. 13). *Regulated* thought, however, is where Hobbes starts drawing the line. This, he states, occurs when one tries to imagine the various possible consequences of, for example, actions:

*Of which I have not at any time seen any sign, but in man only; for this is a curiosity hardly incident to the nature of any living creature that has no other passions but sensual, such as are hunger, thirst, lust, and anger (Hobbes, 1946, p. 15).*

*Desire to know why, and how, curiosity; such as is in no living creature but man; so that man is distinguished, not only by his reason, but also by this singular passion from other animals (Hobbes, 1946, p. 35).*

*Wit* is divided into *natural* and *acquired* forms, and as other virtues, wit is a question of comparison (Hobbes, 1946, p. 42). Natural wit is gained by experience, while ac-

quired wit is gained through instruction (Hobbes, 1946, p. 43, 46). *Prudence* consists of much experience, and the ability to know the future by reflecting on the past. Since animals must have some natural wit, they are also somewhat prudent, or at least have the capacity for it (Hobbes 1946, p. 16, 45).

*[I]t is not prudence that distinguisheth man from beast. There be beasts, that at a year old observe more, and pursue that which is for their good, more prudently, than a child can do at ten (Hobbes, 1946, p. 16).*

Animal and man share a sensuous nature, and for Hobbes, *language* is what really sets man apart. Even if Hobbes is often portrayed as a rationalist, he states “a man can have no thought, representing anything, not subject to sense” (Hobbes, 1946, p. 17).

Speech, “the most noble and profitable invention of all other”, is a promising candidate for the criterion of demarcation (Hobbes, 1946, p. 18). Speech lets us remember our thoughts from the past, and communicate them (Hobbes, 1946, p. 18). The most important perk of language, however, might be the ability to contract, and thus make the *social* contract that lets us escape Hobbes’ state of nature (Sætra, 2014, p. 179).

What of *reason*, then? Hobbes seems to connect reason to *words*, and as such it may be a criterion of demarcation (Hobbes, 1946, p. 25). However, when defining reason, he says it is the act of “adding and subtracting, of the consequences of general names agreed upon for the *marking* and *signifying* of our thoughts ...” (Hobbes, 1946, p. 25–6). This seems similar to *understanding*, but it is possible that Hobbes separates the two by seeing reasoning as the interpersonally available process of understanding and evaluating more *complex* words and signs (Sætra, 2014, p. 179). However, he later states that reasoning is but reckoning, and reckoning can be done without words. In addition, reasoning is always uncertain, so there is no demand for correctness for reason to exist (Sætra, 2014, p. 179). Animals that *think*, and “upon the sight of any one thing ... conjecture what was likely to have preceded, or is likely to follow upon it ...” are certainly candidates for inclusion in the world of the rational (Hobbes, 1946, p. 27).

Reason, then, is a dubious candidate for our Hobbesian criterion, but the capacity for *science* seems to do better (Sætra, 2014, p. 179). Science resembles reason, but it is yet more advanced, and involved creating systems of knowledge of subjects (Sætra, 2014, p. 179).

But what about the issue of *stupid* people and *clever* animals? Hobbes discusses people wholly unfamiliar with reason, getting by with *primitive* reason. These are compared to children, relying on a “natural prudence”, like that afforded also to animals (Hobbes, 1946, p. 29). If there is *overlap* when it comes to reason and science – that the smartest animal has more of it than the most foolish man – they are clearly not perfect criteria.

## A psychological perspective compatible with the Hobbesian conception of man

With mechanism as the chosen approach to the boundary of man, it is interesting to note that the psychological approach of behaviourism is largely consistent with it. Koestler refused to view man as nothing but a *conditioned reflex-automaton* (Koestler, 1967). The reason is of interest, as one might plausibly argue that AI fits this description rather nicely. For Koestler, the reasons for refusing to accept behaviourism are that it does not provide explanations of the processes of scientific discovery and art (Koestler, 1967, p. 13). The question of science and art is further discussed in Sætra (2018b), and it is there argued that the main component involved in these processes is *creativity*.

Behaviourism reduces us to something akin to rats, Koestler argues (Koestler, 1967). However, men are different from these animals in certain ways, and Goldberg (2009) points to our frontal lobes as the *main* difference. The frontal lobes are where our executive functions preside, and these functions may be the defining cognitive aspect of man (Goldberg, 2009).

