

NSU Summer Session 2018 - July 29- August 5 – Fårö, Sweden

Circle 5: Patterns of Dysfunction in Contemporary Democracies;
Impact on Human Rights and Governance



GLOBALIZATION AND DEMOCRACY

| | Monday 30 | Tuesday 31 | Wednesday 1 | Friday 3 | Saturday 4 |
|-------------|---|---|--|---|------------|
| 07h30-09h00 | Breakfast | Breakfast | Breakfast | Breakfast | Breakfast |
| 9h00-10h00 | <i>Magdalena Tabernacka</i> <u>Fair trade - the global decentralization of social responsibility</u> | <i>Barbara Gornik</i> <u>Understanding the human right to seek and enjoy asylum in view of the "changed situation in the field of migration"</u> | <i>Neli Dobрева,</i> <u>Rethinking the environmental aesthetics in the global age.</u> | <i>Magdalena Tabernacka</i> <u>Street Names as Local Commodities. Local Government in the Face of Authoritarianism</u> | |
| 10h00-10h30 | Pause | Pause | Pause | Pause | Pause |
| 10h30-11h30 | <i>Qivioq Nivi Løvstrøm</i> <u>Democracy and Globalization in Greenland</u> | <i>Lucas. Carduell,</i> <u>World of States: Citizenship Deprivation and its Resonance in the International Legal Sphere</u> | <i>Mogens Chrom Jacobsen</i> <u>Foucauldian Features in the History of Human Rights</u> | <i>Oleg Bresky</i> <u>Geography of the principle of subsidiarity</u> SKYPE CONFERENCE | |
| 12h00-13h30 | Lunch | Lunch | Lunch | Lunch | Lunch |
| 13h30-14h30 | <i>Mogens Chrom Jacobsen</i> <u>Responsibility and Democracy</u> | | | | |
| 14h30-15h30 | | | | | |
| 15h30-16h00 | Coffee | Coffee | Coffee | Coffee | Coffee |
| 16h00-17h30 | Keynote | Keynote | Keynote | Keynote | Activities |
| 17h30-18h30 | Activities | Activities | Activities | Activities | Activities |
| 18h30-20h00 | Dinner | Dinner | Dinner | Dinner | Dinner |

Abstracts:

Barbara Gornik, Science and Research Centre Koper Institute for Social Studies

Understanding the human right to seek and enjoy asylum in view of the "changed situation in the field of migration"

As a signatory to the Universal Declaration of Human Rights, Slovenia is bound to respect everyone's right to seek and to enjoy asylum from persecution. In response to the recent refugee crisis, government policies have shown that this supposedly universal human right is opened to different interpretations; while the Declaration recognizes that all people are born with equal freedom and rights stemming from their human nature, the political practice of human rights demonstrates that the right to seek asylum is de facto not implemented on the principle of human dignity. The paper analyses the enactment of the right to seek asylum in the light of the amendments to the Slovenian Foreigners Act of 2017; its main objective is to critically assess reasons that are listed therein as legitimate circumstances for derogation of Republic of Slovenia from respecting the right to seek asylum, namely, when a in a context of "changed situation in the field of migration" state's public order or internal security are threatened. The paper thus testifies that it is not the human dignity, but political economy of the state, that plays decisive role in recognition of the human rights, including of the right to seek and enjoy asylum.

Magdalena Tabernacka, Associate Professor, University of Wroclaw, Poland.

Fair trade - the global decentralization of social responsibility

Globalization of economic interdependencies is a fact that contemporary societies have to take into account. Naturally, it also has to be taken into account by governments, who are responsible for reacting to social problems. Globalization has transformed the forms of economic interdependence between people, which is yet to be met with a similar transformation along the power-and-political-systems axis; a transformation that would ensure the degree of security that is expected in modern societies. The Fair-trade movement is not, of course, a systemic remedy for the problems of globalization. It is; however, a symptom of certain important trends in the social and ethical dimension, in which the global problems are responded to through local actions. It can be said that, thanks to the empathetic approach to economic issues, which assumes social responsibility of individuals who benefit from the fruits of labour of distant producers, fair distribution of goods on a global scale is possible. This is, of course, just an example of a decentralized response to global problems, but it allows to observe and describe a mechanism that will make finding a remedy possible. If this topic would not be suitable for the session, I have another idea also linked to decentralisation, but focusing more on the reaction of the Polish local governments to the populist historic policy. This presentation would concern the response of the local government units to the changes of the old street names by the national government, conducted in the spirit of "erasing the memory" of "unworthy" historical figures.

