

## 2 The Governmentality of Transnational Migration and Security: The Making of a New Subaltern

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### 2.1 Introduction

Historical and comparative studies have demonstrated that migration (as human mobility across geographical areas and regions) is a dynamic process, interacting with livelihood systems, regulatory norms and security-enhancing institutions, both materially and subjectively (Hoerder 2002; Schrover/van der Leun/Lucassen/Quispel 2008). Migration cannot be understood in truncated ways, in parts and fragments of reality rather than the totality of the universe in which the phenomenon rose, became institutionalized and transformed at different historical moments. A core issue today is the gradual practical and conceptual erosion of the legal boundaries set in the Westphalian framework of inter-state relations and the emergence of fragmented modes of regulation of the movement of people across border of nation-states. This reflects the inability of governments to reconcile the tension within global capitalism, which on the one hand prides national economies open and on the other remains unaccountable for the adverse human consequences of this openness. The architecture of global governance of migration today shows how diverse rationalities have played out one against another to produce a situation in which growth-driven norms are taking over from rights norms based on human dignity enshrined in the Universal Declaration of Human Rights. This calls for a reconsideration of migration and security as two key areas of state prerogative, in light of their transnational and trans-local implications.

The vast body of literature on migration studies shows diversity of perspectives, disciplinary orientations and mandates (Brettell/Hollifield 2000). The underlying ethos has so far rarely been made explicit. Such mandates span what Buroway (2005) refers to as a 'problem-solving approach' (or instrumental knowledge) at one end of the spectrum and an approach to 'reflexive knowledge' or critical knowledge for eman-

ipation at the other. Although Buroway's binary distinction has been subject to criticism (Morrow 2008), it is useful to distinguish the approaches taken in the studies on migration and show how they interact and transform one another as global migration unfolds.

The problem-solving approach draws its principles from the ethos of the nation-state and its sub-components to evaluate processes by which an institution or a set of social relations operates in a given domain of migration policy - labour import and export, welfare, remittances, cultural assimilation and humanitarian concerns. The critical knowledge approach draws its principles from transnational studies, seeking to expose deceptive binary constructs, such as state/society and global/local. The approach of transnational migration studies begins from the lives of migrants, placing migration within a larger perspective that rejects the long-held notion that society is one and the nation and state are the same. It seeks to reformulate the concept of 'society' within the framework of a transnational arena, inspired by Bourdieu's concept of social field to grasp the full spectrum of diverse social transactions and their implications for state and migrants' strategic choices (Basch/Glick-Schiller/Szanton Blanc 1994; Smith/Guarnizo 1998; Levitt/Glick Schiller 2004).

The Copenhagen school of thought in international relations, built on a critical knowledge approach, provides new ideas to analyse the mutual constitution of security and migration (Buzan/Wæver/De Wilde 1998). This school creates openings to investigate 'security' in the transnational field by extending the focus on traditional state-centred meanings to social realms, viewing 'state security' (primarily concerned with the protection of territorial sovereignty) and 'societal security' (concerned with the formation of a collective identity and the connection between such an identity and common interests) as mutually informing and influencing one another. A three-dimensional method to analyse securitization as a process

set in a historical moment is proposed: 1) the identification of an existential threat (or security move); 2) emergency action; 3) their effects on inter-unit relations regarding rule breaking (meaning the justification of a range of policies that would otherwise not have been considered legitimate). Thus the basic questions are: who can make a security move and how; what issues are included in the referent of security in this move; what are the enabling conditions of this move and its outcomes.

Followers of this school of thought applied the concept of securitization critically to show how the discursive interactions between public and private actors have produced a framing of security that depicts 'migration' as an 'existential threat' to host societies, with implications for the institutionalization of new conduct and practices towards the population of non-citizens (Huysmans 2000, 2006; Abrahamsen 2005; Curley/Wong 2008). While the focus of these studies is regional, their broader relevance lies in their attempt to bring into focus the ethical-political dimensions in the relationship between security and migration. In other words, ethical norms about security and migration are not to be taken as pre-givens but as constituted through discursive practices by a variety of private and public actors and strategies of governments.

This chapter draws on these ideas to trace the main lines in the framing of 'security' to show the historical junctions where specific meanings of 'security' intersected with 'migration' and 'development'. 'Security framing' is useful to reveal the technologies of power that link these three domains in a triadic way – by appealing to particular ethical norms and modes of conceptualization about 'security' (intra-, inter-state security, trade) at given times. Tensions in this triadic relationship appear at a deeper level of the ontology of the nation-state as a normative vision of political order. This ontology sits uneasily with the global evolution of capitalism and has been modified in various ways.<sup>1</sup> Understanding security, migration and development as a triadic and interactive relationship within a particular context of re-configuring the global political economy is essential in order to develop new ideas for transformations towards harmonious and peaceful co-existence.

First, we provide a synthesis on the ontology of the nation-state, its original meanings of security and how privileges have been built into particular forms of human mobility across and between geographical areas and regions. Second, we illustrate how the modification of the ontology of the nation-state for the purpose of cooperation between groups of states has also affected the naming, framing and regulation of mobility. Third, we show how the meanings of human mobility in the four extant bodies of international legislation (the Refugee Convention, Mode 4 of the General Agreement of Trade and Services, the United Nations Convention on Transnational Organized Crime and its Protocols and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families) reflect the politics of re-assertion of the authority of the state under pressures of market-driven globalisation processes, and how the differentiation of meanings and inconsistency in application reveal the desire of the power holders to maintain a hierarchical global society supported by particular politics within nation-states. Failure to deal with migration holistically – as outcomes of economic transformations and re-ordering societies – has led to the formation of a new subaltern class labelled as 'irregular migrants' in the EU and 'criminal aliens' in the US and Japan, labels that are now being circulated more widely. The fourth section introduces a different notion of the unity of 'being human', in an appeal to a different approach to politics. We draw on the voices of plain truth (*parrhesia*) regarding 'mobility', 'temporal ability' and 'vulnerability' as pre-conceptual realities of humankind. This alternative mode of understanding 'being human' seeks to direct attention to the ontology of care, for social thought on caring relations lies at the heart of justice (Engster 2007). This may help provide more balance to an overwhelming emphasis on the autonomy and reason of the individual.

## 2.2 The Ontology of the Nation-State: Apprehending Security, Rights and Migration

An ontology – as depicted by Bourdieu in his writings on *habitus* and symbolic violence (1990), Galtung (1990) on cultural violence and Foucault (1984a) on the history of systems of thought – refers to a phenomenon of *longue durée*. The term conveys the notions of the silent behaviour, habits and practices drawn from a repository of meanings in religious,

1 Security moves today are tapping into collective historical memories with particular significance about the state (theocratic, humanist liberal and market-based communist).

spiritual, mythological symbols and philosophy. Concerned with long-term processes of structuring social relations, these authors posit the view that an ontology does not exist only in an abstract form; it also has significance through the directing of thinking in the organization of social relationships and institutions.