The reason for including this brief discussion of behaviourism is that many attempts to debunk it highlight the problem of finding the criteria for what makes man special. Behaviour can be observed, and behaviour can certainly not be our criterion of demarcation. What of other aspects of man, then?

*“[c]onsciousness, Watson objected, is ‘neither a definable nor a usable concept, it is merely another word for the “soul” of more ancient times. ... No one has ever touched a soul or seen one in a test-tube. Consciousness is just as unprovable, as unapproachable as the old concept of the soul.’” (Koestler, 1967, p. 15).*

*Consciousness* is a key term, and while it is possible to reject it as unobservable and unscientific, there are other interesting definitions. Risse (2018) asks whether or not the brain is more than a complex algorithm. It may be, he says, that such a view omits “what makes us distinct, namely, *consciousness*”, which he defines as “the qualitative experience of being somebody or something, it’s “what-it-is-like-to-be-*that*’-ness, as one might say” (Risse, 2018, p. 3). These are the mental states referred to by Veruggio (2006).

Koestler names the conflation of man and animals *ratomorphy* – a concept which is the radical opposite of the anthropomorphic fallacy, which involves the personification of animals (Koestler, 1967, p. 17). As we are now about to move from the question of animals to the question of machines, it’s interesting to consider whether or not we are now moving towards *robotomorphy* (Sætra, 2018a).

## A preliminary conclusion based on animal rights and environmental ethics

It is clear that the task of demarcating the human is a daunting task. Before moving on to the relatively new challenge of artificial intelligence, a preliminary conclusion

based on the questions of what constitutes the border between man and animal seems to be in place. As such, a return to the concepts of moral *community*, moral *agents* and moral *patients* is in order (Nolt, 2015).

If we move from Hobbes' mechanism to the idea of the social contract, we can use this method as a means of finding the different ways of dealing with things not *Homo sapiens* when it comes to morality. The first is to say that animals are *similar enough* to humans to be considered equal to us. This would include that they are clearly part of our moral community, and as we are moral agents, so would they be. The second alternative is to maintain human uniqueness, but grant other beings the status of moral *patients*, strictly due to our magnanimity. Finally, we can simply state that we humans make the contract, and we simultaneously decide that we are the only morally relevant beings in existence.

The first alternative is considered in this chapter – whether other beings are *similar enough* to humans to be included by default. Of the candidates for criteria evaluated so far, *science* and *language* seem to be Hobbes' most promising ones. However, if we consider the problem of overlap between the most reasonable animal and the least rational man, using science as a criterion places us in danger of excluding many men from actually *being* men. *Language* does the trick with regards to animals, but this is mainly because we now rely on a contractarian idea, in which only entities with speech and language can be considered fully capable of both communicating intentions, understanding conditions, and formally committing to contracts. We *have* decided to give animals some rights as moral patients, but they are not considered moral agents or full citizens of our moral communities.

## AI pushing the boundaries

The arrival of artificial intelligence changes things, and takes us back to the opening quote of this chapter. There Hobbes discussed the “artificial life” of automata, likened it to the life of man, and says that art “goes yet further, imitating that rational and most excellent work of Nature, man” (Hobbes, 1946) Hobbes discussed the Commonwealth, which for him could be seen as an artificial man, but we will take his quote more literally, as it is an eerily apt description of where we are today.

There are many aspects to discuss with regard to ethics and artificial intelligence, such as automation and job loss, social injustice resulting from the uneven distribution of benefits of automation, etc. (Campbell, 2017). Some are also alarmed in general, as our “place at the top of the intellectual food chain” is challenged (Kurzweil, 2015, p. 167). These wider topics relating to AI are discussed in Sætra (2018a). Here, however, we discuss how AI is pushing the boundary of mankind, challenging us in ways similar to, but also different from, the challenge posed by animals and other biotic beings. Some criteria have already been discussed, and will be briefly summarised, before moving on to other criteria that are becoming increasingly relevant with the rise of AI.

### AI in light of the old debate

One of our previous candidates was reason, and if we stick with Hobbes' definitions, it meant "adding and subtracting, of the consequences of general names agreed upon for the *marking* and *signifying* of our thoughts ..." (Hobbes, 1946, p. 25–6).

