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Contents

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Diasporic Law: The Politics of Indian Transnational Citizenship in Germany
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Introduction

Germany is the third largest immigrant nation with over 10 million foreigners, behind the United States and Russia (Statistisches Bundesamt Deutschland 2008). In 2005 the German government codified this reality into law by acknowledging its status as a nation of immigrants. Germany's large immigrant population is a diverse one: while internal European migration accounts for much of this population, Asian and African migrants account for a growing percentage. However, for these newly considered immigrant countries, not all immigrants are equal; beyond country of origin, German immigration law has further delineated immigrants as skilled and unskilled workers. These distinctions have paved the way for a new generation of Indian migrants in Germany who have developed a new sense of belonging in a foreign land through the formation of transnational citizenship. As Indian nationals keep migrating to growing economic powers in Europe, Germany is considered an obvious choice next to the United Kingdom. Germany's role in regulating commerce and the Eurozone at large makes it a clear choice for migrant populations.

Over 80,000 Indian Nationals or Overseas Indian Citizens reside in Germany, and despite their seemingly small numbers, they play a unique role in shaping German politics and culture. Recent Indian regulations have established an Overseas Citizenship of India program, and Germany's Green Card initiative has been quite successful at attracting Indian Information Technology professionals (Statistisches Bundesamt Deutschland 2008). These dynamic factors are among many that have created intricate legal and economic relationships in regards to citizenship in a post-unified Europe among individuals, identities, and nations, where nation-states must balance financial interests while maintaining a cohesive national identity.

This paper focuses on the effects of the Indian Diaspora in Germany in regards to: (1) the international relations of diasporas, (2) the economics of migration, and (3) critical legal theory. The role of common identity construction in international relations will be investigated by analysing the Indian Diaspora in a holistic manner, which includes analysing both global and local politics. Moreover, by examining the microeconomics of immigration, I will be able to identify the underlying factors behind migration movement. Finally, by employing critical legal theories and studies of transnational ethnic networks, I hope to establish a firm theoretical and pragmatic backing for the research.

This paper proceeds with five sections. Section II is a discussion of the frames that will be applied in the research, which will include a description of the hypothesis, scopes of particular research elements, and the application of different comparison models. This discussion of framework is particularly important because it will describe, contextually, the following analysis as well as guide the fundamental research. Section III is a discussion of the international relations of the South Asian Diaspora in regards to transnational politics. Section IV is an analysis of inter-country politics between the Indian and German governments. Section V is an analysis of critical legal theory, the Indian-German population, and their activism and perceptions of German politics. Section VI concludes and describes the further research that is needed.

I. Framework

Based on the nature of the Indian Diaspora as cited in the literature, the comparisons that can be drawn from divergent populations, and academic scholarship, I hypothesise that the seemingly disproportionate accumulation of economic, political, and cultural capital among Indians in Germany can be attributed to the Indian-German community's imagined transnational citizenship; and, while

assimilation may have generally been the original goal of this migrant population, many of the policies pursued by the German government have necessitated an imagined Indo-German community.

The implications of "transnational citizenship" are complex, but a clear definition is needed before any analysis can be conducted. Transnational citizenship redefines traditional notions of citizenship and replaces an "individual's singular national loyalties with the ability to belong to multiple nation states, as made visible in the social, political, and economic realms" (Bauböck 2003). Finally, in regards to the frames, these pragmatic and structural divisions in this theoretical manner allow for a clear bright-line in the discussion but also highlight the different actors at play.

The growth of Asian American studies has helped develop certain qualitative methods that can be replicated when examining the broader Indian diaspora. While Germany and the United States are quite divergent, they are both Western democracies that are considered economic hegemonies and for many political scientists, they have similar immigration demography and politics (Baumann 1997). Therefore, it seems appropriate to draw some comparisons and utilise best practices established by Asian American scholarship; additionally, this research positions itself with many of the contexts and precautions of Asian American academia. Moreover, scholars are cautious when proscribing broad claims concerning specific racial groups, for fear of homogenisation or even essentialism. Kibria discusses the paradox of Asian American identity scholarship and politics:

> At the same time, [Asian American Studies] has drawn self-conscious limits to this process by emphasising the fact that Asian America is not a culturally bounded entity but rather one that arises from the exigencies posed by racialisation in the US. Analysts of the Asian American movement have noted the inherent and ongoing contradictions of a movement that builds solidarity around the very category that has been used to racialise, homogenize and oppress those within it (Kibria 1998).

While there are difficulties when researching Asian American identity due to mixed ethnicity/race, generational gaps, foreign nationalism, and the aforementioned fear of racial homogenisation, it is important to remember that questions that concern themselves with nationality and ethnicity can clarify the scope and thus create points of comparison between sub-groups (Yanigasako 1995). These

intersectional and interdisciplinary methods can be exported in regards to the analysis of the Indian-German population.

Ultimately, understanding the particularities of Indian-Germans is not meant to further enforce stereotypes of apolitical citizens or academic "model minorities"; instead, deeper research along the lines of motivation and ethnic identity can incorporate new elements to frameworks and research methodologies that have been largely tailored for more dominant populations (Okamoto 2003). Specifically, many of the same stereotypes of Indians in Germany are apparent in America. While there may be truth to some generalisations in regards to class, gender, education levels, language capabilities, career and academic preferences, etc. these broad understandings should not be applied in an overly absolutist or constraining manner.

Unlike the United States, the United Kingdom, or other nations tied to the Commonwealth, Germany holds a unique role in shaping transnational Indian politics that is not normally perceived in other Western nations. The nuances in German immigration history as well as its contemporary policies in regard to Turkish migration make it exceptionally distinct when studying population movement through comparative studies (Freeman and Ögelman 1998). To date, there has been much academic focus on immigration policies in regard to internal European migration in post-integrated Germany; however, without examining the immigration options of Non-EU citizens in Germany there will be a fundamental lack of understanding of these policies. Methods of agreement and difference using prototypical European integration models as well as the Turkish migrant worker model will be used to contrast and isolate the extent of causality. Moreover, different case studies will be analysed for the purposes of process tracing and understanding the evolving Indo-German dynamic.

II. The International Relations of Diasporas

India has a complex and diverse migration history. Since the 19th century, ethnic Indians have established communities on every continent including islands in the Caribbean and the Pacific oceans. As expected, this diverse and far-reaching diaspora has created intricate inter-country relations. This research touches on just one manifestation – the Indo-German historiography. Understanding the overlap between these countries' domestic politics reveals a surprising constructive history.

German scholars, as early as the 18th century, wrote articles and journals lauding the philosophies and cultural arrangements of Indians; and, as Gottschlich shows, at the macroeconomic level the Indo-German trade relationship was one of the fastest growing bilateral trade regimes in the world:

> The exchange of goods, products, and capital has reached new heights. In 2005, the Indo-German trade volume totalled EUR 7.6 million. German direct investments in India accounted for more than EUR 1.8 billion at the beginning of 2004. Both numbers have increased significantly over the last years. Furthermore, cooperation in the realm of politics has also become of increasing importance to both countries (Gottschlich 2007)

Therefore, it should come as no surprise that immigration followed. However, it is important to note "extended visits from Indians to Germany remained scarce and only very few Indians actually stayed for a longer time" (Gosalia 2002). Consequently, there are hardly any sources that deal with Indian immigration to Germany before the 20th century. This begins to change in the early 20th century when two particular groups of Indians started coming to Germany in larger numbers (Gottschlich 2007). First, after World War I, Indian nationalists and freedom fighters challenging British rule began to explore the opportunities of Germany, a group later known as the Indian Independence Committee, many of whom were connected to the Indische Legion, an all Indian military unity attached to the third Reich. However by the 1950s Indians began immigrating in much greater numbers for academic and work ventures. Following that wave, a particularly successful type of Indian was given the opportunity to come to Germany: specifically, those who spoke English and had an academic scholarship or work

related justification for their immigration, and those who for the most part were upper-middle class or even upper class Indians (Gosalia 2002).

In response to its widening diaspora the Indian government took a common policy approach – they made it more difficult to claim dual citizenship, as is the case with many countries who want to maintain a strong sense of nationalism. Moreover, many countries felt as if they had to make the decision of allowing either single or dual citizenship. This dichotomy was believed to be sub-optimal, so a third approach emerged and compromises were struck, namely in the form of overseas citizenship (Baumann 1997).

Perceived as the initial step in the acknowledgment of these diasporas, India has established a policy of overseas citizenship, which formally allowed a type of dual citizenship (Goel 1998). There are still some sacrifices Indians have to make, and many believe this is a scheme to double tax overseas Indians. Despite these hurdles, this initiative has developed a legal precedent for transnational citizenship.

III. Economics of Migration

The various economies composing the sphere of international migration are largely influenced by national policies and cultural perceptions, but what many scholars fail to analyse is the duality and balancing of these meso-level politics. In this case it includes not only the policies of the German government, but the laws and stances taken by the Indian government. There are many constructed institutional barriers that often drive the decisions of these migrants, those who do not intend to naturalise, or in many cases immigrant populations.

Germany has begun to liberalise many of its policies in recent years. As Germany leads the European economy, policy-makers understand the importance of immigration, but historically there has been a mismatch between the policies and the cultural perceptions in regards to Indian-Germans. Many

legal scholars highlight the fact that "Germany is the country of Western Europe with the strongest attachment to the principle of ius sanguinis, which stipulates that German citizenship is generally limited to those whose ancestors are German" (Brubaker 1992). This has made it difficult in the past for persons with no ethnic claim to German citizenship to obtain it through naturalisation, although it was possible after a long waiting period and after meeting numerous requirements designed to ensure that the individual had integrated into German society and culture.

Additionally, naturalisation was at the discretion of the German administration (Freeman and Ogleman 1998), which added to the perceptions of a rigged system for many Indian-Germans. This framing of citizenship in regards to ancestral property rights is a flawed framing of migration and naturalisation, because it calculated Indian emigrants simply in regards to economic worth—often applied with more stringent standards when compared to other ethnicities. This mismatch exasperates ethnic tensions and resentment from either side.

Reforms to German laws have both helped incentivise and dis-incentivise Indians to migrate to Germany at different times. The pull factors can be divided into positive and negative incentives. One such positive incentive was that there were many pro-Indian citizenship and migration reforms. One commonly cited reform is the Green Card Initiative that was directed at attracting Indian IT professionals (Guha 2000). This policy was met with some degree of cultural backlash. Events at the localised level spill over into the international political economy. Recent hate crimes toward Indians and campaigns such as the Kinder statt Inder (children instead of Indians) to remove the subsidisation of Indian IT professionals help show the tit-for-tat racial relations (Zingel 200).