Foucault's concept of the ethos and art of governing (*governmentality*) helps us to discern the ontology of the nation-state and its transformations. The genealogical method he uses to investigate the epistemic shifts in human sciences in the 17<sup>th</sup> and 18<sup>th</sup> centuries treats ontology as a historical formation, lending support to the key assumptions on which a particular system of knowledge/practices is based. Thus the method of genealogy does not take the question of 'human essence' as datum, but as a manifestation of a given ontology. An ontology conveys, through the language of religion or science and philosophy, particular notions about human nature from which an understanding of human freedom and individuality are derived.

Debate about natural law, rights and sovereignty makes deliberate use of a particular concept of 'human nature' in order to distinguish itself from other types of discourse, such as theology or biology (Foucault 1984b). The language of human nature is intimately linked with the creation of a political community, its institutions and societal knowledge. For the analyst, the term 'human nature' may be apprehended as an epistemic indicator to assess the strategies of truth-claiming in a history of veridiction (Foucault 1984b). Tracing how 'human nature' is defined, codified and regulated, in conjunction with a particular model of citizenship, is important for understanding the art of government (Foucault 1991a, 1991b). Governmentality can thus be understood in a more simplified meaning of governmental rationality and the knowledge system that supports it.

The theme of *governmentality* was one of Foucault's working hypotheses on the reciprocal constitution of forms of knowledge and power techniques, regimes of representation and modes of intervention (Foucault 1991a, 1991b; Lemke 2007). Modes of government intervention are viewed as historically sited in discourses where concepts are formed; objects and borders are specified; and arguments for (or against) a given exercise of power are justified. Government seeks to gain legitimacy *per pro* a given field and thus the ability to address a problem. This simultaneously triggers a process of subject identity formation. Political struggles can bring changes in modes of governing, but aspirations for emancipation can be

co-opted, discernable by way of examining the reformulations of rationale, categorization, object and subject of control that are immanent in what he calls a *dispositif* of power (Foucault 1991a).

Foucault (2007) discerned three inter-related meanings of security: 1) sovereignty confirmed through the enactment of law on a multiplicity of subjects (as people or the populace) within a territory; 2) discipline consisting of techniques of individualization directed at making individual subjects docile, conformists and governable; 3) security as an abstraction of the diversity within a population that can be statistically conceived and managed through the guidance of the human sciences (demographics, economics, the science of finance and administration). The key issue is not state domination or increasing control of the state over its populace, but the shifting emphasis in the 'ethos' and 'art' of governing. For example, the shift from the administrative state (police and discipline) to one in which governmental power is dispersed through society by way of professional power at different sites (education, health, correction systems, etc).

The Treaty of Westphalia in 1648 marked a turning point in the governmental rationality in which the view on a 'system of security' was adopted (Foucault 2007: 291, 297). Due to the tendency of states to expand the boundaries of their economic activities they ended up competing with one another, making international strife a primary source of threat to state security. Maintaining security within territorial boundaries thus became insufficient. States, as they then existed, were apprehended as a field of forces; and in the new governmental rationality, the preservation of the state within a general order was no longer perceived as being as significant as the balancing of power in the management of the relations of force between them (population movement and circulation of goods) (Foucault 2007: 296).

From the start this model of security carried seeds of conflict based on culture, ethnicity and gender as subject identities. The model conflated 'nation' with 'sovereignty' and territoriality and thereby the interests of the state with those of the people living under its jurisdiction. The notion of 'citizenship', with its rights, was therefore built on an elitist definition of natural and legal persons and effectively became binding for the whole society under the 'social contract'. The model largely obscured the reality of society as comprising social agents with a plurality of beliefs, actions, statures and strategic interests. It also promoted a centripetal move of power whereby the 'citi-

zenry' traded off some of their communal rights in return for state protection (Held 1983). Just as issues of diversity in belonging came under the 'nation' as an asserted common referent suppressing diversity of history and language within a territory, so too were the specific concerns of women as social subjects (Fraser in Agosin 2001). Practices of the management of natural resources based on a bio-centric worldview (taking into account the cyclical need for renewal) were sidelined, and a new framing of 'nature' as comprising inert matters for conquest became normalized (Merchant 1980, 2003). A spread of this model across different regions of the world through colonization reproduced similar structures of state and societal relations, and squeezed highly heterogeneous social groups into newly created bounds (variously defined as protectorate, colony and dependent territory).

Movement across borders grew as economies expanded. Forced trans-Atlantic movements through slave trading practices, and indentured modes of movement within and between colonies were based on such conceptions about the human (and its nature) that natural rights were considered inapplicable to those forced and indentured (Behrendt 1999; Grant 2005; Cohen 1987). In parallel, unrestricted and state-subsidized immigration enabled the movement of an estimated 50 million people from Europe to the New World during the 19<sup>th</sup> and through the first half of the 20<sup>th</sup> century.<sup>2</sup> By the late 1920's, policy restrictions had been introduced in the United States and later in South Africa, Brazil, Australia, New Zealand and Canada specifically directed at non-European ethnic groups.<sup>3</sup> McKeown (2004) reveals that there were also movements from Europe to Northern Asia and from East and South Asia to Southeastern Asia that were comparable in size and demographic impact to the transatlantic flows.

Such movements contributed to the formation of heterogeneous and hybrid identities, which generally have been overwritten by the construct of the nation-

state as a homogeneous entity. The main problem for the nation-state has been the fuzziness of the boundaries of its cultural identity. The aggregation of communities with diverse bases in secular beliefs, religious faiths, ethnicity and race into one signifier of the nation, posed new questions: where does a national identity begin and where does its protection end; what are the responsibilities of the various actors; to whom are they accountable; which mechanisms of protection matter most to whom?

Security as social order (achieved at the expense of the suppression of the meanings of *difference* within a territory) and a territory's protection (the principal rationale for war between states) turned against empires in moments of political turmoil. World War I erupted over meanings of 'nation' and escalated over the matter of boundaries of colonial territories, an issue that carried over into post-colonial contexts. The pursuit of security and justice that followed was directed at preventing war and the persecution of minority groups. Gains made by the League of Nations created under the Treaty of Versailles in 1919 were the established parameters of justifiable intervention by the international community in the internal affairs of states based on human rights abuse (against minorities). The moment provided an opportunity for anti-slavery activism movements to bring into focus the 'new slaveries' of European imperialism. These included coercive systems of labour taxation, indentured servitude, and evidence of atrocities including the trafficking of women and girls for the purpose of prostitution. The 1926 Slavery Convention endorses the definition of slavery in international law as well as the obligation to secure and just treatment of native populations in territories under the control of the signatories, and specifically to both ensure fair and humane conditions for women and children's labour and halt the trafficking in women and minors. The mechanisms established to monitor and control the forced migration of women and minors for the purpose of prostitution were in many ways ineffective given the conditions imposed by the nation-states - respect for sovereign decision-making and immunity of military camps from external inspection (Truong 1990). Although the creation of the International Labour Organization in 1929 explicitly linked individual rights to economic security, issues concerning the links between economic vulnerability and the trafficking of women and children for prostitution remained unattended. More importantly, the effect of a stigmatized sexual identity on the everyday security of

2 The United States, Canada, South America, Australasia and southern Africa were the main recipient areas. Britain was a dominant source of migrants but also prominent were Germany, Scandinavia and other parts of Northwestern Europe; then, later, other European areas: parts of the Austro-Hungarian Empire, Italy, Spain, Portugal, Poland and Russia (Hatton and Williamson 2005).