Mogens Chrom Jacobsen
Responsibility and Democracy

A recent opinion poll (collected February/March 2017) conducted by Fondapol/Ipsos shows a rather astonishing support for government by a strongman or rule by experts. Even though much fewer people are willing to consider democracy as a bad thing, it does show that many people are tempted to deposit their responsibility as citizens with a strong leader or the experts. You will find many of the high scores in Eastern Europe, but this trend is equally present in Western Europe with rather high scores in Italy, Austria, Germany and Portugal. Noticeable is, furthermore, a gap between generations in some countries. In Poland, Romania, Denmark and Sweden young people (less than 35 years) are much more tempted by this kind of rule than their elders. Is this the sign of an erosion of democracy? Very possibly, but before any attempt to explain this (which we will not do here), we should try to determine what is being eroded, and this will be the subject of this paper. We have described the phenomenon as the abandon of responsibility. In a democracy, the citizens control either directly or through their representatives the government and make it accountable. Abandoning this power would also mean to abandon one's responsibility as a citizen. In order to clarify this notion, we will take our point of departure in the notion of "taking responsibility for oneself". This notion is well known, but has not attracted the same attention from philosophers as the related notion of moral responsibility. This notion should also be distinguished from the notion of autonomy, though they are related and mutually supporting each other. The essential point here is, however, how this notion of "taking responsibility for oneself" relate to the responsible citizen, who takes responsibility for his/her society. This particular notion of taking responsibility for something does not seem to have an independent status in standard studies on moral development, even though they hint at the subject. We will mainly look into Jean Piaget. One of the key issues here is, of course, education. Citizen education touch upon the subject, but does it really get to the bottom of it?

Lucas. L. O. Cardiell, Research Fellow, The Migration Institute of Finland
Stateless in the World of States: Citizenship Deprivation and its Resonance in the International Legal Sphere

During the past few years, there has been an extensive analysis and fervent legal debate over criminal and administrative measures meant to fight international terrorism, specifically to cease the flow and prosecute the so-called "foreign fighters". The impressive number of individuals joining terrorist organizations, and the international dimension of their activities, mobilization, and travel patterns, have created an "acute" situation and a growing threat to national and international securities. Turning to citizenship law has been one of such measures aiming at turning concerned individuals into aliens and keep them out of state's borders to empower national security. Citizenship deprivation, however, is not a new phenomenon to the international legal domain. The practice reached extreme levels during and after World Wars, as illustrated by the denaturalization of British and Belgian citizens of German origin after the World War I. During the Nazi era and inter-war years citizenship deprivation was used as a legal and political tool to banish a large number of populations, political opponents, and their Jewish citizens. This was obvious in the case of Belgium's stripping citizenship of the collaborators after World War II. However, the war against terrorism following the 11/9 events revived the issue in the foreground. In the UK, it was passed as part of the Immigration Act, which enabled the government to revoke citizenship in some cases even if it results in statelessness; similar cases

occurred in the US and Canada but neither passed. In a comparable vein, reforms have meanwhile been announced in Israel, Spain, France, Belgium, Norway and the Netherland concerning citizenship law following the latest terrorist events took place in Europe and the US. The act of citizenship deprivation is considered according to two different often interrelated, dimensions, namely: external and internal. The former refers to the act of deprivation resulting in statelessness when it has impacts on the rights and interests of other States, or when it otherwise touches international obligations. The latter dimension refers to the act of deprivation also resulting in statelessness but that as local consequences in cases where a State would treat a citizen deprived of his/her citizenship like a non-citizen in regards of social and political rights. This paper examines a particularly troubling instance and problems of the external dimension of citizenship deprivation resulting in statelessness and questions depriving states' international legal commitments. It poses the following questions: "What are the external effects of the act of citizenship deprivation resulting in statelessness?" and "Is citizenship deprivation inconsistent with a State's international obligations defined by IL?" The paper argues that the newly expanded citizenship law used as a tool of counterterrorism put the depriving state in a position at risk of its international legal obligations as rendering someone stateless is a prohibition found in the corpus of IL. And such a policy may undermine the national security of other states by exporting terrorism abroad in a sense that the primary burden of dealing with stateless individuals is left mainly on the shoulders of the state in which these individuals are operating in.

