

*Uppsala Rhetorical Studies* **U R S**

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ENGAGING  vulnerability

**CAN A PERSON BE  
ILLEGAL?**

Refugees, Migrants  
and Citizenship in Europe

**Anthony John Lappin**

Borders of the Self, Borders of  
the State

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Anthony John Lappin — Borders of the  
Self, Borders of the State —  
Refugees and the projection of  
human rights

*We must break free of the EU and take control of our borders.* So ran the message at the bottom of the United Kingdom Independence Party's now infamous poster inciting a Leave vote in the Brexit referendum: *BREAKING POINT. The EU has failed us all.*<sup>1</sup> The picture chosen to illustrate this European-wide institutional collapse was perhaps inevitable: a snaking line of Syrian refugees, the image captured in Slovenia the previous year.<sup>2</sup> Given the xenophobia and violent intolerance which accompanied and followed the Brexit vote — from the loudmouthed followers of the lacklustre England team in the Euros, the violence against and murder of Poles, the enormous increase in homophobic crimes —,<sup>3</sup> attempts to diminish the impact of this poster on the result by the nationalist party's sole MP at the time, the Honorable Douglas Carswell, look at best rather serpentine.<sup>4</sup> Immigration was a key issue in voters minds: not just visceral opposition to Syrian refugees,<sup>5</sup> but the hostility to the migration of any and all EU citizens.<sup>6</sup> The refugee status of Syrians, fleeing war and barbarity, was purposely confused with others who came from economic necessity.<sup>7</sup> The discussions and stereotypes were shaped then, in the same manner against which the United Nations High Commissioner for Refugees had warned five years earlier: “the human rights agenda out of which UNHCR was born, and on which we depend, is increasingly coming under strain. The global economic crisis brought with it a populist wave of anti-foreigner sentiment, albeit often couched in terms of national sovereignty and national security.”<sup>8</sup>

Indeed, despite assurances that EU citizens would be able to remain after Britain seceded from the European Union during the campaign, the British government quickly determined that keeping their status uncertain would be useful in negotiations

over the United Kingdom's departure.<sup>9</sup> Non-nationals are cast as disposable, dismissable, distrusted and despised, as politicians attempt to conscript the “will of the people”, as expressed through badly-formulated referenda, to renege upon treaty obligations.<sup>10</sup> My own status, as a repeated immigrant through various European countries taking advantage of one of the four freedoms within the EU's single market,<sup>11</sup> leads to a rather perturbed awareness of the fragility of these structures, and how little can be done when a government is determined to repudiate their previously expressed responsibilities.<sup>12</sup>

The image chosen to express the failure of the European Union and the consequent need to “control” the borders of an island state, has its focus in the centre, shading off into blurred figures both fore and back, in seemingly self-ordered motion without any external influence or authority; it was rapidly equated with Nazi-era depictions

of Jewish refugees.<sup>13</sup> There was not necessarily any direct influence (I think it unlikely that the purple-tied enthusiasts for closing Great Britain to foreigners make a habit of watching black-and-white antisemitic propaganda films, particularly when in German).<sup>14</sup> The polygenesis can be explained by the similar impulse which lay behind the deployment of such twinned images, however: to present migrants as an undifferentiated mass.<sup>15</sup> Indeed, Ukip themselves were only following in the path already taken by the Conservative Prime Minister of their country: the noxious Le Touquet agreement produced the bottleneck of asylum seekers, refugees, unaccompanied minors and economic migrants, held against their will in France by French authorities; it was these unfortunates that David Cameron described as “a swarm of people coming across the Mediterranean, seeking a better life, wanting to come to Britain”.<sup>16</sup> The English Defence Secretary, Michael Fallon, had spoken a year earlier of “whole towns and communities being swamped by huge numbers of migrants”, leading them to “feel under siege, [with] large numbers of migrant workers and people claiming benefits”.<sup>17</sup> Under siege, like Vienna with the Turks at its gates.