3 Hatton and Williamson (2005: 7) cite a variety of legal mechanisms of restriction - notably contract labour laws, (Chinese) exclusion acts, excludable classes and head taxes.

women involved in commercial sexual services was not recognized as a significant issue.

Viewed from this perspective, the specific discourse regarding human rights and their links to the system of nation-states as political communities had been connected with the idea of controlling war, and promoting religious toleration and respect for minorities to ensure effective interactions between states. The meaning of rights shows a fluctuation between an aspiration for all people as members of humanity, and a reduction of the meaning of humanity to specific groups based on their subjective identities defined by states. The pursuit of justice as key condition for security was incomplete for those whose subjective identities occupy a position of minor significance to the state. Teitel (2003) shows how this transitional period built up towards a full inclusion, then turned away from it to the point of a mere preservation of a minimalist rule of law identified chiefly with maintaining order. In other words, the nation-state was to be preserved by disciplinary means rather than by ensuring rights to all.

### 2.3 From Bipolarity to Trilateralism: The Security, Migration and Development Triad

The multilateral system put in place in the post-World War II period marked a new turn in governmental rationality. World order and the state system of security acquired an additional dimension. The Westphalian notion of balance of power was supplemented with the concepts of 'decolonization' and 'cooperation between states' for peace. In a bipolar world dominated by the Soviet Union and the United States, security was divided into two administrative domains: 1) control over weapons of mass destruction and 2) development (which was narrowly conceived as modernization and poverty alleviation to prevent war). In this predictive and prescriptive universe of bipolarity, the social construct of the free world versus the communist world was based on competition for a reigning position in the world order and the diverse cultural and social meanings of 'being human' became suppressed. In the modernization model the 'modern' is counter-poised with 'tradition' - the latter being treated as a residue of history expected to vanish gradually in a linear progression towards an ideal democratic system of the free world. In the communist model 'collective interests' are counter-poised with 'individual interests', which are treated as a historical

feature of capitalism and therefore expected to disappear in a linear progression towards a classless society as an ideal of democracy. Both systems adopted a mechanical worldview in which the human subject is treated as a fairly fixed and stable entity whose desire and identity can be moulded for the greater good of their respective social designs. Human mobility between the two global camps was framed as defection and state treason. Within each of them, it was planned and regulated at varying degrees of stringency.

By the 1960's new challenges had begun to transform this system: 1) transnationalism became recognized as a phenomenon, evidenced by the operations of multinational corporations piercing through borders; 2) internal social revolts; 3) the widening of the sphere of Soviet influence and Third-World nationalist allies. The initial mapping of a new order may be found in Crozier, Huntington and Watanuki's treatise entitled *The Crisis of Democracy* (1975). A joint product of three elite scholars representing the trilateral global capitalist elite blocs (Western Europe, US, and Japan), the treatise discerned the problem of *governability of democracy* prevalent in the free world - and offered recommendations to address it. An intrinsic threat to democracy was seen to have grown out of the economic expansion of the 1960s in the trilateral regions, which led to the upsurge of social movements asserting their "disgust with the corruption, materialism, and inefficiency of democracy and with the subservience of democratic government to monopoly capitalism" (Crozier/Huntington/Watanuki 1975: 6). These authors characterized social movements as being driven by new values no longer grounded on materialistic, work-oriented and public-spirited ethics, and saw their actions as attempts to de-legitimize political, and other forms of, authority given that they tended to consider all civil institutions (family, church, trade union, universities and even the military) to be undemocratic. Democratic politics became anomic, transforming the public sphere into an arena for asserting conflicting interests rather than a platform from which to build common purposes (Crozier/Huntington/Watanuki 1975: 161). Demands on governments to meet the needs of specific groups - coupled with an escalation of those needs - led to a financial overload on governments, which spilled over to the economy and society (Crozier/Huntington/Watanuki 1975: 164). One solution was to separate a political system from its society to allow: 1) society to return to its own (autonomously formed) authority, and 2) the state to restore its authority over a restricted

public sphere. The authors prescribed a more confined vertical relationship between the state and its citizenry and a multiplication of horizontal relations between civil organizations to address intrinsic challenges. They perceived extrinsic threat as coming from the then Soviet Union and its Third World allies, particularly with the introduction in the 1970s of the notion of ‘socialist economic integration’ under the Council for Mutual Economic Assistance (CMEA) linking three continents – Europe, Asia and the Western hemisphere (Bloed 1988).

The Trilateral Commission, which these authors represented, identified the key limits for democratic change as being derived from the inability of the public and its leaders to understand global interdependence in terms of relations that pierce through borders of nation-states (Sklar 1980: 3). The main idea behind ‘trilateralism’ was the nurturing of “the habits and practices of working together among the trilateral regions [USA, Europe, Japan] in order to promote a healthy (i.e. mutually beneficial and not mutually suicidal) level of competition between the capitalist powers; forge a common front against the Third World and the Soviet Union; ‘renovate’ international political economy in the interest of global business and finance; and make trilateral democracy more ‘governable’” Sklar (1980: 8). Harmonizing trade and social well-being between member countries to create *trilateral unity* was a key objective to stabilize democracy at home. Anticipated social costs associated with this objective were to be deflected onto non-members rather than laterally shared between the members (Sklar 1980). An undemocratic element was built into this vision of governance through the idea of externalizing costs of renovating the ‘Self’ (trilateral unity) to ‘Others’ (the rest of the world).

The reconfigurations of inter-state systems of security that flowed from this vision saw unprecedented patterns and levels of migration, partly triggered by civil strife, conflicts and regime changes and partly by the growing mobility of finance and flexibility of labour. In the immediate post-Cold War era the discursive construct of cross border migration hinged on two main categories (labour migrants and refugees) with distinctive principles. Labour migration was viewed as a new form of ‘transnationalism’, which was seen as potentially benefitting both the recipient countries and the countries of origins. A combination of factors, which included on the one hand the decline of Official Development Assistance (ODA) and the rise in migrants’ remittances, and on the other hand the looming demographic crisis in the trilateral

regions, made the temporary arrangements for migrant workers an attractive option for these regions. The key issue to be addressed was *effective* management. Likewise, effective directing of remittance flows to social infrastructure (rather than personal consumption) was seen as the condition for the development of migrants sending societies. Humanitarian principle would be applied to the refugee situation (Meissner/Hormats/Walker/Ogata 1993).