If man is defined as a *rational* animal, and AI satisfied our demands for reason, must AI be considered men by definition? It seems clear that computers today *are* capable of understanding consequences of actions, responding to voices and other signs, and providing signs and words themselves. Even our phones have personal assistants today, assistants we can talk to, that talk back, and that can even help us to understand the things we cannot remember and do not know.

Machines are indeed imitating man, and as such they are also sensuous entities, having the sense of touch, sight, and hearing (and other senses), and being able to use their experiences to respond to and learn about their environments. These things, and reason, understanding, and language, are thus clearly not obvious criteria of demarcation. Even *science* seems to be firmly within the reach of AI, as machine learning and big data leads some to claim that we may not even need humans to do science in the future (Sætra, 2018b).

The question of *superiority* in mental qualities is not discussed here. These issues have been discussed by many, such as Penrose (1999), Gillies (1996) and Kurzweil (2015), and it is sufficient to note that computers now challenge us in these respects, and are capable *enough* to eliminate reason, understanding and many other mental qualities as the demarcation criterion.

One way to respond to these facts is to grant machines the status of being human equivalents, but we surely need not do this. Some will find such a move highly distasteful, and it will spur the search for *new* criteria that lets us redefine what makes humans special. Such ad hoc responses to a new challenge do not seem satisfactory, but let us briefly discuss some of the most obvious possible criteria.

The first condition would be that of *life*. No matter how we define life, if we are to refrain from relying on something like a supernatural "spark of life" exclusive to man, we run into problems. What, for example, of men with artificial limbs? Or, even more problematic, artificial vital organs. We may consider it science fiction, but it seems unlikely that we would retract humanity-status from sick people, if they were somehow given the possibility of using technology to replace living parts of their bodies. Furthermore, would a cyborg using *biological* material be considered *living*, and thus a man? The distinction between biotic and abiotic seems likely to become less interesting as time passes, and there is a further problem. If we now suddenly turn to *life* as the criterion, we are back to the problem of making us different from animals and other living beings. What makes humans *special* is certainly not *life*.

The idea of a *soul*, or some other supernatural quality of man not present in machines, may serve as a criterion. We have already seen how many reject such notions, though, as they can be dismissed as both unproven and unscientific. If we want a universally acceptable criterion, the soul is not it.



The lazy solution would of course be to fall back to the simple definition of what a man is – a being belonging to the species of *Homo sapiens*. While effective, it will not be very satisfactory, since we want to answer *why* something is regarded as morally considerable and other things not. “Because it is named such-and-such,” is technically sufficient, but one might want an answer that is more meaningful.

A more promising candidate is one following from the attempt to make man an *emotional* animal, with the assumptions that emotions are beyond the reach of machines.

### Man as an emotional animal

Turkle (2011) has written of the move from defining man as a *rational* animal to an *emotional one*. This, she says, happened when we could no longer exclude machines from being rational (Turkle, 2011, p. 106). Using tools, modifying our environments and transmitting knowledge through language has also been proposed as exclusive characteristics of man (Cole, 1990). Today, we surely have to admit that machines are more than capable of all these things, but what about emotions?

A neurologist provides some interesting insight into the role of human emotions. In *Descartes' Error*, Antonio Damasio (1994) makes the argument that *reason* cannot be separated from *emotions*. In fact, emotion is “an integral component of the machinery of reason”, he discovered through the study of a patient with “knowledge, attention, and memory”, language and logic, and the ability to perform calculations. Despite having these capacities, decision-making was highly flawed, because of a brain trauma disrupting the process of *feeling*, and *reason* as such was disrupted (Damasio, 1994, p. xii). His emphasis on feelings as a part of reason is further developed in *Looking for Spinoza* (2003). Here he states that “feelings are the expression of human flourishing or human distress, as they occur in mind and body” (Damasio, 2003, p. 6). Maldonato & Valerio (2018) are some of the others that have come to similar conclusions, and they state that “emotions are crucial in moral decisions and that their understanding may help us to avoid mistakes in the construction of hybrid organisms capable of autonomous behavior” (Maldonato & Valerio, 2018).

If our aim is to erect a wall between the land of man and that of machines, this new understanding of reason – guided by *emotion* – is an interesting candidate for a criterion. Those with nothing but a Hobbesian, purely calculating, reason are stopped at the gate, while the emotional animals live alone in the land of humanity. We must note that Hobbes recognized the importance of emotions, but since we share this capacity with animals, it was not a good candidate for a criterion in that context.

