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CONTENTS

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SHIVERS DOWN THE SPINE

Music as a pre-linguistic mnemonic device?

Alexandra Vossen

Abstract This paper investigates a possible evolutionary function of music perception. It is argued that the rewarding effects of music and dance constitute a primitive implicit learning mechanism. This hypothesis is based on Ramachandran and Hirstein's "eight laws of aesthetic experience", which were developed to account for human pleasure in visual arts. I argue that there exist similar principles for musical pleasure which rely ultimately on the associations between sound or rhythm and affective responses to them. Since emotional events are recalled better than neutral ones, the pleasure associated with music in combination with neutral experiences could enhance memory for the latter.

1 Introduction

Music is everywhere. Whether we watch television, listen to the radio, attend a sports event, or go to the shopping mall, music is ubiquitous. Sometimes we find a given tune pleasant, sometimes annoying, but in general, most people clearly enjoy at least some type of music. Although the particular styles are diverse,

the affinity for music seems to be a universal feature of human societies, as it can be found in all cultures and tribes around the world. An especially interesting feature of music are the "chills", or "shivers down the spine", that many people experience when they listen to a piece of music that they find particularly pleasing and beautiful. These "chills" are a highly subjective phenomenon. For, instance, my personal favourite "lifting up tune" has been, for quite a while now, the third movement of Vivaldi's "Summer". The sound of the strings very reliably gives me goosebumps; they manage to blank out everything that is going on around me, to completely immerse me into the tune, to make me listen. A study by Blood and Zatorre (2001) has shown that in the case of "chills" neural networks are activated in the brain that are well-known for their role in reward to pleasant stimuli such as food, sex, and stimulating drugs. These "reward circuits" play a role in learning and are also thought to promote behaviour that is crucial to the survival of both the individual animal and the whole species: We do not usually have sex because we want to produce offspring (which is especially true today, given the effort to avoid conception despite declining birth rates in Western industrialized countries); we have sex because it is fun. Similarly, we eat because we crave tasty food, and food that we perceive as tasty is not coincidentally often rich in energy. Although it is evident to everyone that lack of nutrition can have fatal consequences, people do not normally raid the fridge with the expectation of looming disease and death in mind. Nature has arranged for us an intrinsic desire to act in a way that is conducive to our well-being and viability. In a Darwinian sense, nature has selected for brains that respond (and crave) for the rewarding aspects of behaviours that ensure our survival. The usefulness of this mechanism is apparent for food and sex. While recreational drugs rarely give a health or survival advantage, they simply act by direct manipulation of the brain's biochemistry and cannot in a true sense be counted as external stimulants of brain activity, music is a different story altogether. Music is clearly an external stimulus (except in the case of musical hallucinations), but non-human species lacking the capacity to produce or perceive music do not seem to be handicapped in any obvious way. What was nature thinking when she linked the perception of music to the reward circuitry? Does music indeed play a biologically useful role, or is it just a hitchhiker on vital neural networks that evolved for an entirely different purpose, being an exaptation in the sense of Gould and Vrba (1982)?

In this paper I try to shed some light on the possible evolutionary function of music perception. First I give a short review on the evidence for a genetic background. Then I introduce and comment on two influential theories about the evolution of music and why they cannot really account for the origin of the par-

ticular emotional effect I am concerned with here. An alternative explanation based on the proposal of Ramachandran and Hirstein (1999) is offered. The hypothesis draws parallels to the "eight laws of aesthetic experience", which were developed to account for human pleasure in visual arts. I argue that there are similar principles for musical pleasure. These principles are thought to rely ultimately on the associations between sound or rhythm and affective responses to them, which constitute a primitive but powerful learning mechanism.

Note that the term "emotion" is used in the sense of Antonio Damasio (as cited in Cardoso, 2006), referring to the physiological changes in the brain rather than to their associated feelings, which are basically the interpretation of these changes and which are highly dependent on mood and circumstances.

2 Theorizing About Evolution: Individual or Group Advantage?

The ultimate test for an evolutionary origin of any behaviour is whether it has a genetic component. Music seems to pass this test quite well. Firstly, infants already seem to have musical preferences before they can gain excessive experience, and are susceptive to the regulatory effect that music can have on emotions. For instance, the slow soft sound of a lullaby can help them to calm down (Trainor, 2008). Secondly, we observe genetic effects in adults with developmental disorders such as congenital amusia, the inability to perceive or makes sense of music (Stewart, 2006). People with this type of amusia have difficulties processing pitch, recognizing or distinguishing between tunes, and in some cases tapping in time. Often they perceive music as noise. Although the exact genetic locus of this abnormality is currently unknown, the evidence suggests that it is inherited in an autosomal dominant manner (Stewart, 2006) with a penetrance of around 40% (Stewart, 2008). In general, twin studies indicate that musical listening ability is up to 80% heritable (Stewart, 2006). These findings all provide evidence for an innate predisposition of our musical capacity. Yet is this predisposition really functional? Evolutionary thinkers have advanced quite independent ideas about the purpose of music.