Although my focus has fallen on the UK because of the referendum in which exaggeration, misinformation and simple lies held centre-stage — and had been spun in the English press for over a generation —,<sup>18</sup> similar language can be found within public discourse in other European countries.<sup>19</sup> *Flood* and *destruction* became a common image: overwhelming borders, destroying civilization in their wake.<sup>20</sup> The eloquent graffiti on an electricity substation in Kyrkogårdsgatan (Luthagen), Uppsala — within not a kilometre from the site of our conference —, expressed well both the issues of national sovereignty and the necessary welcome that must be offered to refugees, whether they cross national borders legally or not: next



Fig. 1: The Muslims Waiting Patiently at the Gates (source: see n.1)

to the universalist anarchist slogan of “No Border · No Nation”, a pious rhyming couplet: “Den som flyr har inget val/Ingen människa är illegal!” (Those that flee have no choice: no-one is illegal).

A solution to the growing opposition to any acceptance of responsibility for refugees and asylum-seekers was found in halting crossing of borders in eastern Europe, and, in order to discourage refugees from availing themselves of the dangerous and expensive transit routes through the sea, through an agreement with Turkey to keep refugees there and to allow refugees to be returned there: in essence, nominating Turkey — with its poor political human rights record — as an honorary member of the Dublin Regulation.<sup>21</sup> This accord between EU states specifies that asylum seekers are obliged to seek asylum within the EU at their first port of call, rather than attempting to cross the continent, and providing for their return thence; the same regulation which led to the Le Touquet under-

standing between France and Britain, in turn creating the Calais “Jungle” (and the daily abuses suffered by those there, particularly minors).<sup>22</sup> Although the “Jungle” itself was demolished and a project for bringing minors to Britain begun in late October 2016,<sup>23</sup> this was quickly discontinued by the new government;<sup>24</sup> in any case, as was feared, hundreds of refugees have since returned to Calais despite the dispersion programme.<sup>25</sup>

This decision to implement a strategy of “comprehensive, large-scale and fast-track returns to Turkey of all irregular migrants not in need of international protection” was taken on 7 March 2016 in a communiqué which mixed the formal language of inter-governmental statements with the more expressive and direct rhetoric of the populist soundbite (“The Heads of State or Government agreed that bold moves were needed to close down people smuggling routes, to break the business model of the smugglers, to protect our external borders and to end the migration crisis in Europe. *We need to break the link between getting in a boat and getting settlement in Europe.*” [my emphasis]).<sup>26</sup> It was immediately criticised as falling foul of international law, because the fast-tracking demanded amounted to mass expulsions, strictly prohibited by the European Convention on Human Rights;<sup>27</sup> and that the transfers were likely to infringe the prohibition on refoulement, and were also inextricably linked to Turkish refoulement of Syrian refugees at its own borders.<sup>28</sup> (Although there is no duty on the part of a state to grant asylum, there is a duty to avoid refoulement).<sup>29</sup> Part of the discussion centres upon the human rights of the refugees, and how they may or may not be infringed;<sup>30</sup> part on the necessary fulfilment of international treaties. Part of the dehumanization of refugees, however, calls into question how human rights may be attributed to them,<sup>31</sup> and it is this element which I intend to explore during the rest of my



Fig. 2: © The Collective

contribution; I shall not, however, simply argue that human rights must be applied to refugees, but rather to explore the fault-lines in discourses on human rights which leads to their rejection, non-application or contradiction in these specific circumstances, and the consequences for the advocacy of human rights itself.

Human rights are often presented as both unarguable, unrescindible, and ideally available to all; they are universal, and sometimes even projected backwards in time before their formulation, on a model of scientific discovery uncovering laws of nature, so these moral laws are also unearthed, not simply invented, depending upon a atemporal moral truth about human beings.

Yet the nature of human rights law, although it enshrines the individual as its subject, primarily governs the behaviour of the State, rather than lesser organizations or individuals.<sup>32</sup> Both the State and the Individual — rather like Universal Human Rights — have their own pre-history; and the rise of the individual is one with the steady domination of the modern State; and the rise of the modern State is really the rise of the Western modern State. I shall progress in my argument through consideration of a limited number of explanations for these developments, wherein I shall combine sociological description with metaphysical discursivity. Let us descend to the atomic level of our human rights, the In-dividual, the undivided one in whom rights are vested (and invested); but rather than turn the discussion into a breathless charabanc-tour of the Past, I wish to consider rather more closely what “the Individual” leaves behind when it begins to rise, what primaeval soup of indistinct and stagnant amino acids gurgles away, beneath our vision. I will then move on to “where we are now”, using Bordieu’s work on the modern state as my means of focus; I intend to take the definition that Bordieu formulated into an area in which he refused to tread, into the

realms of post-colonialism and attempted Western hegemony, or, rather, Western hegemonizing.