To evaluate this criterion, we must understand what emotions *are*. For Damasio, there are four requirements for having the ability to *feel*. First, he says a feeling being must have a *body* and the means to mentally represent, or understand, their bodies (Damasio, 2003, p. 109). Secondly, the being must be able to map their body state and translate it into “mental patterns or images” (Damasio, 2003, p. 110). The third requirement is consciousness, as “in plain terms, we are not able to feel if we are not

conscious” (Damasio, 2003, p. 110). Fourth, a brain is necessary, and doubly so. It is required for creating the body states that lead us to feel, and it also “command[s] or construct[s] the particular emotional body state that ends up being mapped as a feeling” (Damasio, 2003, p. 110). Damasio thinks that “[m]ost animals with complex brains satisfy these conditions, in all probability” (Damasio, 2003, p. 110).

The first criterion means that we require AI to have a body in order to be capable of feeling. However, what about a *virtual* body, and an AI that both maps these virtual body states and reacts to them with something akin to motions? Like the phantom pains of humans with lost limbs, feelings caused by artificial, or fictional, bodies, can also be considered feelings. If so, the first and second requirements are satisfied. The third – consciousness – has already been discussed, and the question of the *brain* remains. If AI have processes that resemble the processes of a human brain, it seems far-fetched to exclude machines from the realm of feelings just because it is not technically a *human* brain.

If we choose to not resort to simply drawing the boundaries along the borders of *Homo sapiens*, we must look at the issue more as one of principles of functionality than of biology. If machines can imitate processes that are functionally equivalent to human processes, do we accept them as emotional beings? Work is being done on Social Emotional Artificial Intelligence (SEAI), and Cominelli et al. (2018) has written of such systems “specifically conceived for social and emotional robots. It is designed as a bio-inspired, highly modular, hybrid system with emotion modelling and high-level reasoning capabilities” (Cominelli et al., 2018, p. 1). While they acknowledge some shortcomings, we may imagine a future where robots become good at imitating how humans function in terms of having emotions that guide rationality.

Conscious and emotional robots, then, and the solution to the problems of demarcation keep their elusive character. Cominelli et al. (2018, p. 18) emphasizes how these developments must be accompanied by an increased attention to ethical issues. Maldonato & Valerio (2018) also discuss how machines soon will be “capable of going over the simulation of brain functions” (Maldonato & Valerio, 2018).

While it is here argued that *emotion* is a weak criterion of demarcation, Turkle (2011) is of the clear opinion that AI “has no feelings, can have no feelings, and is really just a clever collection of ‘as if’ performances” (Turkle, 2011, p. 6). She bases her opinion on the idea that computers cannot be emphatic, cannot relate to others because of a lack of access to a “shared store of human experiences: we are born, have families, and know loss and the reality of death” (Turkle, 2011, p. 6). While these aspects of human life are certainly important, it seems to me that demarcation by such things as having the experience of birth etc. is not very satisfying. Far worse if we require family life, as this would even exclude many humans from being considered human. We may also argue that knowing loss and “the reality of death” are bad criteria, as a) a computer may theoretically experience loss and contemplate the day it will cease to function, and b) we may argue that humans do not really have a clear conception of the reality of death themselves.

Damasio (2018), in his latest book, says that we may get machines with something *like* feelings. Not true feelings, though, as these arise “from an artificial substrate provided they would be reflections of ‘homeostasis’”, and “there is no reason to expect that such feelings would be comparable to those of humans or those of other species” (Damasio, 2018, loc 2973). How so, one might ask, and Damasio does provide an answer by naming “the substrate that feelings actually use” as what is missing (Damasio, 2018, loc 2973). He goes on, and he then introduces a brand-new criterion of demarcation: “to build feeling, on the other hand, we require a living body” (Damasio, 2018, loc 3974). Man is more than machines, because we are *living*, but he does not develop this argument in a manner that would help us to use it as our criterion.

Hobbes opened the chapter with his references to the *artificial* life of machines, and we have already considered the criterion of biology as problematic, since we clearly share this quality with animals. Damasio seems to support his arguments by stating that the mechanist, or algorithmic, view of man, “does not advance the human cause” (Damasio, 2018, loc 3974). When our aim is to demarcate humanity, we cannot follow Damasio in the idea that we shouldn’t raise questions that are inimical to the human cause.