The implications of hate crimes in East Germany can be documented at the international level, for example resulting in stalled trade talks between the German and Indian government. At a certain point this prompted broad diplomatic discussion in India, and Asia as a whole promoted German

policy-makers to re-establish its commitment to India (Mehta 2000). Moreover, these incidents were questioned by fellow European peers of Germany in a manner that incited a degree of fear in its policy-makers.

A second group of factors often cited by first generation immigrants is the anti-Indian citizenship and migration reforms. The prototypical anti-Indian policy forced scholarship reimbursement in exchange for citizenship. This meant that those who had earned masters or doctoral degrees, on full German Academic Exchange Service scholarships, had to repay their tuition, a burden that many German minorities do not face (Punnamparambil 81).

Scholars are less interested in the push factors of Indian migration, because they are evenly distributed. As described in the framework, through methods of agreement many of the push factors of Indian migration are equally applied across the Indian Diaspora. This creates a degree of selection bias, and while this might lead to stereotyping populations when used to the extreme, scholars can assume, to an extent, the characteristics of migratory populations. Moreover, Baumann (1997) identified economic factors, social factors, in terms of class mobility, and environmental factors, such as natural disasters, as prominent push factors in India.

IV. Critical Legal Theory

Volpp (2007) at the Center for Race and Gender, began the contemporary discussion on the role of culture, race and gender and how it shapes international migration laws. Citing examples of recent legislation passed around the world, Volpp argues that rhetoric of "gendered, cultural subordination" is being used to justify discriminatory policies against immigrant populations (Volpp 2007). This critical legal theory frames much of the following discussion of the individual response to particular policies.

By the end of 2005, there were more than 40,000 Non-Resident Indians (NRI) living in Germany. Together with approximately 10,000 to 20,000 People of Indian Origin (PIO), the Indo-

German community numbers were a mere 50,000 to 60,000, but by 2009 this number was up to

110,000 (Stichs 2009). While this population may not seem significant, its rapid growth and sense of

shared identity have established an imagined transnational citizenship through racial imposition from a

dominant population, as well as pragmatic unity for those who perceive discrimination. This racial

imposition is highlighted in Goel's (1998) discussion of foreigner policy, transactional ethnicity, and

collective imagination:

> The essentialist notion of being 'Indian' by birth and this being unambiguous is continually contradicted by the lives of individuals. …'Ethnic' identity according to them is not something natural but the outcome of social interactions. An 'Indian' identity in 'Germany' is developed through individuals being categorised as 'Indians' by others and thus in a transactional process entering their self-definitions. Thus also persons, who for example were born in 'Germany' or have the German citizenship can become 'Indians', because they are ascribed 'Indian' ancestors (independent of whether they really have them or not). (Goel 2006)

While the Indian-German community is quite noticeable in German society, they are still

regarded with a notion of foreignness and policies follow suit. Moreover, the interplay among

immigration, communities, and generational differences are proving to be more important in the Indo-

German culture. Specifically, Goel (1998) follows the aftermath of the Indian diaspora in Germany

through generational and demographic studies, and what she reveals is a history of identity imposition

on this minority population:

> In the 70s when the South Asian students had completed their studies, were in their first employments in Germany, when their first children had been born and the state got more restrictive in its application of the laws made for 'foreigners', many of the migrants thought about applying for the German citizenship. (Goel 1998)

Goel (1998) further delves into the barriers to citizenship and the notion of perpetual foreignness

through a qualitative study:

> "Given this imbalance of power it is, accordingly, very difficult for an individual opposing the administration to get justice and it requires many preconditions. If one is not as lucky as Dr. Agarwal having a friend who is a lawyer and is willing to work without recompense, one also needs sufficient finances to afford legal advice. Adding to this one must be able to argue one's own case, i.e. one must understand the legal system, must be articulate, etc. Finally, one can undertake such a project only if one has a secure legal status and must not fear disadvantages resulting from opposing the official view of the law." (Goel 98)

This legal manifestation can be broadly generalised between many different minority populations. The

Turkish model particularly highlights the stark distinction the German community can establish.

Moreover, Goel (1998) highlights the effect of exclusionary policies and how they may aid in the establishment of counter-cultures and transnational citizenship through common disgust and need for recourse.

> [Turkish] Foreigners from developing countries, i.e. those who are visibly different from the Germans, are depicted as seeking only their personal advantage, as coming from a place far inferior to Germany. In that country, furthermore, they are perceived to infringe on the rights of the indigenous population, costing much money and blocking its progress. There is a display of utter disregard for the countries of origin as the only aim is to keep the foreigners away; if not physically because the law prevents this then at least symbolically by not letting them legally become Germans. (Goel 1998)

Paradoxically, these exclusionary policies build solidarity among those they oppress. In this case, the Indo-German community used foreigner policy and other racial impositions as a means to unite their community.

Aspects of community and solidarity arose in online interactions. The internet portal theinder.net identifies itself as the "Indian Online Community." Many online interviews have been conducted for various research projects, and current research focuses on "'Indians in Germany' and how they form or should form a community" (Goel 2006). This type of new media is helping connect first and second generation Germans of Indian descent not only for networking purposes, but also to better articulate their demands as a minority population. Many scholars predict that these small pockets of the Indian Diaspora will be further sustained through these technological connections that aid in the establishment of a constructed/shared identity, but these developments alone do not explain these different forms of engagement (Baumann 1997).

The election of certain Indian officials in Germany, such as Raju Sharma, Sebastian Edathy, and Gujjula Ravindra Reddy, have been cited as the ending of Indian oppression in Germany; however, this unprecedented level of representation and policy outcomes does not guarantee sociopolitical equality. Moreover, when compared to the relatively unrepresented Turkish population in German politics, it seems that there is some degree of social mobility and community capital that can be

politically leveraged by the Indian-German community that is not generally present in Turkish-German

populations (Klusmeyer 2001). Attempts to describe this inequality usually begin with a discussion of

the importance of networking that is championed by the Indian-German community, in addition to the

nature of skilled-based Indian immigration.

Additionally, not-for-profit engagement at the grassroots levels, such as the Indo-German

Society or the DIG, helps communities organise and provide an outlet for cultural arrangements. While

these types of cultural institutions are not new or confined to the Indian diaspora (Punnamparambil

1981), they demonstrate how a relatively dispersed and isolated population can come together in

modern society. Furthermore, while much technological advancement has helped catalyse organisation,

it does not deny the sense of shared identity that has developed among Indian-Germans.

This identity traverses cultural, economic, or even social barriers in a manner that is politically

successful. Many of these NPOs have in fact advocated on the behalf of Indo-German social issues as

well as endorsed political candidates (Baumann 1997). Political advocacy and civic engagement are

often cited as necessary conditions of a healthy community and in this case a sense of transnational

citizenship may have played a powerful role in these political organisations.

V. Conclusion

The Indo-German relationship is constantly evolving. As Germany begins to liberalise its

immigration laws, it is important to understand the economics behind these policies for it drives much

of the German government's rationale. Furthermore, as Germany attempts to overcome relics of

xenophobia, the nation must be willing to integrate foreign populations, including members of the

Indian Diaspora. A two dimensional understanding will not be enough for our globalised world. The

Indian Diaspora in Germany highlights many themes found in Asian-American and Turkish-German

studies, but the nuances and intersectionality of this discussion reveals far more implications for

transnational citizenship. The identity of Indian-Germans is socially constructed through macro, meso, and micro-level forces and these perceptions have created a unique role for the Indo-German culture. To fully understand this distinct community, further research that takes into account generational understandings will be necessary for unpacking the many implications of international migration, and such research may strengthen the relations of some of the largest immigrant democracies in the world.

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Why Recent Hukou Reform is Insufficient in Addressing Urban-Rural Disparities
Frank Weng

Hukou reform has recently captured the attention of many political scientists. This essay seeks to contribute to the discourse. This essay is divided into three sections: First, the essay uses Weber's three types of exclusion (social, economic, legal) from the theory of social differentiation as the framework to categorically examine the issues created by the hukou system. Then, the essay demonstrates the attempts central and local governments have made to confront the issues. Finally, the essay argues that the attempts have been insufficient in addressing the issues, because current policies target only legal exclusion while ignoring social and economic exclusions due to contradictions between the motivation for reform and the concerns of rural migrants, and due to a lack of political will.

Max Weber traces the source of inequality to three types of exclusion: social, economic and legal exclusion.[1] The first type is exclusion through social distancing or discrimination. The hukou identification generates social exclusion, because it has created a psychology of perceiving those with rural hukou as inferior. This is verified by the studies done by the psychologists at Beishida. The psychologists found that when university students who possessed urban hukou were primed that the hukou was abolished through false articles, they became less discriminatory as they showed less social distancing behaviours; conversely when primed that hukou remained, the level of discrimination remain unchanged.[2] Hence, their studies confirm that hukou contributes to social exclusion as urban subjects tend to distant themselves from those with rural hukou.

Weber's second type of exclusion is economic exclusion. In China, it consists of preventing rural migrants from accessing economic opportunities and rewards. In human resource management,

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[1] M., Weber. *From Max Weber: Essays in Sociology.* H. H. Gerth and C. Wright Mills, eds. (New York: Oxford Univ. Press, 1958.)
[2] L., Kuang & L. Liu. "Discrimination against Rural-to-Urban Migrants: The Role of the *Hukou* System in China." *PLoS ONE* 7(11), 2012.

this is especially true. In a study conducted in late 2006 in which 12 firms were investigated, it is revealed that the recruitment process is heavily based on hukou. For instance, renting rural migrant workers instead of recruiting allow firms to deny them social security benefits on the excuse that the land possessed by rural migrants provides a safety net.[3] Practices such as renting rural migrants ossified the notion among HR managers that rural workers are incapable of specialised jobs.[4] Hence, rural workers are reduced to auxiliary positions with no career prospects and with a wage that is 33 to 86 percent of their urban counterparts.[5] Evidently, rural workers are denied fair economic opportunities and rewards because of hukou identification.

The third type of exclusion is legal exclusion. In China, it consists of using hukou to enforce legal boundaries such as preventing rural migrants from transferring their hukou from rural to urban. Historically, the function of hukou was to legally prevent rural farmers from moving to urban areas so that sufficient goods were produced to fuel cities. With the reform of the 80s, millions of rural migrants moved to cities for work. The trend still continues, as the percentage of migrant workers leaving their home for more than 6 months increased from 114 million in 2003 to 145 million in 2009.[6] The fact that they cannot change their hukou prevents them from accessing the same social benefits and government jobs that urban citizens are entitled to. For example, rural children without urban hukou cannot receive the same degree of education from public schools; hence, they have to pay an additional fee.[7]

A significant amount of rural children who are not adjusted to urban setting, or whose parents cannot afford to support them, find themselves growing up without their parents.[8] An estimation of 23

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[3]M., Zhang, C. Nyland & C. Zhu. "Hukou-based HRM in contemporary China: the case of Jiangsu and Shanghai." *Asia Pacific Business Review,* 16(3), 2010.