In brief, the vision of migration in the post-Cold War world order resided initially – and uncomfortably – between an instrumental logic and a humanitarian one, as if migrant workers do not actually need welfare rights and refugees do not actually need work. Setting these categories apart, while necessary for states to regulate and manage human flows across border, also creates differences in subject identities among those on the move, and in disciplinary measures regarding entry, entitlements and rights. These differences can obscure the hegemonic vision of trilateral democracy and its exclusionary ethics.

## 2.4 Governance of Global Migration: A Contested Order

Unsettled differences between governments gave rise to new measures of global migration control having conflicting rationalities. In addition to the 1951 Refugee Convention, three pieces of international legislation have been created to govern cross border movement. These are the 1995 Mode 4 of the General Agreement on Trade in Services (GATS) of the World Trade Organization (WTO); the 2000 United Nations Convention Against Transnational Organized Crime and its supplements commonly referred to as the Palermo Protocols,<sup>4</sup> and the 2003 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

The 1951 UN Convention related to the Status of Refugees<sup>5</sup> initially covered displacement within Eu-

4 The supplements are the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children and, the Protocol against the Smuggling of Migrants by Land, Sea and Air.

5 The Convention defines a refugee as a person who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his (*sic*) nationality and is unable or, owing to such fear, is unwilling to avail himself (*sic*) of the protection of that country” (Article 1, A2).

rope immediately following the end of World War II and migration resulting from political persecution during the Cold War.<sup>6</sup> The 1967 Protocol extended its validity to similar situations in other parts of the world owing to tension arising from decolonization and nation-state building. The principle of *non-refoulement* is fundamental to the protection of refugees.<sup>7</sup> A major turning point in refugee legislation occurred in the *Comprehensive Plan of Action* (CPA) for Indo-Chinese Refugees in 1989 with the introduction of the concept of ‘voluntary repatriation’. This concept was first applied to those Vietnamese ‘Boat People’ in Hong Kong who had been unsuccessful in ‘passing’ the refugee screening procedures. The persons concerned had the single option to return voluntarily. Those who did not seize the offer would face detention, then subsequent ‘orderly return’ or ‘orderly repatriation’ – which just meant deportation (Zieck 1997: 463–468). The concept was later adopted in several Southeast Asian countries, and applied also to Laotian and Cambodian nationals.

Although voluntary return is drawn from the ‘right of return’, some analysts view this turn as both driven by geopolitical interests and a step in the direction of hardening the guidelines for refugee determination (Chimni 2004). From a humanitarian perspective, the scale and complexity of population displacement during the 1980s made the application of the refugee status to displaced persons (due to armed conflicts, generalized violence and foreign aggression) mandatory. From a managerial perspective, critics argue that the original mandate of the 1951 Convention could not accommodate these new forms of displacement given that the forms of ‘political persecution’ which emerged in post-war Europe and in the bipolar world that followed were different (Collinson 1993). In practice the concept of the ‘refugee’ as defined in the Convention was neither able to accommodate all the movements induced by complex social tensions prevalent in many parts of the developing and the post-Soviet worlds (UNHCR 2006), nor was it able to account for emerging movements induced by natural disasters or famine situations.

These new complexities in population displacement have become prolonged features. Displaced persons unable to return home for reasons not sanctioned by the Refugee Convention must rely on the

discretion of the host government to confer on them a humanitarian status – inferior to that of a refugee in terms of both rights and length of stay. Only a minority of them obtain this status. Cases of refugees compelled to move on from their first country of asylum due to lack of protection have become common. A continuum has evolved between repeated displacement and the crossing of borders due to the lack of protection, creating a new phenomenon called ‘transitivity’ (UNICEF 2003: 13). This continuum has enabled an intermeshing of practices formally defined as asylum seeking, human smuggling, human trafficking and migration (UNHCR 1995, 2006). In respect of the majority of displaced persons, voluntary repatriation, reintegration, rehabilitation and post-conflict reconstruction have become the key words in efforts to find durable solutions (UNHCR 2003). Handling population displacements within the humanitarian assistance agenda contributed, in turn, to the human security agenda. This agenda seeks to integrate human development and human rights to build a comprehensive redistributive framework premised on human dignity as a core referent (Commission on Human Security 2003; Truong, 2005; Gasper/Truong 2010a, 2010b).

Receptivity to the human security agenda has been obstructed by a general climate of reluctance compounded by an anxiety for the ‘Other’, amplified since 9/11 2001. The understanding of the term human security as common security can take on a communitarian rather than a universal meaning. Common security, articulated for example in discourses on the enlargement of Europe, or cooperation in Asia and the Pacific, has been translated into a policy of deterrence-of-entry through legislation that enforces more restrictive interpretation of categories of migrants (Morris-Suzuki 2007b), and a spread of the partial privatization of security globally (Koulish 2009; Flynn/Cannon 2009). The introduction of new ‘non-entrée’ mechanisms, externalized measures of control (interception, offshore refugee determination, control of ports of entry) and visas (in the name of efficiency and security at the expense of accuracy) reflect a generalized abdication of responsibility to protect the right to seek asylum.

The outcome is the formation of concentric circles of security, centred on an ontology of the nation constructed as the collective self, with surrounding protective layers to fend off attacks by the ‘Others’ (including both known and unpredictable forces). In the case of Europe, these concentric circles are composed of: 1) territorial control by policing land, sea and air; and 2) an organizational control that restricts

6 Hungary in 1956 and Czechoslovakia in 1968.

7 As spelled out in Article 33 of the Convention, no person should be forcibly returned to a country where his/her life or freedom would be at risk.

migrants' entitlements and informal space for survival (access to work, social security, associations) in order to ensure that, while entry may be possible, social protection is not claimable (Geddes 2005). Externalizing protective layers also occurs by way of erecting barriers against entry through bilateral treaties and by extra-territorialization of border control (Dover 2008).

The second piece of international legislation dealing with people's movement across borders is Mode 4 of the General Agreement on Trade in Services (GATS) of the World Trade Organization (WTO). This organization came into being in 1995 as an outcome of the 1986–94 Uruguay Round of negotiations after earlier negotiations under the General Agreement on Tariffs and Trade (GATT), with the mandate to ensure "that trade flows as smoothly, predictably and freely as possible".<sup>8</sup> This General Agreement distinguishes between four modes of supplying services.<sup>9</sup>

Mode 4 covers the legal requirements for the presence of "natural persons" of one Member in the territory of another Member to supply a service. Although the text GATS suggests that Mode 4 can include service suppliers at all skill levels, in practice WTO members' current commitments are generally limited to the high skilled 'natural persons' (managers, executives, specialists), although these terms are generally not clearly defined.<sup>10</sup> Annex 10 specifies that the agreement does not apply to people seeking permanent employment or to conditions for obtaining citizenship, permanent residence or permanent employ-

ment.<sup>11</sup> These matters are left to the discretion of member countries.