Evolutionary psychologist Geoffrey Miller explains the rise of music with his sexual selection theory. By his account, music has evolved as a form of courtship display to attract potential sexual partners (Miller, 2000). Miller draws parallels to bird song and other examples from the animal kingdom, where complex sounds are mainly produced to grab the attention of the opposite sex. His strongest argument however is that time- and energy consuming activities without any apparent survival benefits for the individual or the group such as music

and dance are otherwise inexplicable in a framework of "survival of the fittest" or natural selection. Moreover, he points to music's emotional power "where too much is never enough" (p. 2), indicating that sexual competitors continually try to outplay other rivals by making better, more emotional, and more exciting music. Music as behaviour has evolved because females tend to mate with the most impressive musicians or dancers; their art is an indicator that they possess enough physical capacities or resources to maintain such an energetically expensive and potentially dangerous "hobby". Accordingly, the pleasure that is experienced when listening to music has evolved as a runaway effect because there were more females that were attracted to complex musical displays than there were good musicians available, resulting in a feedback loop that promoted both complex musical behaviour and the desire for musical aesthetic experience.

Although the idea of music as sexual display has its merits, final evidence is lacking. Miller tries to support his theory with the results of an observational study, in which he collected data from Jazz musicians of the last century and analyzed the age of the performers as well as the number of albums they released (Miller, 1999). He concludes that male Jazz musicians produce more albums, especially in the years of their highest reproductive capacity. This he takes as evidence for the correctness of sexual selection theory, but he fails to account for the possible influence of Western patriarchic history, in which women are generally less likely to have public influence or professional success. He argues that:
" … parsimony demands that if we see the same age and sex profiles for animal courtship behaviour and for human public cultural production, and if these behaviours show many of the same design features (…), we should admit that the same theory (…) might explain both phenomena" (Miller, 1999, p. 88).

This argument is invalid because if what we observe is merely an artifact of our patriarchic society it can therefore not be taken as evidence at face value. Furthermore, Miller's approach does not explain why the emotional aspects of music perception have evolved in the first place because, clearly, for a sexual display to be successful, the receiving end should be predisposed to enjoy it.

Another attempt to account for the evolution of music is forwarded by anthropologist and biologist Robin Dunbar. In contrast to Miller, Dunbar emphasizes the group aspect, rather than the individual benefits of music. He believes that music is the predecessor of verbal language as a means of social "grooming" (Dunbar, Barret, & Lycett, 2005). His "gossip theory", which is based on anatomical evidence, states that when early human group sizes became too large to effectively maintain social relations by physical contact – i.e. grooming – language evolved as a means to compensate for the additional time it costs to bond with other group members. Language comes with three inbuilt advantages: Several

individuals can be verbally "groomed" at a time; it serves the exchange of information about the group; and it allows individuals to judge the behaviour of other members. Since language is unlikely to have evolved "just like that" Dunbar et al. (2005) assumes that music evolved as a form of non-linguistic speech, or wordless singing. It is striking that there are indeed extensive overlaps between the neural networks used for language and those that are activated by music perception (Patel, 2008). As we will see later, it can even transfer limited semantic information (Koelsch et al., 2004). The vocal control of singing is the same as for speech, and evidence exists that music appeared well before language. And finally, music can elicit the same emotional pleasure as physical contact (Dunbar et al., 2005). Gossip theory is certainly attractive but we encounter the same problem as before: How and why do we have such a strong emotional reaction to music?

3 What If … Music Was a Mnemonic Device?

An alternative view that may help explain the special emotional aspect of music can be derived from the neurological theory of aesthetic experience that was proposed by Ramachandran and Hirstein. In their 1999 paper, they suggest "eight laws of artistic experience" that are based on the Gestalt principles of visual processing. Although these laws originally apply to the pleasure of experiencing visual art, we will see that at least some of them could as well be applied to acoustic art – namely music. According to the "law of grouping", discovery of correlations and binding of correlated features into unified objects that "stick out" from a background is achieved by the brain with the help of the Gestalt principles, such as figure-ground delineation, similarity, closure, symmetry, etc. Ramachandran & Hirstein argue that object identification must be reinforcing to give the organism an incentive to invest the effort to continually scan the environment for novelties. The survival advantage lies in the fact that if an organism does not spend this effort, it will sooner or later fall prey to its predators, or simply fail to find a mate or food. Furthermore, if an object is successfully identified, a sort of "aha"-effect reinforces the resulting percept to maintain its stability and facilitate recognition. According to this hypothesis, visual modules in the brain that identify certain Gestalt features send a signal to the limbic system – the brain's centre of emotion –that in turn activates an emotional response. This response then biases further processing towards those emotionally salient, interesting features. Such characteristics that titillate the perceptual and emotional systems maximally are just the ones that the brain has evolved to detect and analyze (Ramachandran & Hirstein, 1999).