[4] M., Zhang, C. Nyland & C. Zhu. "Hukou-based HRM in contemporary China: the case of Jiangsu and Shanghai." *Asia Pacific Business Review,* 16(3), 2010.

[5] M., Zhang, C. Nyland & C. Zhu. "Hukou-based HRM in contemporary China: the case of Jiangsu and Shanghai." *Asia Pacific Business Review,* 16(3), 2010.

[6] F., Cai. "Hukou System Reform and Unification of Rural-urban Social Welfare." *China & World Economy*, 19(3), 2011.

[7] S., Zhan. "What determines migrant workers' life chances in contemporary china? hukou, social exclusion, and the market." *Modern China, 37*(3), 2011.

[8]Z., Liang & Y. P. Chen. "The educational consequences of migration for children in china." *Social Science Research, 36*(1), 2007.

to 60 million children under 14 are in this situation.[9] While many are under the care of grandparents, some have argued that these left-behind children are prone to psychological illnesses due to the failure to reintegrate into rural community or a lack of interaction with parents.[10] Hence, besides denying access to social benefits, hukou has created the left-behind child phenomenon.

To confront the issues caused by hukou, the central government has decentralised its responsibility for hukou reform to local governments; hence there are variations in methods of addressing hukou issues. However, two common motivations for local governments to implement reform exist: First, the financial crisis of 2008 caused a labour shortage and hindered the capacity for coastal enterprises to function; hence, hukou reform was prioritised by governments seeking a stable source of labour. [11] Second, because of some local governments' limited access to land for development, they have encouraged hukou reform that requires migrants to forfeit their contracted land such that local government can use it for development.[12] These two motivations demonstrate that it is not due to the ambition of the local governments to ensure equality that reforms are implemented. This puts in doubt that reform will address exclusions.

Indeed, land development is why Chongqing implemented hukou reform. One condition for transferring hukou is transferring land rights to the government for compensation. There is a 3-year time frame in which claims to land rights can be reversed should employment problems arise. Rural migrants who agree and have met other requirements can receive the same privileges as urban citizens.[13] In spite of these attractions, it must be noted that Chongqing is heavily dependent on boosting land values to finance the hukou reform. More importantly, boosting land value and attracting

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[9] S., Ma. "China's "left behind" children often suffer health consequences." *Canadian Medical Association.Journal, 182*(16), E731-2, 2010.

[10] Z., Liu & F. Zhu. "China's returned migrant children: Experiences of separation and adaptation." *The Asia Pacific Journal of Anthropology, 12*(5), 2011.

[11] F., Cai. "Hukou System Reform and Unification of Rural-urban Social Welfare." *China & World Economy*, 19(3), 2011.

[12] F., Cai. "Hukou System Reform and Unification of Rural-urban Social Welfare." *China & World Economy*, 19(3), 2011.

[13] T., Miller. *China's Urban Billion: The story behind the biggest migration in human history*. Zed Books. Kindle Edition, 2012.

investmentcontribute positively to cadre evaluation targets of urbanisation and GDP growth.

Consequently, the government has been forceful in settling farm families into apartments that are at

times incomplete, and it has been active in pressuring families into changing hukou through

intimidation in order to take possession of land rights.[14]

Despite, or perhaps because of these incidents, the Chongqing hukou reform has seen results

statistically. Between 2010 and 2011, 3 million migrants changed their hukou.[15] These include

university students and families of migrant workers. A logical reason for the result is because of

Chongqing's mayor's ambition to reduce surplus labourers in rural Chongqing. However, the focus of

the reforms has been targeting legal exclusion. Reforms that address social and economic exclusion

would first require the local government to stop coercive measures, because it is a manifestation of

discrimination against rural people. Under the circumstance of prioritising the accomplishment of cadre

evaluation targets through means of coercion rather than aiming for basic equality, the prospects for

reforms that address social and economic exclusion is slim despite the statistical result.

Contrasting Chongqing, Shanghai's motivation for hukou reform is to attract social elites. This

is done through the points system.[16] The system was implemented because by 2009 it had become the

most aged city in China.[17] Hence, the system allows the city government to distribute points based on

financial qualifications and education, such that talented rural migrants are integrated into the human

capital to support Shanghai's development.

In addition to the points system, Shanghai has several kinds of hukou. The Talents residence

card, which divides into four categories, is for those with stable jobs, while collective hukou is given to

those assigned with a danwei. The division of hukou allows Shanghai to better allocate resources

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[14] D., Hai. "In Chongqing. Hapless Farmers Yield to Dozers." *Caixin Online*, 2011.
[15] T., Miller. *China's Urban Billion: The story behind the biggest migration in human history*. Zed Books. Kindle Edition, 2012.
[16] L., Zhang. "Economic migration and urban citizenship in china: The role of points systems." *Population and Development Review, 38*(3), 2012.
[17] L., Li, S. Li, & Y. Cheng. "Better city, better life, but for whom?: The hukou and resident card system and the consequential citizenship stratification in shanghai." *City, Culture and Society, 1*(3), 2010.

according to Shanghai's needs, and Shanghai does not need old or uneducated rural migrants. This suggests that Shanghai is implementing hukou reform not for the sake of eliminating social or economic exclusions, but to achieve economic growth through elitist selection.

Shanghai's elitist selection process is not unique in China. According to a study, Shanghai's approach of barring the contributors with high expectations is consistent with methods of hukou exclusion adopted by 45 cities.[18] Hence, the majority of migrants who contribute to Shanghai's development do not qualify for the high conditions of urban hukou and are not beneficiaries of it. Ultimately, the elitist process suggests there is no correlation between the extent of economic prosperity and the embracement of equity and that many cities prioritise the former.

Even in the realm of education, equality is not a principle applied. Because Shanghai has the economic capacity to support children of migrants for school, those with residence card receive the 9-year compulsory education. However, it is only under the condition that schools have an extra enrolment quota, and that parents are qualified as residents that children can enrol.[19] Furthermore, upon being registered, migrant students are educated separately from local students.[20] Evidently, Shanghai has not made attempts to address social or economic exclusion, but temporarily addressed education issues caused by legal exclusion.

Nevertheless, Shanghai's efforts are reflected in many other governments. In Guangdong, a similar points system is applied in which resident status becomes obtainable upon meeting a threshold of financial, professional and educational requirements.[21] Social insurance contributions are also a requirement, but social welfare becomes accessible only upon obtaining the residence. Similarly in

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[18] L., Zhang. "Economic migration and urban citizenship in china: The role of points systems." *Population and Development Review, 38*(3), 2012.

[19] L., Li, S. Li, & Y. Cheng. "Better city, better life, but for whom?: The hukou and resident card system and the consequential citizenship stratification in shanghai." *City, Culture and Society, 1*(3), 2010.

[20] L., Li, S. Li, & Y. Cheng. "Better city, better life, but for whom?: The hukou and resident card system and the consequential citizenship stratification in shanghai." *City, Culture and Society, 1*(3), 2010.

[21] T., Miller. *China's Urban Billion: The story behind the biggest migration in human history*. Zed Books. Kindle Edition, 2012.

Zhejiang province, the government claims that it will unify the hukou system such that all gain access

to social benefits.[22] But the government fails to mention whether the extent of benefits will be cut such

that it is affordable. In fact, the government hopes that the reform will attract enough rural workers

such that the new system is sustainable. Evidently, unequal access to social benefits due to legal

exclusions has been the aim of many governments.

However, evidence suggests that despite reforms, rural migrants are unmoved. In 2010, the

National Population and Family Planning Commission found from interviews done in 106 cities that

only 26 percent of migrant workers were willing to change hukou.[23] In Shijiazhuang of Hebei, only

69,000 out of two million registered for urban hukou after reform actually changed their status. The

number decreased to less than a thousand by 2004.[24] Similarly, peasants did not rush to change their

status in Luoyang, Henan during the 2009 reform.[25]

There are several reasons why rural migrants are unmoved, none of which are addressed by

hukou reform yet. For instance, a common reason for not changing hukou is that it entails giving up

land rights. Because migrant workers' wages cannot compete with the cost of living due to inflation,

land becomes a means of living cheaply and independently. The concern contradicts one motivation for

hukou reform; for some local governments need land to finance welfare programs or urbanisation. In

addition, the social welfare is allocated on a city basis. This means that the benefits cannot follow the

migrants as they move from one to another temporary position. Especially when temporary jobs fail to

provide financially for moving one's whole family such that stability is achieved, there is no incentive

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[22] M., Chan. "Migrants could be given equal footing in Zhejiang." *South China Morning Post*, 2006.

[23] T., Miller. *China's Urban Billion: The story behind the biggest migration in human history*. Zed Books. Kindle Edition, 2012.

[24] Y., Zhu. "China's floating population and their settlement intention in the cities: Beyond the hukou reform." *Habitat International, 31*(1), 2007.

[25] S., Zhan. "What determines migrant workers' life chances in contemporary china? hukou, social exclusion, and the market." *Modern China, 37*(3), 2011.

for the transferring hukou.[26] However, temporary jobs are what local governments benefit from. Hence, the reform has not addressed rural migrant's concerns due to contradictions between concerns of migrants and motivations for reform.

Concerns have been ignored also because there is a lack of political will despite voices that call for reform. The Deputy Minister of Public Security has stated that a draft for national reform is circulating within State Council.[27] Wen Jiabao has also called for a faster reform.[28] Rhetoric aside, there is a strong political stake that hinders the will for drastic change. For example, the Chinese Academy of Social Science estimated that with reform, the cost of welfare programmes will be around 45 trillion Yuan. [29] Wen has suggested that by turning the rural migrants into active consumers, the programmes can be funded.[30] But making rural migrants consumers require that they be paid more, which means inefficiencies in their work locations must be reduced to increase profit. Naturally, SOEs which are economically inefficient must be reformed. Indeed in 2010, only five percent of 1.1 trillion Yuan of profits was distributed to the central government.[31] If SOEs are reformed, the central government can support local government's economic capacity for financing hukou reforms. However, because SOEs are fundamental in ensuring the legitimacy of the Communist Party, it is likely to remain untouched for it affects the grey income and political status of many officials. Hence, hukou reform requires a political will that is willing to go beyond safe reforms, since hukou reform cannot be considered in isolation.