The Mode is thus practiced within the regulatory frameworks of national policies on trade and migration. But since the definition of 'natural persons' does not clearly define the subsets of temporary labour migration, the Mode is subject to bilateral negotiations by which regulations are contextually defined under the authority of governmental migration managers operating under the auspices of national security. Thus a vertical link between migration, trade and national security (as fields of intervention) is formed, drawing a clear dividing line between free movement of 'natural persons' and other types. Highly qualified professionals belong to the permissive order; semi-skilled and unskilled labourers belong to the zone of contestation over meanings and codification of skills. Forced migration falls outside the framework of the Mode, irrespective of the fact that forced migrants may be skilled people. What seems to matter is the relationship with business which defines the mode of entry, rather than who the people are.

Mode 4 raised considerable debate among both high-income and lower-income countries about the implications for labour migration, immigration policy and border controls. High-income countries are concerned that full liberalization of Mode 4 will facilitate permanent migration and unauthorized migration, or open their borders to an overwhelming number of unskilled and semi-skilled migrants with the anticipated problems of cultural assimilation. Lower-income countries are concerned that the Mode will facilitate 'brain drain' or, in reverse, the presence of significantly large numbers of highly paid consultants who would be in competition with their nationals on an unlevel playing field.

As a result of these concerns, and combined with the failure of the Doha round of negotiations in 2008 to reach a compromise on agricultural import rules, new attempts are being made to move the discussions forward by re-orienting WTO discussions towards development and aid issues. There is growing acceptance for recognizing trade and migration policies jointly within Mode 4 and for recognizing trade and migration as complements rather than substitutes (IOM 2008). The emerging approach is to pressure WTO into adjusting its terms in effective response to emerging global challenges.

8 See at: <[http://www.wto.org/english/res\\_e/doload\\_e/inbr\\_e.pdf](http://www.wto.org/english/res_e/doload_e/inbr_e.pdf)> (9 July 2009).

9 Mode 1 on cross-border supply covers service flows from the territory of one Member into the territory of another Member – such banking or architectural services transmitted via telecommunications or mail. Mode 2 on consumption abroad refers to situations where a service consumer moves into another Member's territory to obtain a service (tourism, health care, education). Mode 3 on commercial presence refers to a service supplier of one Member establishes a territorial presence – through ownership or lease of premises – in another Member's territory to provide a service as in the case of domestic subsidiaries of companies in insurance, tourism, health or education.

10 For example in bilateral negotiations service suppliers now cover migrant labour in selected sector such as health and education rather than exclusively intra-corporate transfer of personnel.

11 See at: <[http://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/agrm6\\_e.htm#oblig](http://www.wto.org/english/thewto_e/whatis_e/tif_e/agrm6_e.htm#oblig)> (20 March, 2010).

By 2006 development objectives had been brought back into the agenda of trade liberalization; and in this regard policy coherence required what Pascal Lamy has described as “navigating through the archipelago of global governance” – referring to human rights, health, trade, finance, and social rights.<sup>12</sup> Mode 4 has since been opened to discussion about migration – under the rubric of trade and development cooperation. This would involve extending the legal provision regarding movement of ‘natural persons’ to apply to low-skilled labour through temporary arrangements and greater coherence in development policy (Kategekwa 2006). Arrangements for temporary and circular migration are coming into practice, although the issue of migrants’ rights protection remains problematic. In high-income countries such arrangements can include an accretion of low-skilled labourers who may temporarily buffer deficits due to demographic changes (Mattoo/Carzaniga 2003); they nonetheless remain socially contentious and politically unpredictable (for the safety of migrant workers) given the periodic increase of xenophobic sentiment in domestic politics.

Kaur and Metcalfe (2007) note that states in Pacific Asia continued through the last three decades to classify and separate out migrants from ‘expatriates’, and skilled workers from the ‘lower skilled’ (unskilled) tier of labour, despite significant changes in financial capital flows, structural changes in modes of economic production and demographic transformations. Particularly in Malaysia and Japan, extension of citizenship or residency to migrants is highly exclusionary and selective. In Malaysia and Singapore, migrant women workers are forbidden from marrying citizens or permanent residents and are subjected to a pregnancy test every six months; if found pregnant they face deportation (Garcés-Mascreñas 2008; Cheah 2009). Governments, so it seems, deal with migrant labour only as an abstract category, a factor of production, not with the integral being of a human person.

The third piece of legislation – the United Nations Convention Against Transnational Organized Crime signed by 117 states in 2000 and ratified by 110 of those states in 2003 – emerged as a major response to the growing influence of transnational organized

crime. The Palermo Protocols (the Trafficking Protocol and the Migrants Smuggling Protocol) supplement the Convention. The near total ratification in only two years after its proposal reflects the growing intolerance of all forms of irregular migration. After the Convention came into force, human rights lawyers and activists point out that at the level of implementation crime control has become the driving force behind the two protocols, overwriting victims’ rights to protection.

The Migrant Smuggling Protocol aims at the eradication of a crime involving the profit-driven procurement of illegal entry of a person into a state of which that person is not a national or resident, because this crime undermines the integrity of states and communities and costs many human lives.<sup>13</sup> Yet Cheah (2009) shows that its broader objective seems to be the control of unauthorized entry, given that practices on human rights protection are less apparent than those controlling crime when the protocol is translated into national legislation. The overlap between smuggling and trafficking also remains unaddressed.

The implementation of the Trafficking Protocol – built on the three tiers of prevention, protection, and prosecution – has been criticized for being driven by criminal investigation and prosecution. Prevention measures remain highly debated as they do not pay attention to structural causes, and often result in the surveillance and restriction of the mobility of those identified as vulnerable groups. Protection measures in many countries are conditional on cooperation by the victims with an authority in charge of criminal investigation. Non-cooperation by the victims, due to fear of retaliation by traffickers, can result in repatriation with, or without, a modest sum of money for income-generation and eventual resettlement back home. Many trafficked persons are simply arrested as criminals for having entered a country by illegal means, and deported.<sup>14</sup>

Gallagher (2008: 830) notes: “Even where strong laws and institutions are in place, the attitudinal shifts required to deliver justice, protection, and support to those who have been exploited are often frustratingly slow”; and when there is a state interest in striving for economic competitiveness by maintaining a large and disempowered sector of the labour market, this con-

12 See at: <[http://www.wto.org/english/news\\_e/sppl\\_e/sppl20\\_e.htm](http://www.wto.org/english/news_e/sppl_e/sppl20_e.htm)>, 11 July 2009; Pacal Lamy: “The WTO in the Archipelago of Global Governance”. Speech delivered at Institute of International Studies, Geneva, 14 March 2006.