Although Ramachandran and Hirstein propose the emotional effect to be of an aesthetic nature, it is unlikely that at this basic level we can talk about an actual aesthetic experience. Nevertheless, the overall idea has exciting implications. Basically, what is described is a simple learning mechanism – a stimulus in the world is identified and attached with an emotional label according to the nature of the experience, thereby facilitating its future recognition and initiation of an appropriate response. The identification of a promising female would likely be associated with an "approach" response, while the sight of a tiger would rather be tagged with an emotional "avoid" label.

These basic visual mechanisms and the Gestalt principles that are thought to underlie them can be translated into the auditory domain (Todorovic, 2008). While visual objects are calculated from a two-dimensional plane of light spots, acoustic input comes in a one-dimensional temporally varying air pressure waveform. Therefore, the Gestalt principles relate to a temporal, rather than a spatial arrangement of stimuli. Nonetheless, they enable us to create elaborate acoustic representations of the world outside, and distinguish between many, often simultaneously perceived sources (Todorovic, 2008). It can be speculated, then, that our minds constantly scan the environment for noises that "titillate" the auditory cortex and/or the limbic system, in other words, sounds that are interesting enough to have a significant probability to belong to a biologically meaningful and relevant entity. For example, the brain interprets related tones and overtones that are integer multiples of the fundamental frequency as stemming from one single source (Ball, 2008). Apparently, such "natural" tones enjoy favoured processing compared to unrelated tones. Moreover, there is a strong emotional component to specific sound percepts that parallels that of vocal pitch production (Trainor, 2008). Loud or dissonant sounds are associated with negative feelings, such as fear, while higher, rapid sounds appear more joyful. Falling pitches express comfort, but high flat pitches signify fear. People use these principles to judge the mood of a tune by these features (Trainor, 2008).

If the idea about object identification and its relation to the limbic system is a fruitful one, we can expect that the same learning mechanism that is at work for visual perception also applies to acoustic perception. It also explains in a most parsimonious way why people produce music – it is simply because they like certain sound patterns.

Now acoustic features such as tone and pitch are not the only aspects there are to music. Other components of music may also tap our affective experience. The strength and timbre of a single note, or the dynamics and texture of a composition, tend to elicit a specific mood-in the mind of the listener. In this vein, music based on minor scales tends to sound more melancholic or serious than

music composed in major scales (Kamien, 2008). Interestingly, a study conducted at the University of Groningen implies that this principle is also common to emotional speech, in other words: we tend to speak in minor keys when we are sad and in major keys when we are cheerful (Schreuders, 2006). This finding points once again to the close relationship between music and language, and their possible emotionally charged common ancestor.

Another important element is rhythm. Evidently rhythm has a strong motor component. We involuntarily tap along to a catchy beat, entrain our movements to the rhythm, and start to dance when we listen to a stimulating song. Perceptual research suggests that the mental representation of rhythm is related to motor areas in the brain such as the cerebellum and basal ganglia (Peretz & Zatorre, 2005). Indeed, auditory and motor areas in the brain are interconnected: What we hear influences how we move, but how we move influences what we hear (Trainor, 2008). The vestibular system for balance is situated in the inner ear and mediates the interactions between rhythm perception and movement (Trainor, 2008). More interestingly, there is increasing evidence that motion stimulates the brain's emotion and reward systems (Kapogiannis, Campion, Grafman, & Wassermann, 2008). It is folk wisdom by now that exercise can make you happy, e.g. by the release of endorphins. What is less well-known is that the connection to the reward system plays a role in motor learning. Presumably, simple motor feedback for a successfully completed motor task activates the reward system and thus reinforces the particular neuronal activity that resulted in effective performance (Kapogiannis et al., 2008).

In sum, theory and evidence from the neurosciences suggest that there are perceptual and motor mechanisms in our brains that are connected directly or indirectly to our centers of emotion and reward. Music taps into both acoustic and motor mechanisms. This link between perceived stimulus and its reinforcing activation of the limbic system should, according to fundamental principles in psychology, lead to a strong learning effect. Hence, the probability that a particular combination of musical stimulus and emotion, along with whatever stimuli participate in the ongoing experience, is encoded into, and retrievable from, long term memory (LTM) should be increased.

In the following section, I discuss some of these fundamental psychological principles and their relevance with respect to music.

4 Music and Memory

There are three characteristics of music that are potentially interesting for its speculative role as a pre-linguistic mnemonic device. Firstly, as we know by

now, it has a strong emotional component. Events and experiences that stir up emotions tend to be remembered better (although not necessarily more accurate) than emotionally neutral experiences (Passer & Smith, 2007). The activation of the amygdala, a major part of the limbic system, is thought to facilitate the encoding of emotionally charged stimuli into LTM by an increased release of stress hormones. Moreover, emotional arousal also enhances retrieval of emotionally charged autobiographical memories, depending on the state or mood one is in (Passer & Smith, 2007). Thus, the emotional element facilitates both encoding and retrieval.