Meanwhile, a lack of hukou reform poses the potential for social disorder. This is because of three reasons: One, the media has exposed social elites with multiple hukous. Many have used them to

[26] Y., Zhu. "China's floating population and their settlement intention in the cities: Beyond the hukou reform." *Habitat International, 31*(1), 2007.

[27] R., Li, R. "Hukou reform plan enters final stage new system of residence permits will be submitted to the state council for approval within a year." *South China Morning Post*, 2012.

[28] A. Mccabe. "China's wen jiabao lays out his government's program." *Star – Phoenix*, 2010.

[29] Reporter. "Hu's calls on household registration reform face opposition." *South China Morning Post,* 2012.

[30] J. Ruwitch & H. Li. "China eyes residence permits to replace divisive hukou system." *Reuters*, 2013.

[31] T., Miller. *China's Urban Billion: The story behind the biggest migration in human history*. Zed Books. Kindle Edition, 2012.

purchase properties as a form of investment and it has become a tool for corruption.[32] This raises the concern of whether these officials are a powerful force that will hinder reform, but also whether exposure may compel rural migrants to demand reform. Two, although removal of the legal exclusion aspect of the hukou may give access to benefits for all, issues caused by social and economic exclusion may cause social unrest. To confront these issues, discriminatory treatments against migrants must be addressed through education about the idea of equality, but this has yet to happen.[33] Three, the left-behind children are currently predominantly cared for by NGOs.[34] However, the psychological damage to the future labour force is undetermined.[35] There is the possibility that this generation will be less tolerant of injustice due to a development of a sense of abandonment.

In conclusion, this essay has argued that the current hukou reform only addresses issues caused by legal exclusion; hence, it is insufficient in addressing urban-rural disparities as issues caused by social and economic exclusions are largely ignored due to contradiction between the concerns of migrants and the will behind reforms, and due to a lack of political will. The essay has mainly focused on the reforms in Chongqing and Shanghai, and has used Weber's three types of social exclusion as the framework for analysing the issues caused by hukou. Toward the end, the essay has suggested that if hukou reform is not addressed, there is potential for issues related to it to cause social unrest.

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[32] C.W. Chan. "China's hukou system stands in the way of its dream of prosperity." *South China Morning Post,* 2013.
[33] J., Ito. "The removal of institutional impediments to migration and its impact on employment, production and income distribution in china." *Economic Change and Restructuring, 41*(3), 2008.
[34] R., Lu. "Care and concern for left-behind children." *China Today*, 2012.
[35] K. W. Chan. "The household registration system and migrant labor in china: Notes on a debate." *Population and Development Review, 36*(2), 2010.

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Towards a New Sustainable Diplomacy: Pragmatic Lessons from Lyn Boyd-Judson and Robert Frost

Jozef Kosc

Abstract: The following exposition critically analyses, critiques and contrasts two contemporary theories of international relations and crisis control: Lyn Boyd-Judson's Strategic Moral Diplomacy, and Robert Frost's Constitutive Theory of International Relations. A comparative qualitative framework of analysis—cross-referencing historical cases, political psychology, as well as the writings of diplomatic practitioners—concludes with a synthesised account of diplomatic relations in the 21st century, drawing from the most accurate elements of both theories. In the context of an increasingly multipolar world, this exposition concludes with new, collaborative, pragmatic and sustainable solutions to contemporary problems of diplomatic negotiation and crisis management.

Key Words: *diplomacy, international relations, global ethics, international relations theory, sustainable diplomacy*

The Limitations of Theory & Collaborative Solutions for New Diplomacy

In order to be of interest to political actors and diplomats, effective academic theories of international relations need to work collaboratively—within the scope of practical wisdom—in order to form complete descriptions of the world today.[36] The failure of academic research traditions in cultivating a co-operative spirit amongst each other has led to the creation of many divided, and perilously partial theories of diplomatic management and crisis resolution. Consequently, very few provide insight into the practical world of diplomacy and international relations—diverting

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[36] David A. Lake, "Why "isms" Are Evil: Theory, Epistemology, and Academic Sects as Impediments to Understanding and Progress," in *International Studies Quarterly,* 2011, vol. 55, p. 472.

"professional debate from the substance of world politics to first principles."[37] The theory of Strategic Moral Diplomacy formed by Professor Lyn Boyd-Judson,[38] as well as the Constitutive Theory of International Relations envisioned by Professor Mervyn Frost[39] are two notable exceptions. While neither theory provides a complete description of the workings of contemporary diplomacy, both deliver expressive accounts of "real-world patterns"[40] and provide pragmatic solutions to contemporary diplomatic problems. Both can also be interpreted as responses to the increasingly urgent call for a new and "sustainable diplomacy that keeps alive the hope of mediating difference" in a multipolar and increasingly sectarian 21st century,[41] where the aged geopolitical tactics of coercion cannot reasonably attempt to resolve any pressing global political crises.[42]

Within this context, the following exposition will critically analyse and contrast both Boyd-Judson's theory of Strategic Moral Diplomacy, as well as Frost's Constitutive Theory of International Relations, cutting through academic misperceptions where they exist, while outlining accurate aspects of both theories—justified through lived and historical accounts of international relations. Theories will be analysed through a comparative framework, concluding with a synthesised and fuller account of diplomatic relations and crisis management in the modern era.

Global Ethics & Constitutive Theory

Central to Frost's Constitutive Theory of International Relations is the belief that political actors define each other's positions in the world through the mutual recognition of each other as

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[37] Ibid., p. 471.

[38] In: Lyn Boyd-Judson, *Strategic Moral Diplomacy: Understanding the Enemy's Moral Universe* (Kumarian Press, 2011).

[39] In: Mervyn Frost, *Global Ethics: Anarchy, Freedom, and International Relations* (New York: Routledge, 2009); Mervyn Frost, *Ethics in International Relations: A Constitutive Theory* (Cambridge, Cambridge University Press, 1996).

[40] Lake, "Why "isms" Are Evil: Theory, Epistemology, and Academic Sects as Impediments to Understanding and Progress," p. 472.

[41] Costas M. Constantinou and James Der Derian, "Introduction: Sustaining global hope: sovereignty, power and the transformation of Diplomacy", in *Sustainable Diplomacies,* ed. Costas M. Constantinou and James Der Derian, (Palgrave Macmillan, 2010), p. 8.

[42] Wilfried Bolewski, "Session 4: Bilateral and multilateral diplomacy, Summitry, Minilateralism and Ad Hoc Diplomacy," Lecture, Sciences Po Paris, Paris, Sept. 23/13.

legitimate actors.[43] In a multilateral world with a strong and organised civil society—both at the level of the domestic nation-state, and at the level of the international community—political power is drawn from authority and legitimacy. Consequently, political actors find themselves in constant pursuit of legitimacy, vis-à-vis a globally asserted normative standard established by global civil society (GCS) and the society of sovereign states (SOSS).[44] According to Frost, this universal set of norms and ethical practices—although extant in a constant state of flux due to its construction and affirmation by legitimate political actors—is manifest through the powers and limitations of international law.[45] In order to maintain legitimacy in the eyes of domestic citizens and before the GCS, states are forced to defend their policies and policy actions—both at home and abroad—as ethically standing within the structures of international law.[46]

According to Frost, not only does the GCS and the SOSS decide which norms are justified through the creation, alteration, or removal of international law,[47] but the global community of legitimate world actors also creates for a hierarchy of norms and their respective laws.[48] This is why, for example, a state which breaks "the ethic of the international practice of sovereign states," may find *itself* the victim of increasingly stringent sanctions, followed by a military breach of its very own power as a sovereign state.[49] Frost cites the example of the 1991 invasion and war against Iraq, as the result of international punishment for ignoring the established "set of conflict resolution techniques to be used by states involved in disputes about borders."[50] It follows that when state actors break the "rules of appropriateness," and become rogue, they invite the "politics of "exclusion"[51]—international

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[43] Frost, *Global Ethics: Anarchy, Freedom, and International Relations*, p. 27.
[44] Ibid., p. 25.
[45] Ibid., p. 31.
[46] Ibid., p. 37.
[47] Ibid., p. 30.
[48] Frost, *Ethics in International Relations: A Constitutive Theory,* p. 205.
[49] Frost, *Global Ethics: Anarchy, Freedom, and International Relations*, pp. 30-31.
[50] Ibid., p. 30.
[51] Boyd-Judson, *Strategic Moral Diplomacy: Understanding the Enemy's Moral Universe,* p. 2.

punishments such as economic sanctions, political isolation, military intervention, and aggressive silence from the SOSS and the GCS.[52]

Strategic Moral Diplomacy

Boyd-Judson's Strategic Moral Diplomacy is framed as an alternative normative theory of international relations, which like Frost's Constitutive Theory, maintains that "norms and laws are the product of social agreement,"[53] and that international relations are governed by ethical norms such as justice, human rights and democracy, which lie underneath a set of legal "rules of the international game."[54] Unlike Frost, however, Boyd-Judson concludes with the assertion that the GCS and the SOSS do *not* define what is licit or illicit, and that diplomats must rather presuppose that *all* norms can be justified morally through reference to different moral universes.[55] Practically speaking, Boyd-Judson disagrees with Frost's position that international ethical norms can be used to settle diplomatic disputes, because political conflicts themselves are usually the result of equally legitimate, yet conflicting norms.[56] She cites the example of the Bosnian war, in which Serbians and Croatians claimed their legitimate right to self-determination in Bosnia, whereas Bosnians asserted that their human rights were being violated.[57] Thus, in resolving diplomatic crises, the diplomat must move beyond the realm of categorisation between licit and illicit actions, and seek to negotiate over specific points of differentiation between distinct moral universes.[58]

Comparative Analysis: Legitimacy, Jus Cogens & Ritualization

Frost is accurate in his account of the existence of a global normative framework through which diplomatic actions can be judged to be moral or immoral. With the widespread recognition of the

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[52] Frost, *Global Ethics: Anarchy, Freedom, and International Relations,* p. 31.
[53] Roger P. Alford, and James Fallows Tierney, "Moral Reasoning in International Law," in *The role of ethics in International Law,* ed. Donald Earl Childress III (Cambridge: Cambridge University Press, 2012), p. 27.
[54] Frost, *Global Ethics: Anarchy, Freedom, and International Relations*, p. 27.
[55] Boyd-Judson, *Strategic Moral Diplomacy: Understanding the Enemy's Moral Universe,* p. 27.
[56] Ibid., p. 26.
[57] Ibid.
[58] Ibid., p. 27.