Neli Dobрева, ATER, University of Paris I Sorbonne-Panthéon

Rethinking the environmental aesthetics in the global age

Does the question of relationship between aesthetical reason and human behaviour still has actuality without thinking human environment in its complex totality? Ecology and democracy; aesthetic and anesthetic; sensitivity and emotion should be reviewed under the light of the totality of human experience, including aesthetic attitudes as in the pragmatic tradition (Dewey); but as well through everydayness as template of dysfunction in democracy asking what could/should be done to build and maintain a democratic culture (Mogens Chrom Jacobsen; Carsten Friberg). On the intersection of humanities disciplines, I propose to use the unique opportunity of the NSU Summer session at Faro, Sweden, to question the different circles about the way we could rethink through the tools of the contemporary aesthetics (analytic and continental) the real space and the imaginary geographies that are encircling us in our everyday experience. Political utopias, real conflicts and theoretical problematization, should be able to trespass the borders between disciplines as: political science and art (ex. urban landscape; natural “artialisation” in terms of Alain Roger; design and organization of public spaces and facilities; or still “artification” which is an exclusive term for Western forms of thinking as according to Shapiro & Heinich etc.); human geography and new technologies etc. Thus my project is a tentative approach to see how we could make a network within the NSU circles rethinking the environmental not as an under-discipline of the aesthetical heritage but as a way to see the contemporary forms of life in their complex societal existence. And the way, in which these forms of life inside everyday things i.e. ways of existence, are including or excluding the very notion of citizen (citoyen) and transforms the human existence on a global schedule (through Laws, Acts, conventions, etc.)

Oleg Bresky, Professor, European Humanities University, Lithuania.

TBA

Mogens Chrom Jacobsen

Foucauldian Features in the History of Human Rights

My book, *Three Conceptions of Human Rights* (2011), wherein I outline the intellectual history of mainly liberal human rights, is tributary to Michel Foucault in different ways. First of all, I share with Foucault his rejection of teleological history writing: in human rights, how virtually everything converged towards human rights as we know them today. Strictly speaking, human rights in the liberal sense was invented in the 18th century and the actual term (*rights of man, droits de l'homme*) became popular quite late in that century, but the conceptual apparatus necessary to formulate these rights was developed much earlier. I have argued that this conceptual apparatus was well-defined by Augustine of Hippo. At a rather abstract and conceptual level you can speak about a continuity until the 18th century, but before this time this apparatus had different functions and meanings depending on the social and political context, so there are many ruptures and transformations in this story. In most of the Middle Ages this apparatus served to bolster the secular power against the ecclesiastical power, but with Locke, the English, American and French Revolution something happened, it was now used to bolster the individual against the state. That is how we got liberal human rights, but the surprising thing is that they remained popular for a very short time. I compare this to the short life of the mayfly, though it had lived a long time as a nymph. Foucault's rather sparse comments on human rights suggest exactly this. Human rights look backwards and they are related to the public law *dispositif*. Following Foucault's line of thought we should then take a particular interest in the public law system in order to describe the nymphic stage of human rights and how this stage took its beginning. This system was not the main focus of Foucault's investigations, and for this reason much less developed by Foucault, though essential in order to make

intelligible the history of human rights. I will therefore insert the story outlined above into the Foucauldian approach. Foucault outlines, in fact, a series of *dispositifs* which acquires dominance in successive periods. The *dispositif* of public law is gradually superseded by the disciplinary *dispositif* from the 16th century onwards, and this *dispositif* is incorporated in and become subordinated to the security *dispositif* and the biopolitics from the second part of the 18th century. In order to make clear how the Foucauldian approach is illuminating for the history of human rights, we will regard it in analogy with Foucault's account of punishment in *Surveiller et punir*. The sudden way prison sentences imposed themselves in spite of there being no trace of them in the penal law reformers of the late 18th century will also shed light on the fate of liberal human rights. In both the ancient regime and with the law reformers, punishment sanctioned the breaking of the law, but with the reformers, punishment is calculated in a much more individualized manner to make violations less attractive. Within the security *dispositif* punishment is no more a fixed entity, but subject to various considerations related to the management of the population. In both the ancient regime and with the reformers, the law and the corresponding rights are fixed once and for all, but with the drafters of the 1789 declaration, rights are claimable by the individuals. Within the security *dispositif* rights are no more a fixed entity, but subject to various considerations related to the management of the population. Rights are consumables necessary for something else. In both cases penal reform and liberal human rights were quickly submerged by the emergent civil society and bio-politics. Bio-politics actually killed them both.

Qivioq Nivi Løvstrøm, Chair of ILI ILI - Student Organization, Co-chair of Global Indigenous Youth Caucus
Democracy and Globalization in Greenland