One of the most pervasive explanations for the existence of individuals is Foucault’s identification of the “technologies of the self” that developed (as he argued) as a means of social control during the middle ages. The social control was exercised through a pastoral apparatus focusing upon confession of sins — thereby, in a sense, creating a *self* which could sin, which had to be observed by the self, a sort of doubling down, a projecting and observing of shadows. That is then continued into the tribunals of the Inquisition prying into sinful thought and heretical opinion, and into the whole architecture of surveillance dreamt up in modern psychology, psychoanalysis, psychiatry and assorted psycho-babbles.<sup>33</sup> We might be impressed by this rather interesting thought-experiment, and enjoy the priestly lineage established between rabbi and confessor, and Sigmund and Karl. Nevertheless, it seems strange how *un*-public Foucault himself was; intensely private in his sado-masochism, the assiduous cultivator of an air of deep mystery. Yet, if we consider Foucault as a historical entity, not purveyor of timeless verities about power and truth, his attitudes and inflexions are much indebted to Sartre, and in himself, in his personal pursuits, as a fine expression of the self-fashioning *individual*, the existential revelling in nauseated and therefore self-directed freedom.<sup>34</sup> Such self-freeing from constraint thus entitled him to look back at these cultures of dependency with an air of self-sufficiency.

The question, then, is not so much where this “self” comes from, but, rather, whence comes this self-fashioning individual, that can despise the direction of others? That sees hierarchy as imposition, and the forgiveness of sins as oppression? We may fix our gaze at a rather more distant period to the heyday of Sartrean existentialism, and to

another Frenchman, more brilliant even than Foucault, who was the most fitting observer of an epochal change. Alexis de Tocqueville was born in 1805 to Hervé Louis François Jean Bonaventure Clérel, Comte de Tocqueville, and rose through (or perhaps glided at the top of) post-Revolutionary French political society. His aristocratic origins, rather than offering a drawback, gave him a vision into the past which was crucial for understanding what was going on in his own present. At the beginning of the fourth decade of the eighteenth century, he made a tour of the United States, ostensibly to inspect and report on the penitentiary system. What came of the voyage was his most famous work, *De La Démocratie en Amérique*, first published in 1835, tracing the forces that were forming the United States, and, by the time of the book's twelfth edition in 1848, were also shaping France; it is from the English translation of *De la Démocratie* that "individualism" in the political sense entered the language with such particular force.<sup>35</sup> For de Tocqueville, a society which had become republican in its mode of government had an unusual status: by removing the crown from the apex of government, and, more importantly, the nobility from the process of government, equality of conditions was enforced. Equality meant independence, it signified self-making, it imposed self-concern. The individual existed within an economic system no longer controlled by vested, *dynastic* interests. De Tocqueville considered that the current of medieval history flowing up to his own day had tended towards bringing about equality, and he further believed that equality would win definitively in the future. Yet that triumphant procession towards social individualism did not blind him to what he considered significant dangers, since equality of condition would not in itself produce any form of social solidarity: quite the opposite. It is rather as if de Tocqueville looked at the Revolutionary triad, *liberté — fraternité — égalité*, said they were all

marvellous, and invited the reader to pick any two. Liberty and equality are centrifugal, separating citizens from each other, and from a sense of responsibility to the social or the common good, from the possibility of *fraternité*. Only personal, extremely localized interests predominate.



Fig. 3: The Price of Freedom is Eternal Vigilance<sup>36</sup>

The model he suggested to avoid the centrifugal force was through encouraging political service, by drawing people in to social bonds, in making them responsible for others, and with having them see consequences beyond their own success and failure. His solution to the absence of an aristocracy was, essentially, to encourage the more capable to become aristocrats. Because for de Tocqueville, as for any former descendent of the Ancien Régime, the aristocracy was not about the possession of a stately mansion in the country, resplendent within its own parkland; was not about ermine and garters; and was not about titles in and of themselves. In de Tocqueville's vision, in his practice and following the experience of pre-revolutionary France and formed through his devotion to England, the aristocracy was essentially the cadre of reforming, technocratic beurocracy, used to governing, raised from childhood for governing, but with the sense of *noblesse oblige* towards others. This society of regimented strata, as de Tocqueville looked back with a degree of invented (or perhaps inherited) nostalgia, was characterized by solidarity, not equality: those in each strata bound closely to their fellows, each strata dependent upon those above them, everyone required to help those below them. The bonds, because position was inherited, were stable, were more-or-less ben-