Charter of the United Nations, the Vienna Convention on Diplomatic Relations, and the Vienna Convention on the Law of Treaties, it is simply not true that a state can reasonably expect to exist within its own moral universe—set apart from others—regardless of whether its policies can be theoretically justified as licit using tenets of moral psychology. According to former Ambassador Wilfried Bolewski: "The aim of diplomacy is twofold: to protect and guide the individual interests of states and to promote global norms and values characterizing the growing sense of a community of states and international unity."[59] A state which only engages in diplomatic relations for the sake of its own geopolitical desires and whose moral universe exists antithetical to the presiding set of norms in a multilateral world fails to recognise the second aim of diplomatic relations, and will quickly lose its legitimacy in the eyes of the GCS. The maintenance of real political power requires the proliferation of both authority and legitimacy. Power without legitimacy can be reasonably opposed, and as such, the cultivation and maintenance of legitimacy remains a most vital task for state actors, who can ill afford to exist as normative pariahs for very long.[60]

Frost is also accurate in his portrayal of a globally-reaching hierarchy of norms, even though, from a legal-theoretical perspective, laws do not exist within a hierarchy, for they are held together through different sources of law.[61] *De facto*, the existence of a hierarchy is perpetuated through the recognition of peremptory norms or *jus cogens* under Article 53 of the Vienna Convention on the Law of Treaties, which stresses the existence of normative *absolutes* in international law.[62]

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[59] Wilfried Bolewski, "Diplomatic Processes & Cultural Variations: The Relevance of Culture in Diplomacy" in *The Whitehead Journal of Diplomacy and International Relations,* 2008, Winter/Spring, p. 152.
[60] Wilfried Bolewski, "Session 2: Law and ethics in rule-based diplomacy," Lecture, Sciences Po Paris, Paris, September 9, 2013.
[61] Ibid.
[62] Vienna Convention on the Law of Treaties, Article 53, May 23, 1969, 1155 U.N.T.S 331, 8 *International Legal Materials* 679 (1969), URL: http://www.worldtradelaw.net/misc/viennaconvention.pdf.

The infiltrative power of global norms can further be illustrated through the existence of diplomatic ritual and protocol, which exists at a level below that of international law.[63] Although political rituals differ from state to state, the ritualization of diplomacy as a practice itself cannot be understated. Contrary to the suppositions of Boyd-Judson, real and lived diplomacy at the level of state actors is often *far removed* from academic speculations over differing moral considerations, and rather concerns itself predominantly with the minutiae of political ritualisation. This is a result of the fact that today, as in the late 20th century, "almost all nations observe almost all principles of international law and almost all of their obligations almost all of the time."[64]

Notable and historic diplomatic interactions reveal the importance of political ritualisation as well as its underlying normative framework—revealing the accuracy of Frost's worldview underlying a global code of "ethical appropriateness."[65] To the chagrin of many international relations scholars, for example, diplomatic negotiations preceding Chinese President Hu Jintao's visit to the United States in April of 2006 did not address pertinent and challenging normative considerations of the time—such as a moral justifications for China's increasing carbon emissions—rather, it was taken for granted that President George Bush and President Hu Jintao would arrange for and experience a non-hostile assembly of peaceful dialogue.[66] Underlying this assumption was an *unspoken yet mutually-understood norm* of global diplomatic conduct—as defined by international law and custom.[67] In such a context, it is unsurprising that upwards of 80 percent of negotiations surrounding this planned visit concerned the details of ceremonial ritual.[68] Even in this field, it is notable that President Jintao did not wish for

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[63] Wilfried Bolewski, "Session 3: Essential elements of diplomacy: communication, negotiation and representation (Art. 3 VCDR)," Lecture, Sciences Po Paris, Paris, September 16, 2013.

[64] Louis Henkin, *How Nations Behave,* 2nd edition (New York, Columbia University Press, 1979), p. 47.

[65] Frost, *Global Ethics: Anarchy, Freedom, and International Relations*, p. 34.

[66] Lora Anne Viola, *Diplomatic Ritual as Power: Deliberation, Ritualization and the Production of Legitimacy*, Annual Meeting of the International Studies Association, Chicago, IL, 2007, p. 14.

[67] Frost, *Global Ethics: Anarchy, Freedom, and International Relations*, p. 30.

[68] Viola, *Diplomatic Ritual as Power: Deliberation, Ritualization and the Production of Legitimacy*, p. 14.

rituals diffusing his own particular distinguished moral universe; considerations were much more pragmatic in nature. Jintao's representatives "pushed for a 21-gun salute, an official state dinner, and an exchange of toasts"[69] not because these actions expressed the will of a particular normative moral universe, but because Jintao's predecessor President Jiang Zemin received a similar ceremony while greeted by President Bill Clinton in 1997.[70]

Why does political ritualisation hold such a privileged position in the practice of diplomacy vis-à-vis normative deliberations over moral political crises? Professor Lora Anne Viola notes that ritualisation creates political legitimacy by cultivating authority and naturalising its existence through repeated and expected practices.[71] Professor David Kertzer likewise argues that ritual is a *sine qua non* for the public acknowledgement of the delegation of authority.[72] Although normative discourse between inter-state actors and as well between state representatives and civil society has the power to create legitimacy, diplomatic ritualisation holds a privileged position in the *reality* of diplomatic affairs due to its far-reaching potential and unrivaled efficiency in the creation of legitimacy.[73] As Viola notes, "political rituals most likely reach and involve many more citizens than deliberation does… [they] can be more speedily transmitted to a broader audience because they can be easily transformed into images."[74]

Comparative Analysis: Political Psychology & Real-world Decision-making

The theory of Strategic Moral Diplomacy accurately portrays realities of political and moral psychology. Boyd-Judson makes reference to moral philosopher Barbara Herman's two main principles: that individuals hold a "plurality of moral duties which *encompass* political aims and vice

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[69] Ibid.
[70] Ibid.
[71] Ibid., p. 17.
[72] David Kertzer, *Ritual, Politics and Power* (New Haven, Yale University Press, 1988), p. 51.
[73] Viola, *Diplomatic Ritual as Power: Deliberation, Ritualization and the Production of Legitimacy*, p. 18.
[74] Ibid.

versa," and that many moral universals can exist at the same time for the same person.[75] She likewise effectively cites the work of political psychologist Lawrence Kohlberg, whose two major claims are used to justify her own central assertion that all political decisions can be reasonably defined as either licit or illicit. Kohlberg's research reveals that moral behaviour stems from a particular moral worldview, and that the broad moral categorisations of social order, justice, political duties and rights are partially self-constructed within this unique moral universe. [76]

However, wherein Boyd-Judson draws extensively from Rational Choice Theory, her assumptions are ironically contradicted by the predominant findings of political psychology. According to professors Jonathan Renshon and Stanely A. Renshon: "Behavioural decision research has demonstrated that individuals have a very difficult time making trade-offs."[77] Thus, diplomatic actors often make decisions based on personal and subjective preferences, and create "*post-hoc* rationalisations" for their choices.[78] Boyd-Judson's supposition of international relations as "strategic and moral in nature and logic"[79] is an academic misperception of the high-pressure realities of high-level decision-making. Renshon and Renshon accurately note that: "Compressed time, high stakes, enormous uncertainty about other actors' motives, beliefs and calculations clearly make arriving at high-quality decisions difficult."[80] Far removed from the ideas of Rational Choice Theory, state actors rely on "their basic worldviews, operational codes, heuristic preferences, leadership strategies, and psychological proclivities…all subjective..."[81] In *Foreign Policy: From Conception to Diplomatic Practice,* former Ambassador Ernest *Petrič* similarly stresses the predominant influence of personal

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[75] Boyd-Judson, *Strategic Moral Diplomacy: Understanding the Enemy's Moral Universe,* p. 19.
[76] Ibid., p. 21.
[77] Jonathan Renshon and Stanley A. Renshon, "The Theory and Practice of Foreign Policy Decision Making," in *Political Psychology,* 2008, Vol. 29, No. 4, p. 517.
[78] Ibid.
[79] Boyd-Judson, *Strategic Moral Diplomacy: Understanding the Enemy's Moral Universe,* p. 23.
[80] Renshon and Renshon, "The Theory and Practice of Foreign Policy Decision Making," p. 514.
[81] Ibid.

and character qualities on the practice of diplomatic decision-making, and criticises the misconception of a purely reason-oriented diplomatic state of affairs.[82]

Synthesis of Ideas: Transforming Norms & the Other's Moral Space

Although Frost's Constitutive Theory accurately represents a world of hierarchical and normative diplomatic relations, Strategic Moral Diplomacy accurately supposes that normative political ethics are subject to transformation through negotiation, due to their nature as subjective and largely self-constructed ideas.[83] The past decade of international relations developments can attest to the rapidly shifting nature of legitimately-perceived normative codes, with the declared illegality of the 2003 US invasion of Iraq[84] reigning in the evolution of "pre-emptive" defense as a legitimate policy of action, and the successes of NATO military intervention in the Libyan Civil War of 2011 solidifying the "responsibility to protect" as a growing new development within the realm of accepted international affairs doctrine.[85]

More importantly, Strategic Moral Diplomacy offers a refreshing and intuitive approach to engaging in the amorphous development of these and other *novel* norms and rituals. In *21st Century Diplomacy: A Practitioner's Guide,* former Ambassador Kishan S. Rana, calls for a new paradigm of inter-state relations based on mutual recognition of differing systems of action and thought. He warns that: "Familiarity with one's own system lulls one into thinking that others use similar methods; in crisis it may be dangerous for one to assume that others act in the same way as oneself." [86] Strategic Moral Diplomacy's core idea—that of examining the perspective of the Other before the consideration

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[82] Ernest Petric, *Foreign Policy: From conception to diplomatic practice* (Leiden/Boston, Martinus Nijhoff Publishers, 2013), p. 82.
[83] Boyd-Judson, *Strategic Moral Diplomacy: Understanding the Enemy's Moral Universe*, p. 21.
[84] Julian Borger and Ewen MacAskill, "Iraq war was illegal and breached UN charter, says Annan," *The Guardian,* September 16, 2004, http://www.theguardian.com/world/2004/sep/16/iraq.iraq.
[85] Ivo H. Daalder, and James Stavridis, "NATO's Success in Libya," *The New York Times,* October 30, 2011. URL: http://www.nytimes.com/2011/10/31/opinion/31iht-eddaalder31.html?_r=2&.
[86] Rana, Kishan S. *21st Century Diplomacy, A practitioner's guide* (Continuum, 2011), p. 168.

of one's own standpoint[87]—remains central in addressing these concerns of mutual recognition in the context of a modern and sustainable diplomatic practice.