The final criteria briefly introduced, is that of *moral capacity*. For Scheutz (2016, p. 515), it is imperative that we now develop moral capabilities in AI, as “any ordinary decision-making situation from daily life can be turned into a morally charged decision-making situation” (Scheutz, 2016, p. 515).

Some argue that morals are as easy as any other strategic problems, and that we can teach machines morality just like we taught them chess (Duenger Bøhn, 2018). Others claim that “in certain circumstances robots can be seen as real moral agents” (Sullins, 2006). Sullins (2006) provides three requirements for robot morality, and these are a) autonomy, b) intentionality and predispositions that let us understand a robot’s behaviour, and c) the capacity to behave in ways that demonstrate an understanding of its responsibilities to other moral agents (Sullins, 2006). If we go by these criteria, or treat morality like chess, morality cannot be our criterion. Furthermore, if we consider the fact that many *humans* consider moral problems to be problems of calculation and maximization, the criterion seems even less promising. Unless we should be willing to revoke the status of humanity to utilitarians and their like.

## **Conclusion: The elusive boundary between man and machine**

If we, for the sake of argument, are to exclude supernatural qualities that separate man from other beings, what is the criterion of demarcation? This chapter has relayed some aspect of two different, but very similar, debates. One is quite old, and is still ongoing, and it deals with the boundary between man and beast. The other is quite new, and deals with the boundary between man and an entirely new form of being: artificial beings with artificial intelligence. Like a modern-day Prometheus, man has stolen fire from the gods and given it to its machines. Prometheus used clay for his machines, and the fire gave men life, but also *reason* and *wisdom* (Raggio, 1958). Mary

Shelley (2003) wrote of Frankenstein, and called her story the *Modern Prometheus*, as we were once again provided with a story of how ingeniousness and a desire to create leads to problems for the creator. One problem may stem from the fact that we are challenged, and even surpassed, mentally, and another is that these new technologies actually change us (Sætra, 2018a).

This chapter has focused on the problem of demarcation and the “re-bordering” around humanity, as it is increasingly difficult for us to place a philosophically sound border between *us* and *them* (Orban, & Larsen, 2019). When going through some aspects of the two debates, we first dismissed the criteria of *life* and *biology*. These we share with many things, and if we follow Hobbes’ opening quote, we see that a functionalist perspective makes it difficult to exclude artificial beings that *imitate* life from life. We can also imagine a future where men are (at least partly) composed of abiotic matter, or machines of biotic matter.

While we share life with animals, mental superiority was long seen as the criteria that formed the border. This border is not impenetrable, as there is some overlap between the most capable animals and the least capable men. Furthermore, machines rival us in many mental aspects, and even surpass us in some. Another criterion is necessary.

What, then, of *emotions*, or *morality*? These too are highly problematic, especially if one sticks to the mechanist and functionalist account. Emotions are a) shared with (at least some) animals, and b) imitated in increasingly true-to-life ways by machines. With ever more of our bulwarks falling, one might have hope for morality, but even this is now imitated by the engineers of our Promethean endeavour. While consciousness was a candidate, it is just about as elusive a concept as that of a soul, and, in the words of Watson, “[n]o one has ever touched a soul or seen one in a test-tube” (Koestler, 1967, p. 15). Of course, one can’t dismiss everything not directly observable, but in the search for universally acceptable criteria, it would be good if one could find something all could agree on.

The demarcation of man is a difficult task, and the search for criteria must be taken seriously, if one is to be able to deal with this question in a principally sound manner. Consciousness and other unobservable mental states *may* provide us with criteria in the future, as more is learned, but as of now, these are open questions that do not get us all the way to an answer (Risse, 2018, p. 4).

Further research on the proper criteria of demarcation is necessary, and in the meantime, one is left with rather pragmatic ways to deal with the issue. The issue is important, because if one cannot meaningfully separate man and machine, how can machines be denied moral status? If this situation is accepted, machines would not merely be moral *patients*, like animals, but possibly moral *agents*, just like men. If so, moral duties and moral rights towards the other form of life would be present for both parties, and man would indeed suddenly find himself in a brave new world. Alternatively, one might decide that only *Homo sapiens* are moral agents, but this seems rather arbitrary. A proper criterion is important, and if it cannot be found, that has important implications as well.

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