Secondly, musical memory activity is often implicit. A person may not consciously recall or recognize a certain type or token of music, but would still show a behavioural or neurological response elicited by non-conscious memory processes. One of the paradigms that tap into implicit memory is the use of semantic priming tasks, in which behavioural performance is measured to assess how much an earlier stimulus influences the response to a later stimulus of the same semantic category (Gazzaniga, Ivry, & Mangun, 2002). A revealing study based on electroencephalography (EEG) found that music can lead to such semantic priming effects (Koelsch et al., 2004). Just as target words that are semantically related to a sentence presented beforehand are processed faster than unrelated words (e.g. "Joe sings a song" primes "music" but not "tomato" - unless Joe is a really awful singer), target words that are preceded by semantically related musical primes in the form of nonverbal tunes are processed more efficiently than those following incongruous tunes. This result points to a capacity of music to convey meaningful information similar to that of language, although this type of mediation is clearly less complex and precise in nature. At least part of the musical meaning is thought to depend on the suggestion of a particular mood in a tune, and on extramusical associations, thus supporting the mnemonic device hypothesis.

Another example for implicit music-related memory can be found in the realm of neuropsychology. Oliver Sacks (2008) reports a patient named Clive, a musician and musicologist who had lost a great deal of his autobiographical memory as well as the ability to form new memories after a severe herpes encephalitis infection. Clive had a virtual memory span of a few seconds, and he would forget having ever talked to a person as soon as he blinked his eyes. Nonetheless, he could play songs on the piano or the organ which he had learned when he was young, although he would not consciously remember having ever played them before. He was also able to conduct his old choir with the same skill and grace as before his memory loss, and even learn to play new pieces, even though he would not remember having learned them (Sacks, 2008). Here we have a strong exam-

ple of implicit memory for motor performance, or procedural memory. Since Clive used to be (and still is) a passionate musician, it seems reasonable to expect that an emotional component would play a role both in retrieval of the pieces that were expected to be forgotten like the memory of his past, but also in learning new motor skills related to playing new tunes.

Thirdly, one of the pet paradigms of behavioural psychology, classical conditioning, describes a process in which an organism learns to associate two stimuli, so that one stimulus comes to elicit a response that was originally only elicited by the other one (Passer & Smith, 2007). Applying this mechanism to music, if a song and an event – say, the first kiss with the love of your life – are associated, the song will come to trigger the same response – such as feeling happy – as the one triggered by that event itself. The same principle, but with a more active role of the organism, applies to operant conditioning, the second major behavioural learning paradigm that involves association between an action and its consequences. Both paradigms depend on emotional responses, such as in taste aversion or fear conditioning. The stronger the emotional response to a stimulus, the fewer learning trials are required. Some associations seem to be learned more easily than others; it is thought that through evolution, organisms have become better prepared to learn about certain stimulus constellations (Passer & Smith, 2007). This is basically the idea behind Ramachandran's and Hirstein's (1999) approach: Our brains have evolved for object identification, therefore stimuli that facilitate object identification are favoured over others, which is conveyed by the differential activation of the limbic system.

5 Finding Evidence

It appears that the emotional component of perception and motion associated with music, tunes, and rhythm could have evolved to facilitate both learning and retrieval of information. While rhythm could have been useful as a memory enhancer for motor skills, sound would have primarily served for learning about the environment. Both might have had a function in learning semantic knowledge – about simple concepts, cultural aspects, etc. However, the ultimate test for every hypothesis is empirical in nature. We cannot test the brains of our long-gone ancestors, but we can find examples in contemporary societies. Especially in cultures with a long-standing tradition we can expect to find remnants of teaching practices that involve music and dance in some way. Take for instance the Vedic culture of India (Wood, 2007). Students of the Vedas, the Indian Holy Scriptures, are required to learn whole books of verses by heart. The Vedas have

traditionally been submitted down the generations from teacher to disciple, without being written down. Although written forms exist nowadays, teachers still recite the verses to their disciples, tinting them with distinct prosody and accompanying them with stereotyped rhythmic gestures which they, in turn, were taught by their teachers. The students copy both prosody and gestures accurately, resulting in song with conducting movements. Their memory capacity for these verses is astounding. Perhaps the emotional component of both music perception and rhythmic motion contributes to hard-wiring the spoken word by reinforcing the neural networks underlying them.

Another example that springs to mind are the cultural dances of indigenous tribes. Often these dances tell a story, or they are stereotyped, exaggerated, ritualized versions of actions that play an actual role in daily life, such as in hunting or fighting. Thus, they may have both a function in teaching and rehearsing tribal history by conveying semantic meaning, or as practice for skilled movements that need to be applied fast and flexibly in real-life situations. By incorporating history and skills into an emotionally stimulating dance, memorization of complex semantic and motor structures could be facilitated.

Last but not least, even in our society examples exist how music facilitates learning. When infants learn the alphabet, for instance, the ABC is often accompanied by song, the tune of "Twinkle twinkle little star" probably being the most widely used one. With the help of a familiar lullaby, even small children are able to memorize highly abstract information while actually enjoying the learning process.