Conclusions: Pragmatic Lessons for the New Diplomat

Conclusively, Frost's Constitutive Theory explains the workings of a hierarchical normative framework behind the existence of international laws and rituals, representing the interests of the international community. On the other hand, Strategic Moral Diplomacy depicts the reality of political pragmatism, whereby political conflicts are usually the result of equally legitimate and conflicting norms. Though neither theory perfectly portrays the realities of diplomatic affairs, a clear understanding of the underlying normative framework of international relations expressed through a synthesis of both theories, coupled with the ability to perceive its shifting nature, is crucial for the contemporary diplomat—for knowledge of these conceptual formulas, reflected wholly in reality, allows for the practicing policymaker or diplomat to actively *engage in, shape or reshape* new norms and paradigms of international relations. Furthermore, a pragmatic understanding of Strategic Moral Diplomacy allows for the diplomat to safely engage the Other's ideas in a situation of crisis management, and forms the bedrock of a much required new and sustainable diplomatic regime of mediating differences.

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[87] Boyd-Judson, *Strategic Moral Diplomacy: Understanding the Enemy's Moral Universe*, p. 27.

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'Salam, Vlad': The Silver Lining of Increasing Russian Involvement in the Middle East
David Gioe

Russian involvement – diplomatic, military, and covert – in the Middle East is nothing new. Indeed, the Soviet Union was extremely active in Egypt, Syria, Yemen and others during the Cold War. There is thus historical precedent, as well as contemporary political imperatives, to explain Russian President Vladimir Putin's recent diplomatic power play to avert punitive US missile strikes against Syria. Given American weariness of war, and wariness of the region, if Putin wants to shoulder some of the burden of trying to manage the unmanageable, perhaps he should be permitted to 'fish his wish', so to speak. This, of course, assumes that America really has much say in the matter at this point. Hearing some conservative commentators speak of the Kerry-Lavrov deal to disarm Syrian President Bashar al-Assad of his chemical weapons stockpile, one could be excused for thinking they were actually reading the text of the 1938 Munich Agreement whose main feature, in the present case, is ceding all (remaining) American influence in the region to Russia. Could this really be the end of American imperialism in the Middle East? It is not yet clear if Russia's interests in Syria are a one-off, pragmatic way to secure their own Mediterranean toehold at the port at Tartus and demonstrate solidarity with a misbehaving client state, or if Russia is signaling a broader shift to increased involvement in the region. Russia has long supported Iran and Syria as its proxies in the regional Cold War that pits the Russian-backed Shia states against America's Sunni Gulf state allies. Is this just the next chapter in the same story? Or is it, perhaps, a sequel with a surprise ending?

The British and the French had their chance to manage the Middle East before World War II and didn't do a good job of understanding the complexities and nuances of the area, particularly the role of tribalism — a quick glance at the arbitrary borders of the region should be enough to drive that point home. The Americans became deeply involved in the Middle East during the Cold War (to secure energy supplies, support Israel and confront the USSR) and increasingly so after September 11,

2001 and the subsequent invasion of Iraq. American political leaders have long since ceased talking about victory and the focus now is on getting the remainder of American combat troops out of the region as quickly as possible (although naval bases will remain). The American public's desire for a hasty retreat from Iraq and Afghanistan, compounded with the overwhelming popular disapproval of even limited military involvement in Syria suggests that Americans are weary of continued embroilment in the Middle East.

The American quest for the Holy Grail of 'regional stability' in the Middle East led successive American administrations to support a multitude of tyrants and dictators whose corruption and record of human rights abuses make Putin look like a small-time mob boss. This search for 'stability' above all things was rejected by millions in the Arab Spring who finally had enough of their life-tenured, but stable, dictators (the fallout, of course, remains to be seen). Consistent backing of the wrong horse in the Middle Eastern stability derby (Tunisia's Ben Ali, Yemen's Salih, Egypt's Mubarak and even a young Saddam Hussein) has made American talk of freedom and democracy in the region hard to take seriously. Perhaps the time is right for America to welcome greater Russian involvement in order to relieve some of the strain on American global policing efforts and let America unwind some of its own foreign policy hypocrisy. Even if America did not wish to welcome Russia, the writing is on the wall. America's signaled desire to 'rebalance' away from the Middle East and 'pivot' to Asia will leave a power vacuum in the region that other rising powers, including Russia (and China), will seek to fill. That is the way of the international system and no amount of rhetorical railing against 'American decline' will alter the present reality. Alternatively, America could retain its regional preeminence with a massive infusion of military investment and extended deployment in the region, but most Americans rightly believe that the price is too high and other domestic or geostrategic priorities must take precedence.

America has conceived of itself, since the seventeenth century, as the proverbial 'City upon the Hill'. At least that has been its rhetoric and basis for believing in its own exceptionalism, which Putin recently chided it for in the New York Times. Indeed, unlike America's rather self-important image, Russia is not prone to making such claims about being an 'indispensable' nation. Despite American rhetorical rejection of empire, America has a sprawling overseas military presence with which to back up its own notions of the way ahead for the Middle East.   In contrast, it should be quite clear from even the shallowest knowledge of Vladimir Putin that he does not stand for the same things America does, at least in its public pronouncements, and these competing visions are the basis for America's reluctance to make space for Russia in a region that America has dominated for over half a century. Specifically, Putin neither cares about upholding international norms (in this case banning the use of chemical weapons), or preferring diplomacy over military action; nor does he particularly care about the plight of Syrian refugees or any other humanitarian issue. In fact, his own nationalism, abuse of political rivals and dissenters and right wing crackdown on homosexuals in Russia ought to tell you everything you need to know about Putin. What he does care about is checking — and where possible eroding — American power, and the Middle East is the next front line in a confrontation that is eerily reminiscent of the Cold War.

In light of the above, one must hesitate to use the word 'partnership' when dealing with Putin, but could there be a benefit of Russian involvement in Syria in particular, or the Middle East generally? As American Republicans have complained about President Barack Obama, ironically using a famous quote by Democratic governor Mario Cuomo, 'you campaign in poetry, but govern in prose'. The Russians, acting as (dis)loyal opposition in the global house of commons, have been sniping and undermining American efforts at every turn. As there are no clear paths forward in the Middle East,

policy criticism comes naturally from any outsider who has not rolled up his sleeves and dug into the morass of Arab politics. If Putin wishes to descend from the pulpit to the trenches, why not let him?

Putin's plan for Syrian chemical weapon disarmament has notable flaws, including the challenging verifiability of such disarmament -- especially in the midst of a no-holds-barred civil war, and also the perception that negotiating with Assad brings him some level of increased international legitimacy. But what have the Americans offered as an alternative strategy? Limited stand-off missile strikes that somehow punish the regime without actually hurting it too badly. Consider the unpalatable options: if the strikes were too mild, America might look weak when Assad withstands them and mocks America for a tepid response. If the strikes were too devastating, it could degrade the martial capabilities of the regime, potentially shifting the momentum and delivering at least a sizable chunk of Syrian territory to the increasingly sizable and influential Islamists within the rebel ranks. Pretending to know what is best for the Middle East and South Asia has cost the Americans thousands of lives and trillions of dollars with very little to show for it. It could be argued that we have had our turn like the British and French before us. With slow but steady American withdrawal from the region, the Russians represent the next wave of multi-polar competition.

What are the downsides of Russian involvement? First, Russia is already arming Syria and Iran, Syria's main backer, so it must be acknowledged that Russia is already involved. It is true that America might have to share the world power stage with Russia, at least in Syria, but American power is already on the decline. The EU and the rise of the so-called BRIC countries (Brazil, Russia, India and China) have foretold a global transformation from a unipolar world of American hegemony to a multipolar world where American effortless unilateralism is no longer the order of the day. Even with its formidable military power, polling data suggests that the American people have sought to narrow the definitions of 'core national interests'. This tectonic power shift coincides with increasing

American energy independence, budget sequestration, military force drawdowns, war weariness and a host of domestic issues (e.g. unemployment, spy scandals, the economy) that have drawn American attention away from the region.

The Middle East is a cauldron, boiling over with ethnic and sectarian tensions, and frothing with realism. American efforts to bring democratic liberalism have not been effective – and might never be. One reason for this is that the Middle East is a region where power, force, bribery and coercion have been the levers of power for centuries. Given Putin's demonstrated expertise in these areas, perhaps his approach will bear more fruit. Thus far, Russia has borne no responsibility for events in Syria or the Middle East broadly. If Putin is given the chance to become a stakeholder in Syria, the silver lining is that he will have to 'put up or shut up', to borrow a phrase from the American vernacular. If Russian efforts do indeed help to rid Syria of chemical weapons, that is a fine outcome. But, if Putin's regime learns firsthand about the duplicitous quagmire of operating in the region, that is fine too. So Salam, Vlad, and welcome to the neighbourhood. We were just leaving.

Receptive Autonomy: Political and Legal Discourse Within the Self
Katie Glanz

Notions of autonomy, differing widely with respect to the treatment of the social and the historical, circulate throughout philosophical and political thought. Both the political Right and the Left have deployed specific notions of autonomy to provide philosophical credence to ethical, political, and moral projects. Originally a concept with connotations of self-rule, radical isolationism, and unlimited individual agency, autonomy is being re-discovered in non-liberal and radical streams of thought. Recent feminist scholarship on autonomy has sought to resuscitate it from its liberal associations by positing a distinct notion of relational autonomy.[i] While much feminist scholarship has focused on relational autonomy as a critical tool for subverting and resisting mainstream knowledges that sustain social violence, little attention has been paid to the fruitful engagement between feminist theories of psychoanalysis and conceptualizations of autonomy. I will draw on the productive potential of this engagement by turning to Jean Copjec's account of autonomy in Lacan's reading of *Antigone* and Elisabeth Young-Bruehl's exploration of ego instincts. From these theories I will derive an account of autonomy in feminist psychoanalytic terms, as freedom from the law of the superego and the creation of a strong receptive ego.

Copjec turns to Lacan's critical reading of Hegel's interpretation of *Antigone,* to develop a notion of ethical autonomy characterised by a radical break with both the law of the self and the law of the community, as manifested in the superego. Lacan claims that Hegel mistakenly construes *Antigone* as a moral play about the inherent and tragic conflict between differing orders of law, between the law of the state, the human, man and the universal, as embodied by Creon, and the law of the family, the divine, woman and the particular as personified in Antigone. In Hegel's account, both Antigone and Creon's actions fall in line with one order of law, thereby violating the opposing order. Thus Hegel finds that Antigone and Creon are equally guilty of violating one law in favor of the other. Antigone,

"acting on behalf of a particular individual, her brother…betrays the community and terrorizes the state, while Creon acts on behalf of the city-state and thus sacrifices Polynices and the values of the family" (Copjec, 14). Lacan rebukes this account of mutual culpability, and instead suggests that Creon plays the unethical actor and Antigone, the ethical autonomous heroine.