13 See at: <<http://www.unodc.org/unodc/en/human-trafficking/smuggling-of-migrants.html>> (28 March 2010)

14 See at: <<http://content.undp.org/go/newsroom/updates/hiv-www-news/south-east-asias-first-womens-court-on-trafficking-and-hiv-en>> (5 March, 2010).

flicts with the taking of effective action. A United Nations agency mandated to implement the Convention against Transnational Organized Crime observed: “the trafficking network improves each day whereas the system to fight the phenomenon remains unquestionably fragile and sometimes disconcertingly inconsistent” (UNODC 2006: 102). Overall, the fight against human smuggling and trafficking has shown counter-productive tendencies given that the need to protect the trafficked individuals is often overwritten by the agenda of crime control, leading to a phenomenon labelled as “collateral damage” (Pollock 2007). A structural tension exists between a policy that seeks to restrict entry and a reality whereby many of those people who seek to migrate in search of a better life do not have the legal means to do so. If left unresolved, this tension is bound to foster an environment that will only further benefit profit-seeking criminals given that the lack of security experienced by one group has become a business opportunity for another (Truong 2003).

The fourth piece of legislation, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW), went through 12 years of debate and negotiation before its enactment in July 2003 after reaching the minimum 20 countries required for ratification in addition to the ten that originally signed the Convention. The Convention endorses the principle of indivisibility of rights: civil, political, socio-economic and cultural. Articles 10 and 11 make provision for the prevention of, and the imposition of penalties on, human trafficking. After what was nearly 20 years of campaigning, 42 UN member states had ratified and 16 signed the Convention by December 2009.<sup>15</sup> Most ratifying countries belong to the low-income group where the majority of migrant workers originate. They currently account for roughly three per cent of the global work force of more than three billion (IOM 2008). Low-income countries also are the host to a substantial number of migrants in transit. Major migrant-receiving countries belong to high-income regions – Western Europe, North America, Pacific Asia (Japan, Singapore, Malaysia), Australia and the Gulf States. These countries have not ratified the Convention although they are host to the majority of international migrant workers. India and Russia as important receiving countries have followed a similar option.

<sup>15</sup> See at: <<http://www.december18.net/category/work-field/migrant-workers-convention>> (16 December 2006).

A report on the *Treaty Monitoring Bodies* (TMB) from January 1994 to January 2004 – giving an update in 2007 – sets out to ascertain whether countries that have not signed the ICRMW (nor have shown any intention to) have actually used relevant provisions in other core human rights treaties to protect the rights of migrants (Guimont/Silvestri/Proli 2008)<sup>16</sup>. Findings show that they have, but there is a tendency to aggregate the migrant population and conflate the different ‘unwanted’ categories: refugees, asylum-seekers, unaccompanied minors and trafficked persons. The terminology used by treaty bodies sometimes suffers from incoherence and there is no consistent handling of migrant concerns. Deportation and detention emerged as key concerns. This finding concurs with other micro studies revealing inaccuracies and lack of coherence when interpreting the status of migrants in transit zones by categories (Lyons/Ford 2007).

Centrally placed in this arena is the International Organization for Migration (IOM), which emerged from the post-World War II Intergovernmental Committee for Migration (ICM) to become in 1989 a migration management agency. It now plays a central role in promoting orderly migration. In IOM’s view, “orderly migration” is understood as upholding human dignity and the well-being of migrants while ascertaining the benefits brought about by migration to society.<sup>17</sup> Antiracist groups, migrant organizations and human rights defenders take issue with the meaning used for “orderly and humane migration”, and the nature of the decision-making processes, which only recognize in/justice (in the management of migration) by their own definition of ‘order’.<sup>18</sup>

Despite the proliferation of consultative processes – notably the High Level Dialogue on Migration and Development organized by the UN General Assembly in September 2006 and the subsequent Global Forums on Migration and Development in July 2007 (Brussels), October 2008 (Manila) and November 2009 (Athens) – the question of the human rights of migrants has not gained much ground on the global agenda. These annual meetings are voluntary and decisions arising from these forums are mostly non-binding; they merely provide a venue for exploring meth-

<sup>16</sup> See at: <[http://www.decembert8.net/sites/default/files/The\\_UN\\_Treaty\\_Monitoring\\_Bodies\\_and\\_Migrant\\_Workers\\_a\\_Samizdat.pdf](http://www.decembert8.net/sites/default/files/The_UN_Treaty_Monitoring_Bodies_and_Migrant_Workers_a_Samizdat.pdf)> .

<sup>17</sup> See at: <<http://www.iom.int/jahia/jsp/index.jsp>> (28 March 2010).

<sup>18</sup> See at: <<http://www.noborder.org/>> (23 November 2009).

ods through which migration may contribute towards development goals. So long as instrumentalist and utilitarian values continue to govern the triadic relationship of security, migration and development, then the fundamental rights and security of many migrants in the lower occupational tiers and those bound up in trafficking and smuggling networks will remain at risk. The extant disjunction between the right to free movement and the right of nation-states to defend borders and control access to their territory can be a matter of life and death for those seeking to cross borders by means that are not sanctioned by institutional rules (Cornelius 2001; Carling 2007).

To this end, new questions are being raised about the meaning of 'good governance' in migration. Pascal Lamy points out that prior to the attachment of the concepts of rights and security to the Westphalian notion of nation-state and citizenship, in medieval continental Europe, the concept of 'governance' designated the method of organising feudal power to provide coherence among adjacent suzerainties.

There was no central power as such, but a body, *primus inter pares*, whose purpose was to settle disputes peacefully and see that any conflicting interests were reconciled in consultation with those involved.... The concept thus focused on *unity* [author's emphasis] - not uniqueness - of interests.<sup>19</sup>

This concept disappeared with the formation of the nation-state in the 16<sup>th</sup> century, but re-emerged in the 1980's to mean a decision-making process that enables continual negotiations between stakeholders. Negotiations among stakeholders appear consistent with Habermas' (1984) model of 'deliberative democracy', or achieving consensus in the public arena through communicative actions. A missing element in the translation of deliberative democracy into consensus-building among stakeholders is notably the notion of 'inter-subjectivity', to which Habermas had attached the meaning of mutual understanding and communication free of ideological domination. Observing the standards of discourse ethics is necessary for affirming the validity of principles emerging from dialogues (Flyvbjerg 1998).

What Lamy does not bring out is the fact that since the 'crisis of democracy' was identified in the 1970s, the state has set limits on its own action by way

of introducing the concept of private-public partnership according to which civil society is expected to democratize itself autonomously. The questions of who has the authority to set up which discourse ethics and in what domain, and which discourse ethics should be considered paramount, remain problematic. Having abstained from moral leadership the state has now become a strategic site for co-optation by dominant groups in civil society in order to steer the course in their interest, under the cloak of public interest. Political decisions are now derived from the presentation of certain supposedly 'neutral facts' along with certain lines of reasoning which are rational from the perspective of the strategic options of the power holders.

The source of power has actually, during the last decades, irrevocably shifted away from governments towards global finance, which is able to direct and pre-empt deliberations. Bernard Lietaer in an interview with Sarah van Gelder remarked (1997: 4)<sup>20</sup>:

When a government does something not to the liking of the market - like the British in '91, the French in '94 or the Mexicans in '95 - nobody sits down at the table and says 'you shouldn't do this'. A monetary crisis simply manifests in that currency. So a few hundred people [the financiers], who are not elected by anybody and have no collective responsibility whatsoever, decide what your pension fund is worth - among other things.