Wrapping up, it seems not unlikely that the use of song and rhythm (which can be dissociated; Trainor, 2008) has been adapted to facilitate learning and teaching in pre-linguistic humans. From mere repetition or copying ("aping") of movements and sounds, a more reciprocal use of standardized sounds and motion could have evolved to exchange experiences, and later stories, gradually expanding the functions of onomatopoeia and dance. Many words today evoke the sounds produced by the objects they refer to, such as "cackle", "dribble", etc., reminding us of their possible origins. However, in this framework, musical behaviour as a learning tool can only be considered an exaptation. In other words, an existing trait (i.e. perceptual biases whose original function was to make sense of the environment or allow the development of standardized motor patterns) was recruited to enhance learning and memory for semantic or cultural knowledge. The pure perceptual mechanisms must have existed before any living being developed the idea to produce complex sound and rhythmic patterns in a manner that corresponds to our modern concept of music. As grammar is thought to have arisen only about 300,000 years after the first primitive precursors of language (Dunbar et al., 2005), the more complex structures of music

likewise probably appeared long after the stage was set for simple sound combinations and rhythms. The development of working memory may have played a crucial role here. Likewise, conscious acquisition of music as mnemonic device, or even for social grooming, would presuppose a quite elaborate theory of mind and self-reflection, which both ultimately depend on growing working memory capacity, too. This would mean that whatever made us "human" was due to a development that started long before there was either language, or music, and that maybe gave rise to a "common ancestor" of said capacities. One branch may have developed into a system for storing and structuring semantic and factual information, the other one, eventually, into an art form that is primarily practiced to stir our souls and make us happy, or sad. After all, we are a hedonistic species that strives to maximize pleasure (Cardoso, 2006). The music we know today is probably just the result of the realization that music can have a pleasing and arousing effect – not just on ourselves but on others, too. People have used the power of music to manipulate other people's emotional states, as in spiritual practices, or in contemporary film productions and commercials. Although in an emotionally aroused state people are more likely to remember whatever message it is that one wants to communicate, musical learning has no real significance as a teaching method in our society. Most of our teaching is done verbally or via visual presentation of informational content, exploiting the power of language and images to transfer detailed, abstract and complex information, making the use of music as learning method redundant.

6 Directions for Future Research

We are a long way away from understanding why music is so very special for most of us. Not many theories have been spelled out, and even less have been tested empirically. This leaves science with ample opportunity for research in an exciting new field. For instance, brain imaging techniques such as functional magnetic resonance imaging or positron emission tomography could be utilized to measure the change in brain activity (if there is any) while experiencing the "chills". While stronger activation of emotion-related regions such as the limbic system can be expected (after all, we would be looking at the neural correlate of a strong affective response), in support of the theory presented here it would be revealing if it could be shown that brain areas related to memory function exhibited alternate patterns time-locked to the onset of the "chills" as compared to the metabolic patterns of listening to "normal" pieces of music that do not elicit any strong emotional reaction. Brain areas implicated in auditory recognition mem-

ory include for example the medial temporal lobe (Squire, Schmolck, & Stark, 2001) and the right hippocampus (Squire et al., 2001; Watanabe, Yagishita, & Kikyo, 2007), while distinct frontal lobe networks have been proposed to support aspects of episodic versus semantic musical memory processes (Platel, 2005). Although ingenious experimental designs will be required to capture this ungratefully subjective and fleeting experience, the activation of structures correlated with memory processing would represent a first piece of evidence for the hypothesis of music as a mnemonic device.

7 Conclusion

It was proposed that the association of music with emotions underlies a primitive mechanism of learning. Any living being has a survival advantage if it can learn efficiently to associate certain sounds, or sound patterns, to environmentally relevant stimuli – e.g. dangers, food, and mates. From psychology, we know that learning is quickest when stimuli cause an emotional reaction in the brain. Generally speaking, the stronger the response, the fewer trials are necessary to learn an association between two stimuli. Therefore, the emotional response to music, or complex sound patterns, may be deeply rooted in all higher animals with an at least moderately complex brain structure, and the adaptive value of the emotional response may have to be looked for in the most basic perceptual processes. An affective response to the identification of acoustic objects and patterns based on pitch and tones provides the incentive to search the environment and learn about the objects and events in it, and the "Aha"-effect facilitates recognition. The rewarding effect of rhythmic physical exercise – dancing - is conducive to the voluntary training of motor skills. The combination of sound and movement would thus be especially powerful for the encoding and retrieval of information. There is a hidden moral in the story: Learning is fun, and that is why we are (or should be) curious. According to this idea, humans have somehow evolved more efficient learning strategies than other species, using music – consciously or unconsciously - as a sort of mnemonic device. Our species is, not quite coincidentally, known as *Homo sapiens*, the wise, or knowing, human. Nomen est omen: We are especially adept in gathering information and using it to manipulate our environment, including ourselves and our fellow creatures. It is easy to see why this would make our species different from other primates.

This is all fair enough, but how does this theory relate to the "chills", the pleasure when listening to an exceptionally beautiful song? Unfortunately I cannot give an unambiguous answer. The problem resembles the chicken-and-

egg dilemma. The tune in question may be one that is very much preferred by auditory processing mechanisms and therefore elicits the strongest emotional response. However, it could also be the case that a happy event was accompanied by that specific tune, and that a strong emotional reaction hardwired the association between happiness and this piece of music into the brain. I prefer the latter version. I imagine that once, when I was little and my brain was not capable yet of forming episodic memories (the so-called childhood amnesia), I must have had a very pleasant experience, and accidentally Vivaldi was played in the background. No recollection of these happy childhood moments are left now, but it is nice to know that they probably existed, and to have a tangible souvenir manifest in those shivers down the spine.