Contrary to Hegel's reading of Antigone as siding with the law of the family and the divine, Lacan claims that Antigone disregards both the law of the State, as manifested in Creon's orders, and the law of the gods. Proclaiming neither to break any law, nor obey any law, Antigone simply establishes a place for herself that is *beyond* law (Lacan, 278). She refuses to consider the divine or the human order, claiming, "I'm not going to get mixed up in it; I'm not concerned with all these gods below who have imposed laws on men" (Lacan, 278). Antigone intends her ethical act, the burial of her brother Polynices, to neither accord with the law of the family nor the law of the gods, and most certainly not with the law of the State, as Creon has explicitly forbidden the burial of Polynices. Thus, in this instance, Antigone rejects all dominions of law and moves toward lawlessness.

Copjec and Lacan portray this place beyond the law as a realm of autonomy, and suggest that in refusing to concern herself with either the laws of the community or the laws of the gods, Antigone embodies a truly ethical actor. Antigone's deed, the burial of her criminalized brother, is rendered ethical by the nature of its autonomy. Copjec reads the coercive nature of moral law as a hindrance to ethical action. The moral law that commands: "everyone must act in the same way…loses its ethical connotation," as the *must* in the commandment of this law is "guided by, rather than independent of, external sanction" (Copjec, 17). Thus, acting in accordance with a moral law, either in the realm of the universal or the particular, renders the actor coerced, unfree, and unethical. For both Lacan and Copjec, it is precisely only the momentarily autonomous action that can surpass the coercive force of the law and become ethical.

In burying her brother, Antigone rejects law and follows her desire. She does not genuflect to the superego, as an internalized version of this law. Antigone proclaims that she will bury her brother because he is essentially singular. She claims, "'if my husband had died, I could have had another, and a child by another man, if I had lost the first, but with my mother dead and father in Hades below, I could never have another brother'" (11. 908-912)(Copjec, 40). Copjec recounts Antigone's sentiment as she attests to her brother's irreplaceability: "There will never be another like him. His value to her depends on nothing he has done nor on any of his qualities. She refuses to justify her love for him by giving reasons for it, she calls on no authority, no deity, none of the laws of the polis to sanction the deed she undertakes on his behalf" (2002, 40). Lacan and Copjec read Antigone's claim about her brother's singularity, as indicative of Hegel's misreading of the play as a chronicle of the inherent tragedy underlying moral law. Lacan instead, claims, "Antigone's position represents the radical limit that affirms the unique value of his being without reference to any content, to whatever good or evil Polynices may have done, or to whatever he may be subjected to" (Lacan, 279). Thus Antigone breaks away from the realm of law, and her actions are rendered uncoerced and therefore ethical.

This element of critical self-removal from the jurisdiction of law also appears in Young-Bruehl's account of the receptive ego. Young-Bruehl presents the ego as something endowed with a certain amount of autonomy, capable of rejecting an adherence or fixation on law, predictability, and hyperactivity. In her explication of the ego's natural receptivity and the cultural refusal to acknowledge this receptivity, Young-Bruehl attests to the need to focus on the notions of affection and ego-instinct as sources for understanding the processes that strengthen the ego.

Like Copjec and Lacan, who note the ethical nature of lawlessness and the imperative to reject the commands of the community, should they demand the sacrifice of desire, Young-Bruehl suggests that the ego, which is nourished by the affectionate and receptive current of love, acts as a bulwark

against the rules of a sociality that denies the primacy of receptivity. Young-Bruehl suggests that the receptive ego, "this amae core is lost to a worldview that denies altogether that a need to be loved is the foundation of receptivity to love" (2003, 35). She claims that the imperative of modern civilization entails "a process of making living beings, in all their spontaneity, new beginnings, dynamism, growth, unpredictability, and proliferation, strictly predictable, useable, dominatable" (Young-Bruehl, 37). Thus she prescribes a rejection of the systematizing and dominating imposition of social law in favor of a strengthening of the "I" through love, cherishment, and receptivity.

Young-Bruehl's notion of the cherishing ego does differ from the account of autonomy proffered by Copjec and Lacan, in that Young-Bruehl does not explicitly refer to the rejection of law or suggest the ethical nature of the shattering of self-law. However, her account of the ego shares with Lacan and Copjec's understanding of autonomy the rejection of social rule and a turn toward loving as a source of strength for an "I" who seeks to move away from the oppressive aspects of the community. The account of autonomy I wish to give here, read through Copjec and Lacan, as well as Young-Bruehl's notion of the ego, shares with traditional understandings of autonomy the implication of autonomy's critical capacity, manifest in distance from the social. The rehabilitation of this understanding of distance however, is not matched with a reiteration of autonomy as self-containment, isolation, or rigidity. To the contrary, the deployment of autonomy in its loving and receptive form depends upon openness, relationality, and resilience.

Copjec argues that it is precisely Antigone's love for her brother that engenders her autonomy, and she turns to Lacan to give an account of love that explicates its autonomy-creating potential. She suggests that Lacan depicts love, in this particular case, Antigone's love for her brother, as "the coincidence, or near coincidence, of the drive with its object" (Copjec, 41). This account of love develops from Lacan's characterization of the death drive as always aligned with sublimation. The

paradox of the death drive entails that the achievement of its aim (death) would inhibit the drive's satisfaction. Thus, sublimation, defined as the inhibition of the drive's aim, is "the proper destiny of the drive" (Copjec, 29). This sublimation occurs, as objects inevitably appear in the path of the death drive and block the drive from achieving its aim of self-annihilation. These objects break the drive into partial drives that then seek to "content themselves with…small nothings…objects that satisfy them" (Copjec, 33). Still, the drive in its partial form, unlike the instincts, remains indifferent to objects. The drive aims not at the objects themselves, but at the satisfaction that it can draw from such objects, as it takes to them in their romanticised form.

Since the drive aims not at objects themselves, but at satisfaction that can be derived from objects, the desire of the lover only "nearly" coincides with the loved object. This aim of satisfaction accompanied by the presence of the object constitutes the "something more" that is always imagined in the act of loving. Lacan calls this "the illusion of love," when "one believes the beloved is everything one could hope for without recognising the role one's love for him or her plays in one's satisfaction" (Copjec, 41). Thus the splitting of the drive is accompanied by the fracturing of the loved object, as "the beloved is always slightly different from or more than herself" (Copjec, 42). The beloved object is thus drawn into a relation characterised by the presence of ineffable excess.

As previously mentioned, Lacan describes this drawing close to satisfaction, this "near coincidence, of the drive with its object" as love, or "the illusion of love" (Copjec, 41). The autonomy in this account of love derives from the indifference of the lover towards the loved object. The sublimation inherent in loving, the "satisfaction of the drive by sublimation," "testifies to the autonomy of the subject, her independence from the Other" (Copjec, 44). However, this independence or indifference is not directed towards the loved object as beheld in the lover's eyes, but as the object is defined by external criteria. Antigone's love for her brother epitomizes this specific form of

indifference towards external law and active receptivity towards the loved object. Copjec describes Antigone's indifference as directed towards what is defined as possible within the community. She states "whereas Hegel focuses on the merits of Antigone's act of installing Polynices as 'a member of the community…which sought to destroy him,' Lacan views the act of the loving sister as a definitive break with her community." In other words, the deed Antigone undertakes traces the path of the criminal drive, away from the possibilities the community prescribes…"(Copjec, 38). In her actions, Antigone is autonomous; she "is indifferent to external criteria, such as the good opinion of others" (Copjec, 40). While Antigone is indeed indifferent and autonomous with respect to moral laws, she is not apathetic or closed off from the capacity to love.

Copjec's account of autonomy, given through the portrayal of the loving Antigone, exhibits receptive and critical capacities. Antigone is responsive and loving, and although "her love for her brother does not depend on any of his qualities," and thus she is autonomous and free from dependence upon her brother as a loved object, "she is not indifferent to them; she accepts them all, lovingly" (Copjec, 41). The feminist potential inherent in this conception lies in its capacity to reject and replace a model of autonomy as self-contained indifference, while simultaneously proffering a mode of being that acts to discard the oppressive and dominating laws of the community and their internalised existence comprising the superego.

The unique presentation of autonomy offered here disavows law, the "nomos" aspect of "auto-nomy." While the property of the "auto" or self, remains in a weakened form in Copjec and Lacan's accounts, "nomos" slides away from the connotative meaning of autonomy in this context. In this sense, "autonomy" cannot be easily translated here as "self-law." Copjec claims that it is only because Antigone "has first been able to unloose herself from the fundamental law of her own being," "that she is able to undertake such a fundamental break with the existing laws of her community" (Copjec, 42).

Love, in this sense, always entails openness to unpredictable relational fluctuations and potential self-shattering.

The loosening from the law of the self occurs precisely through the act of loving. As the drive fragments and the loved object splits in the processes of loving, so too does the loving subject. "Fractured through the drive's repetitions," (Copjec, 42) the loving self tears and morphs into something slightly alien to the original self. Lacan describes this rupture and metamorphosis as it occurs in Antigone. She appears to mutate and take on an avian existence, attested to by the "bird-like cries that" she "emits on learning that her brother's body has been re-exposed after the first burial" (Copjec, 43). For Lacan it "is this wild tearing away from herself, this inhuman rather than heroic metamorphosis," (Copjec, 43) that illustrates the ethical nature of Antigone's action. She acts in accordance with Lacan's ethical imperative, to never give "ground relative to one's desire" (Lacan, 321). Rather than sacrificing the *near* satiation of her desire, through the sublimation inherent in loving, for "the good," Antigone persists in desiring and remains free from the tyranny of "the good." Antigone is ethical because unlike Creon, who attempts to serve "the good," the ideal form proffered by the community, Antigone rejects the pursuit of the good and continues loving and morphing. She attests to the understanding of ethical action as "a matter of personal conversion, of the subjective necessity of going beyond oneself" (Copjec, 43). Thus, the notion of autonomy presented here in terms of ethical action is a radical reformulation of the concept. Rather than characterised by self-rule, detachment, and individuation, this reconceptualisation of autonomy attests to the ethical necessity of lawlessness, self-rupture, and love.