A return to the medieval concept of governance - as distinct from government - and its underlying principle of unity can no longer adequately overcome the double crisis of democracy today: recognition and legitimacy.

Financial liberalization policy is based on a special interest agenda rather than designed on the basis of the best available economic theory and evidence (Stiglitz 2000). Decision-making devoid of accountability and representativeness now turns the problem of 'governability of democracy' on its head. Rather than the upsurge of social movements as in the 1960s (which were feared to have politicized and destabilized all civil institutions) it is now the enormous upsurge of global finance (which has greatly realigned its relationship with the state) that is putting the ethos of democracy itself in danger.

There is as yet no holistic theory and morality for trans-border movement (of people or goods or of finance). The tendency is to consider financial crises as deriving naturally from a given human temperament.

19 Pascal Lamy: "The WTO in the Archipelago of Global Governance". Speech delivered at Institute of International Studies, Geneva, 14 March 2006. See at: <[http://www.wto.org/english/news\\_e/sppl\\_e/sppl20\\_e.htm](http://www.wto.org/english/news_e/sppl_e/sppl20_e.htm)> (11 July 2009).

20 See at: <[http://www.yesmagazine.org/issues/money-print-your-own/beyond-greed-and-scarcity/Bernard\\_Lietaer](http://www.yesmagazine.org/issues/money-print-your-own/beyond-greed-and-scarcity/Bernard_Lietaer)> (30 March 2010).

In point of fact, this temperament is being continuously created and amplified (Lietaer 1997). Likewise, the 'human temperament' in migration continues to nest comfortably in the construct of preferences in the push-pull dynamics. Administrative procedures on trans-border human mobility continue to hold on to an ontology that posits the human being as having rigid identity and the nation-state as being a discrete entity in respect of international relations. An emerging contradiction for which no solution is yet in sight is the reality by which business and finance [as well as the impacts of their fluctuations] has actually gone global while justice remains operational primarily within the confines of the nation-state (Caron 2007). Deliberations in a global arena – pre-structured by hierarchies of nation, class, gender and ethnicity, and conducted without the standards of discourse ethics – can ignore the need for transformation (inclusive of the ontological and epistemological dimensions) in order to achieve social justice. Dominant groups continue to downplay significant aspects of transformation and support a form of pragmatism serving their interests.

The enactment of the four international pieces of legislation on human movements across borders discussed above reflects a hegemonic perspective which restricts the legitimacy of movement to those associated with capital. The 'perverse' behaviour of capital in the domain of human smuggling and trafficking is yet to be addressed effectively. The disunity and fragmentation of these pieces of legislation are something that Lamy's metaphor of the 'archipelago of governance' has captured only partly: these islands of contention are the tips of a unified landmass but separated by a sea of misrecognition. A perspective that selectively deals only with the emerged and not the submerged misses the progressive and cumulative transformations of movement (of people, finances or goods) across borders.

Expulsion of segments of populations on the move by a collective alliance of containment is a sign of a deepening and intensifying crisis within liberal democracies. Militarization, an extension of militaristic rules to civilian spheres (Enloe 1989) and the emergence of new 'zones of interdiction' (or the militarized surveillance both along borders and extra-territorially) to contain attempts to cross borders in search for security (as a secure life space) affirm what Foucault calls the 'heterotopias' of crisis and of deviation – referring to the spheres into which particular behaviours are placed and categorized (Foucault 1984c). These concepts are helpful to make sense of

the current handling of persons whose behaviour is seen as resulting from a crisis situation. Victims of trafficking are placed in the category of a moral crisis and hence deserve protection and assistance. They are to be distinguished from 'irregular migrants' or 'criminal aliens' who are placed in the category of 'deviant' behaviour defined in relation to the required means and norms of migration. As fence breakers, they deserve detention and punishment rather than public assistance. The confusing semantics of trafficking and smuggling at the level of policy implementation serve to legitimize the detention of all forms of 'deviancy'.

Davidson (2003) makes mention of Foucault's heterotopias, citing them as grey areas with blurred accountabilities, and drawing parallels with the practice of 'territorial excision'. By such means governments can discipline migrants' movement, simultaneously freeing the state from responsibility towards non-citizens in its territory. In his view, present-day statehood has developed a way to commandeer, manage and condition these 'spaces' – keeping within national and international law to varying degrees – thus showing the continued relevance of the nation-state to persons (citizens and non-citizens) at the most basic level: that of physical movement. The exigencies of such confinement under ill-defined areas of legality depict an ongoing transformation of statehood: one driven by a market-centric logic that creates a 'borderless world' which may be a reality for some types of movement but remains a mirage for others. The line between the order (utopia) of democracy and human rights, and the disorder (heterotopias) of crisis and 'deviancy' reflects a communitarian vision within states [or a community of states] and the logic of 'triage' – the selection of people on a basis of economic expediency rather than moral principles – on a global scale.

A world of global integration ruled by triage is possible in the absence of moral leadership and the prevalence of imprudent speculations. A narrow understanding of the economy separated from the social life that sustains it re-enforces structures of a governance that continues to fragment understanding of social change and refuses to accept differences in forms of human movement across borders as different manifestations of the same process of re-forming the world order under a hegemonic understanding of security.

## 2.5 Reframing Security: The *Parrhesia* of the Subaltern

The dysfunctions of the ethical-political principles of neo-liberalism manifest what de Sousa Santos (2007) called “cognitive injustice” or an epistemological relationship in which the ‘self’ is incapable of recognizing the ‘other’: something crucial for reciprocity in active human relationships. Reality is codified into “this side of the line” and “the other side of the line” and operates such that “the other side of the line” vanishes, which is to say it no longer exists in any relevant or comprehensible way of being (Santos 2007: 45, 46). Deep understanding requires reflexivity in ontological framings of security to apprehend an emerging global structure of physical (im)mobility defined according to permitted modes of entry, time frame, skills, labour needs, crime and social burdens. Such reflexivity must take note of the nexus of security and mobility from the perspective of the ongoing transformations of international political economy and their implications for judicial systems and moral reasoning about global inequality.

Referring to a specific group for whom cognitive injustice matters significantly, Spivak calls attention to the meaning of the “Subaltern” in Antonio Gramsci’s work, recorded by Ranajit Guha. She defines subalternity as the space of difference where the “social lines of mobility...do not permit the formation of a recognizable basis of action” (Spivak 2005: 476), emphasizing a kind of class without agency. Those who move within modes that are not legally sanctioned may well be conceived as a new global subaltern class defined by their subject relationship with the state, a relationship that restrict their physical and social mobility and provides no basis for their collective action. To claim the legitimacy of their presence, a different notion of the unity of being human can be helpful to encourage the recognition of human traits that have been bypassed.