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GERHARD RICHTER

An artist uniting contradictions

Antonia Lagemann

Abstract Ever since the advent of modern art in the early 20th century art historians tend to classify artworks into either traditional or modern art. However, the American art critic and philosopher Arthur C. Danto claims that contemporary art, whose beginning he sets in the 1960s, no longer follows a historically prescribed direction and can therefore neither be called modern nor traditional. This paper demonstrates that the categories of modern versus traditional art are no longer applicable to contemporary artworks. This claim is exemplified by showing how two groups of art historians classify the work of the contemporary German artist Gerhard Richter into either modern or traditional art and in doing so encounter several problems.

1 Introduction

"The art historian […] is concerned with the differences in style between one school of art and another, and he has refined his methods of description in order to group, organize and identify […] works of art."

(Gombrich, 1956, p. 3)

As this quote by Ernst Gombrich (1956) suggests, art historians classify art works by ascribing them to a certain style and by relating them to previous art movements. Notably, since the advent of modern art in the early 20th century when an artwork's quality came to be measured by the degree of its originality rather than by its representational progress (Danto, 1986), art historians are increasingly occupied with grouping artworks either into modern or traditional art. However, the advent of contemporary art in the 1960s coincided both with the proclamation of the end of painting and the end of art history. According to the American art critic and philosopher Arthur C. Danto (1986) this proclamation implied that "whatever comes next will not matter because the concept of art is internally exhausted" (p. 84). As a result, the categories of modern versus traditional art, both establishing a link to the past, can no longer be applied to classify the works of contemporary artists. This claim shall be demonstrated by analyzing how two groups of art historians, representing the opposing positions in the discourse of modern versus traditional art, struggle with categorizing the artworks of the contemporary German artist Gerhard Richter, whose career indeed started in the 1960s – exactly where Danto (1986) sets the shift from modern to contemporary art.

To support this claim in an ordered structure, first the main-differences between contemporary and modern art, as outlined by Danto, are explained. Secondly, Danto's theory of the *Philosophical Disenfranchisement of Art* is presented. Thirdly, a short overview of Richter's life and work is provided and, with reference to Danto's theory, it is exemplified to what extent Richter represents a contemporary artist. Fourthly, by applying Danto's theory, it is shown that the two groups of art historians face several problems when categorizing Richter's work, specifically his paintings, as either modern or traditional art. Finally, it is demonstrated that applying those two opposing categorizations not only becomes an obstacle to the understanding of Richter's artwork but also of contemporary artworks in general. This leads to the conclusion that art historians may have to abandon the classifications of modern versus traditional art when analyzing contemporary artworks, as contemporary art no longer refers to the past, neither in the sense of being modern nor of being traditional, but dissolves into a "deep pluralism and total tolerance" (Danto, 1997, xiv).

2 An attempt to distinguish modern from contemporary art

As highlighted by the title of this section about the differences between modern and contemporary art, the former is often hardly distinguishable from the latter.

This results from the lack of a binding agreement whether there are any clear-cut differences between modern and contemporary art at all and, if so, what exactly these differences are based on. However, Danto (1997) attempts to draw a temporal line between modern and contemporary art and simultaneously offers a distinction of characteristics between those two periods of art production.

According to Danto (1997) the shift from mimetic painting - that strives for the exact imitation of reality - to non-mimetic painting, so-called abstract art, represents the shift from premodern to modern art. In this sense, modern art both has a temporal meaning – evolving after premodern art in the early 20th century – as well as a stylistic meaning – denoting abstracted or abstract art. Thus, modern art is indeed concerned with the expression of subjective feelings rather than with the exact representation of reality. The designation "modern" simultaneously implies that art has to be made new and that it is expected to be innovative, to be different from the past (Danto, 1997). Modern art therefore implies an intended dissociation from previous art movements. As Danto's (1986) *Expression Theory of Art* explained in the following section underlines, the degree of innovation and newness of style were thought to be the ultimate criterion to measure a modern artwork's quality.

In contrast to modern art, contemporary art – evolving around the 1960s – no longer shows the intent to clearly dissociate from the past and so to be innovative (Danto, 1997). The emergence of contemporary art ultimately coincides with the proclamation of the end of art history. Thus, contemporary artists are indeed aware of art history but can no longer contribute to the progression of art in the sense of making art new. Lacking any stylistic unity and direction, contemporary artists no longer have to follow a prescribed purpose, but are free to create art in whatever way they like (Danto, 1997). In this sense, contemporary artists are merely concerned with the question "What is art?" and - as hereafter explained in Danto's theory of *The Philosophical Disenfranchisement of Art* - art finally emerges into pure theory and philosophical thought about itself.