eficial; they were not limited to the present, but stretched back into the far distant past. Moreover, these bonds also cascaded forward onto succeeding generations.<sup>37</sup> “No man is an *Iland*”, wrote John Donne on his feverish sickbed, in a perfect anticipation of de Tocqueville’s thought: “No man is an *Iland*, intire of it selfe; every man is a peece of the *Continent*, a part of the *maine*” (that is, mainland).<sup>38</sup> So spoke Donne, sometime polemic mouthpiece for King James I of England and VI of Scotland, as European states crept towards monarchical absolutism, with society ordered beneath the increasingly sophisticated and powerful apparatus of the state. It was to this structure that the *philosophes* of the Enlightenment were pleased to pledge their allegiance.<sup>39</sup> It is already a society which is more-or-less susceptible to Bordieu’s description of the modern state.<sup>40</sup> Bordieu divided society into disparate “fields” (art, medicine, law) in which the activities were carried out as goals in themselves, so law practiced for the sake of the law; but, in doing so, individuals find in them sources of capital (physical, intellectual, social, inheritable, capital), and provide constructive, constitutory service to the State, which grants the symbolic worth of these fields, shifting at times the symbolic capital around. Thus the State becomes the meta-field: the fields themselves are nested beneath that which encompasses them all. One crucial part of this Bordieusian State, however, is the relationship of individual to State, not through fields, but through creation of individuals by recognition of them as bearers of rights, the inculcation of those “inalienable” or, better, “intrinsic” rights through education and practice.

Instead of arguing for or against human rights because they imply a moral universal, or because they only require pragmatic acceptance,<sup>41</sup> I shall adopt a view in which human rights are part of the symbolic currency of the State, a means of engendering

hegemony through the channelling of discord through individual complaint within the controlled legal system, rather than social mobilization to revindicate the rights of a class or a social segment.<sup>42</sup> We all see the benefits of human rights, and it has provided highly structured and stable societies (although, at the moment, still of relatively short duration). So although human rights are supposedly possessed by individuals, they are not vested in an individual in the way that, for example, life, thought, happiness, potential for labour, may be said to be; they are frames by which individuals are conceived on a social level and provide a brake on, or method of, activity by which modern States limit and constitute themselves. And when one says a ‘modern State’, I do mean a post-second world war state. Human rights were proclaimed as universal, yes, to protect the individual; but also as a means to prevent states ‘going rogue’, which was particularly important in relation to highly industrialised, populous states. And thus, on one level, it responds to how States see each other.

In this way, statal modernity becomes identified with human rights. Since the very concept of human rights depends upon the existence of “individuals”, with all the long, torturous process that threw them up in the first place, this can become a yardstick of progress and advancement. To be modern, a society must be amenable to being carved into just those indivisible atoms, and furthermore provide those atoms with unassailable prominence.<sup>43</sup> Habermas’s celebrated defence of human rights, with its universalist assumptions, ends by linking the development and adoption of rights with modernism and — crucially — the modern liberal economy: with the progress of the liberal economic system, the aspect of human rights must be adopted; resistance, in effect, is futile.<sup>44</sup>

The linking of human rights with economic change and globaliza-

tion would do nothing to quell anxieties that the former is but a Trojan horse for the exploitative aspects of the latter, destroying communal and corporatist means of resisting “development”. Yet Habermas’s justification is but one of many, of varying types, of different hues, and variagated patterns. One of the difficulties with maintaining human rights (other than as part of the unexamined life) is the lack of any consensus on their foundations: rooted in the individual, universalist, with an explicit conception of human nature and the necessary goods of the same. Even as the Universal Declaration was formulated, the lack of agreed philosophical and cultural foundations was causing a certain degree of anxiety. Thus Jacques Maritain foresaw the danger of absolutism in the application of human rights in his commentary that was published a year after their promulgation.