Two statements – one by an undocumented migrant and the other by two scholars on disability on the perennial aspects of being human – may serve here as an entry point to the *parrhesia* of this new class of subaltern.

I do not understand much about states and borders: I only know that the earth is round and that – unlike trees which have roots – human beings have feet to walk with.<sup>21</sup>

21 See at: <<http://nooneisillegal-montreal.blogspot.com/>> (10 July 2009).

No one emerges self-sufficient from the womb, no able-bodied person can be sure that she will continue to be able-bodied throughout her later years, and there is no guarantee that any of us will escape disabling encounters with the world. In this sense, no one is ever more than temporarily able-bodied. The designation temporarily able-bodied invites us to consider different sorts of vulnerability, different points of frailty, as features of our common lot and accordingly to shift our understandings of flourishing, social justice, and embodiment (Breckenridge/Volger 2001: 346).

These messages tell of ‘movement’, ‘temporal ability’ and ‘vulnerability’ as pre-conceptual realities of humankind. They highlight the limits of those historical definitions of ‘human nature’, which accord a duality between emotion and reason, body and intellect. They direct attention to the need for shifting practices of knowing towards the perennial aspects of being human, to promote a more humble epistemology that is inclusive of different modes of being and moral reasoning. They may be considered the *parrhesia* of those who occupy the hemisphere of cognition occluded by the hegemonic understanding of ‘human nature’ and its ‘security’.

The disorientation from what is real in a pre-conceptual sense is caused by a certain line of ideation that has produced cultural universes encapsulating the notion of ‘being’ through particular registers of meanings (biology, theology, or reason), attaching a particular identity and set of rights accordingly (sex, skin colour, biological fitness, faith). Reason being a signifier for maturity and autonomy rules in the current forms of deliberative democracy.

The meanings of *parrhesia*, translated as “free speech in democracy”,<sup>22</sup> are revealed in Foucault’s work (2001) as frankness, truth, danger, criticism and obligation. Foucault uses the concept of *parrhesia* as a mode of discourse by which one speaks openly and truthfully about one’s opinions and ideas without the use of rhetoric, manipulation or generalization. Modern scientific reasoning based on the necessity for valid evidence makes the use of *parrhesia* problematic given that speech, when not examined or criticized, cannot be considered as necessarily having a valid re-

22 The Ancient Greeks used the term to refer to the care for oneself, which requires first achieving mastery over oneself, and facing one’s weaknesses in an honest way. Truth telling in this context involved exact coincidence between belief and truth. Classical Greece merged the concept with rhetoric to mean a way of speaking truth in spite of danger (for example when speaking to a tyrant about the incompatibility between tyranny and justice).

lation to truth. In other words, the nexus of knowledge/power and scientific disciplines can obstruct the practice of *parrhesia*.

For social scientists today, the two statements cited above may serve to assert the unity of being human by claiming mobility, temporary ability and vulnerability as equally valid with other ruling qualities. These perennial human traits require, indeed, no special validation. Encountering the *parrhesia* on the perennial aspects of being human may allow truth back in its place for re-thinking the ontological premises of 'being human'. The belief in being human as an individual reality characterized by autonomy, cherished by liberalism, and its recent permutation into self-care under neo-liberalism (Truong 2009a) is not only biased at the ontological and epistemological level, but also has profound ethical implications as it underscores individualism (and therefore competition) and overwrites relations of reciprocity and caring for others. It is important that it be revealed how a cherished notion of human nature can represent interests and strategic options of particular humans rather than expressing the texture of being human in the elementary sense of the word. This *parrhesia* should invite scholars to engage in practices of learning from trans-disciplinary, trans-philosophical and trans-group communications whereby to rethink and recast human nature in terms that express the perennial traits of 'temporality', 'vulnerability' 'mobility' supported a web of caring relationships in order to flourish, rather only in terms of some selected favoured qualities.

There is a definite and pressing need to transcend the limits of the technocratic-utilitarian understanding of migration as either flows of labour or social burdens. To restore the right of being mobile, of returning to or staying in one's place peacefully, requires the re-visioning of the ontology of the nation-state and its position in international relations. This re-visioning should give validity to the diversity of forms of human mobility within and across geographical areas today as part of the transformation in structures of international political economy and their transnational and trans-local linkages. Shifting understandings of flourishing, social justice and embodiment from the Kantian's view of abstract reason and maturity can help accommodate other ways of 'being' through the ontology of care, and recognize what too narrow a view of human nature can do to society.

## 2.6 Conclusion

This chapter has pointed to the moments of dislocation and relocation of particular representations of 'human nature' in the fields of migration, security and development. Each of them is framed according to time-bound and group-bound understandings of mobility, safety and flourishing. Contemporary attempts to achieve justice as the universality of rights have encountered the obstruction of positivism, which regards justice as a technical and managerial problem and a matter of consistent application of rules set by free choice in a polity. This has fostered a segmented approach to achieving rights in the domain of the international, separating out the 'feasible' and 'non-feasible' for the exercise of free choice. The current model of security with its fragmented vision of movement across borders reflects the utilitarian logic of triage as a ruling principle. The liberal state and economy in the latter half of the last century evidently succeeded in realigning interests in civil society towards corporatism, paving the way for the global market. No adequate attention was given to the historical reality that human movements across borders have always accompanied global trade expansion.

Questions of 'securitization of development' (Duffield 2002; Abrahamsen 2005) on the one hand, and those of 'intersections of development and security' under the concept of human security on the other (Thomas 2000; McRae/Hubert 2001; Sachs/McArthur 2005) are now pressing issues. The choice is between 1) the use of security-oriented measures to ensure full compliance with a growth-driven and trade-led path of development; and 2) the promotion of a development path based on principles of social justice to address grievances of various kinds, taking into account state and human security as mutually supportive. The contrast between the two options is to make security institutions (army, police, private security organizations) work for the elite as opposed to making the law work for common people in a process of development which involves a societal transformation towards peace and well-being. Maintenance of the balance lies within civil society and its critical knowledge. Shifting the ethos and art of governing away from the current neo-liberal pragmatism (which is devoid of ethical principles, scientific law or principled inclusive discourse ethics) is a major task ahead. Counter-movements of critical knowledge through self-reflection can help extend the intention for well-being beyond the mere construct of the 'self' as

bounded by the nation-state (or a group of states) so as to grasp the full sense of human unity.

In this respect it is helpful to approach the meaning of 'security', as being the aspiration for order and well-being through justice, in a double sense: a contextual phenomenon and a process of transformation. As a contextual phenomenon different subjectivities (defended by communitarian politics of different types and at different levels) influence this notion. As a process of transformation oriented towards universal human well-being, this notion has encountered continuous and self-reflexive moments. Engagement with the voice of plain truth about the perennial traits of 'being human' can be helpful both to transform ways of understanding 'flourishing', and acknowledge how 'caring' in social thought can bring about a more holistic view on security.



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