3 Danto's theory of 'The Philosophical Disenfranchisement of Art'

In his theory *The Philosophical Disenfranchisement of Art* Danto (1986) claims that if art history is understood, following Hegel, as a progressive, linear development then it has indeed come to an end in the 1960s "with the advent of its own philosophy" (p. 107). Thus, the end of art history can be proclaimed when art emerges into its own self-consciousness, when it is absorbed into the question about its own identity, the question of "What is art?" To understand the process

that paved the way to the end of art history Danto (1986) offers three successive models.

The first model explains how the history of painting has come to an end. In the 19th century artists perceived painting as the most favorable means towards achieving optical duplication. Through the employment of certain techniques, such as perspective, the representation should come as close to reality as possible. In this sense, "the decreasing distance between actual and pictorial stimulation" (Danto, 1986, p. 86) marked the progress in painting. However, with the advent of cinematography it was no longer worth aiming for optical duplication. Thus, in the early 20th century, with the emergence of modern art, artists' striving for representational progress and technological advance was abandoned in favor of expression. As the second model – Danto calls it the *Expression Theory of Art* - shows, the success of a modern artist's artwork was essentially measured by the degree of innovation and newness of style. Whilst modern artists still had a historical perspective in the sense that they intentionally dissociated from previous art movements, they simultaneously freed themselves from the progressive model of art history as "[…] there would be no basis for saying that we can now express what we could express badly or not at all before" (Danto, 1986, p. 103). Although the second model offered an answer to the question of what art is – namely the expression of feelings – the succession of increasingly discontinuous art movements each requiring a specific theoretical understanding steadily made the appeal to expression less convincing. Rather, each new art movement raised the question about the identity of art afresh whilst rejecting all other possible answers. This eventually triggered the collapse of the Expression Theory of Art and paved the way for the third model, for the proclamation of the end of art history. In the 1960s art had "finally become vaporized in a dazzle of pure thought about itself, and remaining, as it were, solely as the object of its own theoretical consciousness" (Danto, 1986, p. 111). Accordingly, contemporary artists were aware of the history of art but no longer brought it forward. They "were free to make art in whatever way they wished, or for no purposes at all" (Danto, 1997, p. 15). Contemporary art dissolved into exactly the lack of stylistic unity and direction which characterizes Gerhard Richter's work (Gronert, 2006), presented in the following.

4 Gerhard Richter – An artist uniting contradictions

Gerhard Richter was born in Dresden, Germany, in 1932, where he later worked in advertising and as a stage-set painter from 1951 onwards until he was

accepted to the Dresden Kunstakademie in 1953. For thirteen years he lived in the GDR but left for West Germany with his wife Ema in 1961. He began to study at the *Staatliche Kunstakademie Düsseldorf* until 1964 and later became a professor teaching there himself. In addition to this, Richter has worked as professor at the *College of Art* in Halifax/Canada and at the *Städelschule* in Frankfurt am Main/Germany. He has won several awards and multiple exhibitions worldwide have tried to provide an overview over his complex work (Gerhard Richter, Biography).

Analyzing Richter's artworks, it can indeed be argued that he represents a contemporary artist according to Danto (1997). Richter's career starts in the 1960s, Danto's declared turning point from modern art, that consciously set itself "at distance from the previous history of art" (Danto, 1997, p. 8), to contemporary art which no longer feels the need to liberate itself from the past. However, Danto (1997) critically remarks that the distinction between contemporary and modern art was not as clear cut as it may seem and only came into sharper relief in the 1970s and 1980s. Thus, one may criticize that Richter can be both understood as a modern and as a contemporary artist. Yet, the lack of stylistic unity characterizing his artworks further strengthens the claim that he matches Danto's definition of the contemporary artist.

Richter has not only employed different media and techniques but also reflected on several art-historical movements within his work. His work comprises representational and abstract paintings, offset prints, graphics, poster, photographs, installations and sculptures (Butin & Gronert, 2004). Moreover, Richter's paintings themselves deal with multiple categories, such as portraits, still lives, landscapes and abstracts. Hence, he embodies the contemporary artist's total freedom being "liberated from the burden of history, […] free to make art in whatever way [he] wishe[s], or for no purposes at all" (Danto, 1997, p. 15). Indeed, Richter himself views style as something that needs to be overcome – whether this is possible amounts to another question – and Gronert (2006) even argues that his stylistic inconsistency must be viewed as a conscious, conceptual act allowing Richter to investigate different media and techniques.

In addition to Richter's lack of a unity of style and direction, which certainly makes the task for art historians to classify his artwork harder, it is remarkable that Richter explored the medium of painting in the 1960s whilst his contemporaries, such as Andy Warhol or Joseph Beuys, were mainly concerned with art forms such as Pop Art and Performance Art and rejected the traditional medium of painting (Butin & Gronert, 2004; Gronert, 2006). This decision of Richter to turn – or even return – to a technique which was declared dead in the 1960s, (Danto, 1997; Goossens, 2009), eventually revived the discourse about modern

versus traditional art and split those art historians analyzing Richter's paintings into two groups which are opposed below.