Both Copjec and Young-Bruehl turn to Freud to draw out the independent yet receptive nature of the loving and affectionate ego in relation to the demands of civilizational history and the superego. Copjec returns to Lacan's ethical imperative, which suggests the necessity of going beyond oneself, to

illustrate how Freud's account of the ego allows for this type of ethical mutability. Copjec argues against the claim that Freud adheres to an understanding of the ego as determined by historical inheritance and as driven to return to its initial state. Freud actually rejects such claims, and asserts, contrary to his disciple Jung, that all inheritances present in the id must first pass through the "ego, which is the representative of the external world to the id" (Copjec, 43). He asserts, "it's not possible to speak of direct inheritance in the ego," as, "it is here [in the ego] that a gulf between an actual individual and the concept of a species becomes evident" (Copjec, 43). This gap allows the subject a degree of autonomy, and "Freud argues…it is the very maintenance of this gap that prevents the individual subject from being annihilated by the history she inherits" (Copjec, 44). Because the historical inheritance contained in the id is mediated through the partially non-determined ego, whether it passes down as the law of the species, the community, or the family, the subject maintains a degree of freedom. The existence of the excess of the law that is rendered inarticulable by the ego entails that the subject will "carry out the law or carry on the family name without simply repeating in the present what has already been dictated in the past" (Copjec, 44). Thus, due to the undetermined nature of the ego, Antigone is not necessarily destined to repeat the tragic fate of her incestuous family.

Young-Bruehl also develops a notion of ego independence by drawing on Freud's account of the ego and ego instincts. Whereas Copjec centers her assertions concerning the autonomous ego on explicit references to the ego's undetermined nature, Young-Bruehl focuses less on overt notions of autonomy and more on the processes that serve to preserve and enrich the ego. Young-Bruehl suggests a return to Freud's pre 1920 distinction between the ego instincts and libidinal instincts as a way to explore the implications of assuming the existence of an affectionate current not reducible to aim-inhibited libidinal instincts.

Before Freud posited the existence of the Death Instinct and united the ego and the libidinal instincts under the notion of Eros (the Life Instinct) he had theorised that "it was the self-preservative instinct, or the ego instinct, that" "contrasted to the sexual instinct with its species preservative or reproductive goal" (Young-Bruehl, 27). In this original dual theory of the instincts, Freud maintained that the self-preservative ego instincts were united under the "affectionate current" and that this current was directed towards the infant's caregivers. Libidinal instincts were secondary and supported by this original self-preservative affectionate current. Initially in this account, Freud had claimed "sexual instincts find their first objects by attaching themselves to the evaluations made by the ego instincts, precisely in the way in which the first sexual satisfactions are experienced in attachment to bodily functions necessary for the preservation of life" (Young-Bruehl, 27). Thus, prior to 1920, Freud locates the affectionate current within the realm of ego instincts, rather than under libidinal instincts.

However, as Young-Bruehl laments, Freud moves away from this conclusion as he posits a new dual theory of the instincts as the struggle between the Life and the Death instincts in *Civilization and its Discontents*. In this second manifestation of his instinct theory, affection is "presented not as an originary ego instinctual current but only as a result—rarely attained—of aim-inhibited sexuality" (Young-Bruehl, 28). Young-Bruehl claims that in making this move from ego instinctual love to aim-inhibited libidinal love, Freud loses a socially important thread present in his original theory. This move eclipses the significant distinction to be made between libidinal instincts, that are primarily narcissistic, and ego instincts, that are primarily relational.

Freud's turn to define affection as aim-inhibited sexuality also serves to establish his notorious theory concerning the inherent antagonism between the individual and civilization. Freud argues that for aim-inhibited sexual affection to exist, which it must in order for friendships and social bonds to occur, civilization must impose restrictions and taboos upon sexual love. Social bonding through aim-

inhibited libido is thus only possible in a civilization that demands the repression and redirection of the sexual instincts (Freud, 2010). Young-Bruehl finds that Freud's rather myopic focus on sexual instincts in *Civilization and its Discontents* obscures the potentially reparative relationship between sociality and the ego instincts. She suggests that had Freud maintained the trajectory established by his early theory of the instincts, he may have realised "that the ego instincts might not be antagonistic to civilization as the sexual instincts are" (Young-Bruehl, 27). In effect, Young-Bruehl claims that Freud's move away from love as an ego instinct and towards love as a libidinal instinct disavows the complimentary coexistence between a resilient ego and sociality.

While Young-Bruehl suggests that most of Freud's later work departs from the notion of ego receptivity, in *Civilization and its Discontents,* Freud does actually maintain an acknowledgement of the open and loving nature of the ego. His discussion of the "oceanic feeling" alludes to the ego as a source of primary openness to the world. Freud begins *Civilization and its Discontents* with an explanation of the origin of "the religious feeling" experienced by some as "a feeling of an indissoluble bond, of a being one with the external world as a whole" (25). The ego, Freud clarifies, does not begin as something distinct and separate from the surrounding environment. The infant initially does not possess a sense of self, a sense of separateness from the rest of the world. The ego, as a demarcation from the outside, emerges only after the infant learns that she cannot access the mother's breast without an outwardly directed cry for nourishment. The infant's necessary recognition of an "outside" coincides with her recognition of an external object, the mother's breast in this case, "which is only forced to appear by a special action" (Freud, 28). Thus the ego evolves from its primary all-encompassing state into something that appears "marked off distinctly from everything else" (Freud, 26). Freud claims that the "present ego-feeling is…only a shrunken residue of a much more inclusive…all embracing…feeling which corresponded to a more intimate bond between the ego and the world about

it" (29). In some instances, the present ego-feeling, a distinct sense of self, exists alongside a preserved remnant of the initial ego-feeling. This conserved primary ego sensation, of being one with the world, manifests as the "oceanic" or "religious" feeling. While Freud presents this narrative principally to explain the psychological roots of religious sensation, he also folds in an indirect acknowledgement of ego relationality.

Here, in his later work, Freud continues to allude to the openness and variable nature of the ego's boundaries. The inconsistency and permeability of these ego boundaries appear quite plainly in one particular psychological state. "At the height of being in love," Freud claims, "the boundary between ego and object, threatens to melt away" (26). Thus Freud's account of the primary-ego feeling clearly demonstrates an understanding of the ego as strongly receptive and responsive to relationality. Young-Bruehl correctly notes that Freud's tendency to focus on the relationality of the ego decreases as he turns away from ego-instincts. Yet, even in his late work, *Civilization and its Discontents*, Freud maintains an interestingly receptive and mutable notion of the self.

Young-Bruehl claims that Freud's early work on the ego-instincts contains the most valuable accounts of relationality. Consequently, she develops her understanding of the primary relational ego by turning to Freud's early theories and additionally to psychologist Takeo Doi's notion of cherishment. Takeo Doi makes the singular claim that the infant "begins in a condition of relatedness that is predominantly ego instinctual" (Young-Bruehl, 32). From the first moments of life, the infant desires and requires cherishment, and if caregivers are present they respond by nourishing and cherishing the infant. This "elemental form of reciprocity" persists throughout life and "the growth principle of the ego" ensures that "the ego aims at growth and is met by cherishment or cherishment's lack" (Young-Bruehl, 32-33). Thus, contrary to an understanding of the ego as aggressively self-

interested, this account suggests that the ego is enriched by relational encounters, receptivity, and circular currents of affection.

This receptive notion of the ego appears alien in a society ruled by a normatively utilitarian and economic understanding of humanity. Young-Bruehl argues that this state of modern civilization encourages and demands ceaseless activity, hyper-communication, and a generally frenzied existence. In this environment "reflective, unhectic, receptive thought" (38) becomes nearly impossible, and meaningful and receptive connections and relationships suffer. The demands of modern civilization, internalised to some degree as the superego, force themselves upon the ego and weaken the capacity for a resilient and affectionate subjectivity. Copjec explores these enervative effects of the law and the superego by turning to the energizing effects of Antigone's autonomy (as ego-assuredness) and the paralyzing effects of Creon's dependency on the law.

Antigone exhibits autonomy in breaking with self-law, remaining indifferent to the empirical loved object, and rejecting the laws of the superego. Consequently, she receives satisfaction from the love she feels for her brother. In direct contrast to Antigone's independence, Creon demonstrates a fixation and dependency on the law and the ideal, and thus experiences a perpetual deferral of satisfaction. While Antigone is driven by the satisfaction afforded from an affirmation of love, Creon remains inhibited, held back from satisfaction through a "fixation on the laws of the State" (Copjec, 44). Creon stays captive under the force of the superego, the "internalisation of the laws and ideals of the community" (Copjec, 45). These idealisations, proffered by the community and internalised by the superego, forestall satisfaction by forever demanding more from the ego, weakening the ego's resolve. The inherent "fixation on dissatisfaction" demanded by the superego "exposes the ego to the vicissitudes of public opinion" (Copjec, 45-6). Creon's "failure of nerve toward the end of the play, his bending to public opinion" (Copjec, 45), illustrates this weakening effect of the superego's law on the

ego. Creon's enfeebled and battered ego prevents him from carrying out the ethical autonomous action called for in the play's final moments. This fixation not only attenuates Creon's resolve, it "causes him to be relatively indifferent to all others available to him," as "he remains glued to an ideal he will never attain" (Copjec, 45). Creon's cold and unreceptive indifference results from his dependency on striving toward the ideal as demanded by the superego, whereas Antigone's loving indifference and active receptivity enables autonomy. The stark contrast between Creon's dependency and Antigone's autonomy reveals how the law, as manifest in the superego, reigns over and debilitates the ego thus preventing the capacity for autonomy.

Copjec's reading of Antigone's lawlessness and Young-Bruehl's turn toward the vicissitudes of the ego instincts contribute to an account of autonomy as a strengthening of a receptive self. Young-Bruehl's consideration of the ego shares with Copjec's concept of autonomy a loving and receptive, yet still critical faculty. Both notions move away from the perception of autonomy as self-contained remoteness. Together, Copjec and Young-Bruehl's notions of the ego contradict traditional masculinist understandings of autonomy as absolute self-contained sovereignty. Like Copjec, who contends that Antigone's receptivity and love enable her autonomy, Young-Bruehl suggests that it is precisely through openness and receptivity that the self flourishes.

Both Copjec and Young-Bruehl show how a version of the self is strengthened and afforded a degree of autonomy through receptivity and love. Their particular notions of independence stand in stark contrast to traditional understandings of autonomy as self-contained disconnectedness. Significantly however, both Copjec and Young-Bruehl's version of autonomy and self-cultivation, respectively, retain a fundamental aspect of traditional notions of autonomy. Their accounts preserve and expand upon the notion that autonomy entails a critical capacity to disregard, reject, and resist potentially unethical and oppressive dictates of the community. The feminist psychoanalytic

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understanding of autonomy delineated here, actually amplifies this critical capacity by suggesting a

notion of autonomy that can stand against and even dismantle the laws of the community internalised

as the superego.

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