It would be quite useless to seek for a common rational justification of those practical conclusions and rights. That way lies the danger either of seeking to impose an arbitrary dogmatism, or of finding the way barred at once by irreconcilable divisions.<sup>45</sup>

Since the relations of human rights are essentially the means by which the individual relates to the State and vice-versa as mediated through law, it cuts out those institutions which, for de Tocqueville, were essential to civil society: churches, mosques (understood not as buildings or formal instutions but as associations), trades unions, families, clans, citizens’ groups; not only essential to civil society, but essential in providing an education into what can be done in civil society, and the responsibilities of groups to the whole.

We may now turn to the means of spreading “human rights” —

that is, in more sociological terms, the “frame” of understanding disputes as an infringement of rights;<sup>46</sup> and necessarily constructing an “individual” to be able to lay claim to those infringed rights, who must also seek their own advantage through appeal to supporters of the concept of human rights (usually foreign NGOs). Such a ground-up way of inculcating the concept of both individual and concomitant human rights is currently receiving much post-colonialist criticism for its destabilizing impact on ‘traditional communities’ — or, in the views of the NGOs concerned, on necessarily oppressive communities.<sup>47</sup>

One aspect of how the delicate plant of human rights is rooted in stony soil is through the involvement of foreign NGOs; another aspect of the cultivation of human rights is the pressure exerted on states to adopt them. The pressure, of course, comes mainly from Western European democracies; and the pressure is exerted on states that do not share the historical and geopolitical experiences, or the philosophical and religious and civil traditions, of those democracies. If the existence of human rights is a truth to be universally acknowledged, then this is of no importance: compulsion is just what any law-abiding and human-rights informed State should do. However, if one accepts that human rights have grown out of a western tradition of jurisprudence and secularization, then it looks very much like another example of western assumptions of the universality of western belief-systems, and an orientalizing discourse (in Saïd’s terms) about primitive others. Insistence on the observance of human rights, and publicising heinous failure to do so, may also be criticized, more acutely, as a means of distracting from those states’ own failings in their own more immediate dealings.



Fig. 3: Closetted Concerns.<sup>48</sup>

We might just pause for a moment and consider early twentieth-century sociology, its fascination with the rise of the individual, and its commitment to this as an indicator not only of progress but evolution. Backward peasant societies and their communal outlooks giving way, through transplantation, emigration, modernization, to the modern, self-concerned, free, liberated, individual.<sup>49</sup> This is not just observation of processes occurring, say, in the 1920s in the USA, but an assumption about the progress of history and evolution.

States which have not undergone this process, or in which a large body of the population are still wedded to traditional social structures and mental thought-processes — or their social ‘frames’ —, are both necessarily pre-modern and waiting to be modernized by the application of human rights. The adoption, then, of the Universal Declaration of Human Rights into the constitutions of 157 countries

shows little more than the impressive hegemony of the west in the second half of the twentieth century. Actual implementation is rather more patchy, to say the least.

Yet the characterization of states, countries, régimes, peoples, and religions, as inimical to human rights has had profound consequences. One of these is the view that these people are not individuals (which I think is objectively true); but then the paths divide: either they are incapable of becoming so or they are naturally individuals (but bound in chains) and will become so without effort. The universalizing assumption behind human rights has led its conception and growth within what is essentially a local biosphere to be occluded. As they should be always and everywhere applicable; then if they cannot be applied, there is something wrong with those people or that society, not that the rights themselves do not match every particular instantiation of the human social condition.



Fig. 4: Carlos Latuff's Oriental Symphony

Such a characterization is not innocent. Conflicts between these pre-modern peoples and pre-modern State actors are not defined as the geopolitical struggles we ourselves engage in, but rather as “sectarian conflicts”, reducing the actors to demagogic puppets of long-dead medieval theologies.

The development of human rights has led to a series of inalienable possessions being foisted upon the individual, based upon a fundamental assertion of the individualist’s necessary maxim: equality for all. There is, however, another tradition of rights which are inimical to this outflow of liberal humanism: indigenous rights, the granting of special treatment as communal rights to a (usually ethnic) group,<sup>50</sup> the justification for which is usually historical exclusion from the workings of the state. We might say here that the enlightenment tradition of *equality* has been sacrificed to *fraternity*. Yet even within the tradition of individualist rights, though, a similar development has taken place: equality is now modulated by protected characteristics (inherent and inherited racial, sexual, religious; or through “self-identification”). Often such characteristics are granted protected status for good reasons: to cope with and ameliorate, again, situations dependent upon historical injustices or to placate previously intractable conflicts. Yet in this conception of rights, universal equality, the fundamental wellspring for conceptions of rights-based societies, takes a serious blow.<sup>51</sup> This, in turn, generates a series of what we might term boundary-disputes by the application of human rights law, collective rights law (with the subsequent creation and sometimes proliferation of bodies deserving of collective rights), and political opportunism. We might take as a suitable example of the conflict between religious freedom and minority expression that of Ashers, a Belfast bakery, whose refusal to decorate a cake with a message in favour of gay marriage led

to a lengthy legal battle, since in Northern Ireland both homosexuality and religious affiliation are protected characteristics.<sup>52</sup>

(The Northern Irish Appeal Court, in a judgment criticized across the political spectrum, upheld that indirect discrimination

trumped a matter of conscience).<sup>53</sup> A rather different aspect to minority concerns may be seen in the debate over transgender access to female bathrooms in the United States, which saw transgender rights pitted against, for example, female sexual abuse victims.<sup>54</sup> The political effects of the Obama-administration’s transgender advocacy may have been significant in the subsequent election.<sup>55</sup>

The question of the “swarms” of undifferentiated refugees, however, may find a response in just such a non-individualist solution to rights. A means of coping with the influx of refugees, coming from resolutely un-modern states, and to counter their rejection by a significant minority (and possibly a majority) of the European population, to thereby reduce the fear generated by the rise in extreme right-wing parties in the political class, and avoid the simple low-level violence, on both sides.<sup>57</sup> A way forward for refugees may have been the decision to grant refugees protected characteristics, with a recognition of initial non-individualism and non-equality, with the the production of representative institutions which (in Tocquevilian terms) would tend towards the social education necessary to enter fully into an individualist (or post-individualist) society. This



Fig. 5: Dangerous Plumbing in Houston<sup>56</sup>

would have provided a form of tutored “accommodation” (in Mylonas’s three-fold division of responses to minority groups); but not a static reduction of status, but a gradual means of moving towards “assimilation”.<sup>58</sup> The furious rejection of Kamel Daoud’s own suggestions along these lines elucidates the fundamental clash within human-rights democracies: between the universalist assumption that human rights are rooted within humanity itself (and therefore will be recognized as just and *adoptanda* by every right-thinking individual); and the recognition that human rights are themselves culturally specific, and therefore create the need for incremental adjustment to new norms.<sup>59</sup> The question of refugees — and their rights — thus becomes a crucial theatre for dramatizing the conflicts the undergird the different understandings of human nature, modernity and universalism which have developed within the vacuum left by the lack of a firm justification for the existence and application of such rights. This absence is not simply a philosophical and metaphysical misfortune, but a significant hollow at the heart of western European views of itself.

Of course, a proposal which denies intrinsic human rights to all might come across as the thinking of a thwarted Fascist with a hankering for the recreation of Apartheid-era South Africa; but, here, no assertion is being made over inherited and unalterable characteristics; rather a gradual but directed assumption of the responsibilities of living within a modern, individualist state: a process of communal learning. As it is, moderate opinion has adopted the more drastic solution of deportation (Harris Mylonas’s third form of response to minorities: “expulsion”), motivated in part by the inability of those arriving to sign up whole-heartedly to the modern range of human rights (particularly female equality and all that this entails).

The self-characterization — and political engagement — of the West as champion of human rights world-wide has been to the fore in its conflicts and its conflict-resolution; however, the apparent indifference — and often irrational hostility — to the human claims on succour by refugees fleeing simple barbarity, has resulted in the reach and attractiveness of the continual western development of human rights being significantly curtailed. Just as with the case of the United States and the protections of its Constitution, Europe has come to a point where human rights really are limited very specifically to the citizens of its states; and if that home state does not provide them, they are not provided. The universality of those rights are simply not recognized even by the culture which encourages their adoption throughout the globe. In this way, human rights have become fundamentally eurocentric, designed only for Europeans; and others — “the lesser breeds without the law”, to make use of Kipling’s heavily ironic phrase — are unfitted for them.<sup>60</sup> One of the real attractions of human rights as a moral rallying call was their universality: a moral duty to always and everywhere respect them. That clarity accounted for much of the enthusiasm with which they were proposed, for the attempts to foment their acceptance by NGOs, for their philosophical justifications and for their continual development and expansion. They have been a very useful tool in all kinds of ways.

The negation of these rights as “universal” has disturbed that paradigm, and delegitimized the process of justification and missionary expansion. The contradiction has been seized upon by non-democratic states like Putin’s Russia, ever keen to stir any pot. Yet it is also being grasped by the West’s NATO ally amongst the Muslim world. So Erdogan, in a speech in northern Turkey in May 2016, said:

Shame on those who in the West divert their sensitivity to the so-called freedoms, rights and law shown in the debate over gay marriage away from Syrian women, children, and innocents in need of aid. Shame on those who divert their sensitivities to the living space of the whales in the seas, seals, turtles, away from the right to life of 23 million Syrians. Shame on those who put their security, welfare, comforts ahead of other people's struggle to survive. Shame on the slavery-and-colonial-era mindsets, that set their eyes firstly on incoming refugees' money in their wallets, and jewellery on their arms and necklaces.<sup>61</sup>

Shame, shame, shame, shame. One's first reaction may well be to wonder what on earth whales and seals have ever done to Tayyip, or to raise one's eyes to heaven at the never-ending homophobia of Islam. Or, indeed, to frame Erdogan's speech, as *The Independent* did when it reported his words, with a selection of "Erdogan's craziest quotes".<sup>62</sup> This is understandable, from a Western point of view, but also profoundly unhelpful in understanding just what is going on. A minister from the Foreign ministry, Naci Korum, confirmed the government's claim to superiority based on their exemplary behaviour, carefully noting the difference between European and Turkish responses:

Despite all challenges, Turkey has kept its doors open to Syrians since the very beginning of the crisis. Turkey has always avoided discrimination based on ethnicity or religion. We expect the international community to show the necessary solidarity and act with greater sensitivity with respect to burden-sharing.<sup>63</sup>

Of course, there is fundamental differences with how Turkey can cope with refugees to how the European Union can. Equality *within* Europe and *between* Europeans imposes all to grant just those rights to anyone within the borders of the oecumene. If there are too many refugees (and there are many views of just how many, from one to one million), and the provision of succour, protection and assistance to refugees, no matter the desperation of their plight, must take place elsewhere. In a sense, strong western European attachment to human rights as always applicable, and particularly applicable within the EU's borders, imposed the closure of those borders to the Syrian masses.

Similarly, Erdogan's observations about human- and animal-rights developments in the West being more important than the fate of the Syrians, the women, the children, the innocents, cannot be understood as a mistake, not some "crazy quote" from a madman or out-of-control despot. Indeed, Erdogan's speech was something *Russia Today* were quite happy to run with, despite their wonted hostility to Erdogan following the shooting down a Russian fighter jet when it crossed the Turkish border for a few seconds.<sup>64</sup> The refugee crisis is providing excellent material for varying standpoints opposed to democratic rights-based state-formation. Although usually overlooked, Erdogan's speech formed the basis of a new partnership with Putin, which has only strengthened after his "survival" of the coup on 15 July 2016.<sup>65</sup> Erdogan is now looking particularly to present himself as the leader of semi-democratic Islamic/Sunni polities (he is the inheritor of the Sublime Porte, of course), but at the same time offers a "traditionalist" united front with Putin's autocratic rule. What Bosnia was to Muslim opinion in awakening a profound distrust of Western political intervention, so Syria — or the Syrian refugees — is generating the corresponding distrust of Western in-

tellectual, cultural projections. The consequences of the closing of the doors and the profound hostility to those already arrived will be huge: not just within Europe, with a re-awakening of racism, but within a much wider setting across the globe. The distrust and rejection of refugees — built upon distrust and rejection of both Islam and middle-eastern societies —<sup>66</sup> has diminished greatly the impact of human rights discourse, in that it now fails to be even a rhetorical tool of superiority. The Great Civilizing Mission, our own version of Kipling's again-ironic "White Man's Burden", has come to an end.

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