5 The discourse about modern versus traditional art

Although Danto (1997) critically remarks that contemporary artists do not share the striving of modern artists to clearly dissociate from previous art movements and to be innovative in the sense of making something new, the fact that Richter rejuvenated painting - which was perceived as highly outdated in the 1960s (Danto, 1997; Goossens, 2009) - has yet been interpreted by one group of art historians as a very innovative and rebellious act. They argue that the choice of a traditional medium at a time when the majority of artists was concerned with dematerializing art (Goossens, 2009) could be deemed as modern, innovative or anti-conventional because it acted against the present trends in art. This argument is further strengthened by their reference to Richter's paintings being based on photographs. Robert Storr (2002), the curator of the Museum of Modern Art, New York, for instance, views the undoing of conventions as a very important part of Richter's work. According to Storr, Richter uses painting to question whether photographs represent the world faithfully. Similarly, Katie Clifford (2000) claims that Richter "attempted to empty paintings of its historic baggage and such conventional considerations as composition and content" through the use of photographs. Furthermore, the above mentioned group of art historians tries to support their argument that Richter represents a modern artist by referring to the artist's statements such as "Ich sehe keinen Sinn, alte verlorene Möglichkeiten der Malerei vorzuführen. Mir geht es darum etwas zu sagen, mir geht es um neue Möglichkeiten"[1] (as cited in Butin & Gronert, 2004, p. 13).

In contrast, another group of art historians views Richter's choice of painting as an anti-modern, traditional approach - as particularly emphasized by Buchloh (Gronert, 2006) - in the sense that Richter chose a traditional medium at a time when the latter's death had been declared. Like their opponents, this group of art historians also underpins its argument by referring to quotes of the artist. In an interview with Storr (2002) Richter claimed that he "never had the feeling that [he] was a modern artist". For him "modern art has always only shown itself […] in trends and blowhards, so [he] couldn't be a modern artist" (as cited in Storr, 2002). Furthermore, Richter admitted that he appreciated the work of Old

[1] "I think it makes no sense to represent old possibilities of painting. I have a message, I want to discover new possibilities."

Masters and was proud that he was loyal to oil painting at a time where even the last adventurous artists did not believe in painting (Schwartz, 2002) which further strengthens the claim of Richter being a traditional artist.

However, several problems emerge out of the approach to either deem Richter's paintings traditional or modern. First of all, both groups of art historians uncritically intermingle modern and traditional art with other terms they view as inherently related to their categorizations: Modern is equated with newness, unconventionality and innovativeness whilst traditional is linked to painting and the appreciation of Old Masters. However, this makes both groups' arguments less convincing and increases their arguments' inconsistency and ambiguity. Secondly, the arguments of the above mentioned art historians suggest that both groups uncritically equate the artist's attitude with the style of his artworks by accepting Richter's quotes as a definite explanation of his paintings. However, the ambiguous character and openness of Richter's quotes – they can either be employed to describe his art works as traditional or as modern - show that they neither represent a trustworthy source to understand Richter as an artist nor should they be employed to analyze his artwork. Thirdly, Richter himself is aware of the fact that painting was declared dead in the 1960s and, instead of taking this notion too seriously and consciously rebelling against it, as presupposed by the second group of art historians, he himself expresses uncertainty about the question of what exactly motivated him to choose painting in the 1960s in an interview with Storr (2002):

> *Robert Storr: "Particularly in the late '60s and early '70s, the pressure not to paint was even greater in Germany than in the U.S. How did you manage at that time, when so many people were saying that painting was dead?"*
> *Gerhard Richter: "I didn't believe this. But in a sense it was familiar to me, because I knew that culture was at an end, that painting couldn't do very much anymore. And as a German, I was familiar with the idea of not being worth anything. So painting wasn't worth anything, I wasn't worth anything, and then there were several other things that weren't worth anything. But nevertheless I didn't believe that. I believed in painting. "*
>
> (As cited in Storr, 2002)

Furthermore, Richter stresses that his intention never was to dissolve painting and art at all; being radical and rebellious made no sense to him, although this was perceived to be most important for his contemporaries in the 1960s (Richter, 1993). Thus, Richter neither seemed to consciously choose a traditional medium nor to strive for innovativeness by adapting painting when most of his contempo-

raries in the 1960s rejected it. Eventually, James Meyer (2002) puts this ambivalent character of Richter into a nutshell:

> *"Richter's work always has a double edge. It embodies a pervasive estrangement from the culture around him; but paradoxically, his artistic engagement with this estrangement is total. He's ambivalent about modernism's deconstruction of the spectacle, and his tabloid subject matter and shameless effects are themselves spectacular. To a real modernist, that's anathema. But as he makes spectacle, Richter takes it apart. All this requires a very subtle mind."*

As a result, Richter himself can neither be deemed traditional, in the sense of adapting the position of 19th century artists striving for optical duplication (Danto, 1986), nor can he be described as a modern artists who consciously rebels against conventions. This further strengthens the claim, that, according to Danto (1986), Richter must be described as a contemporary artist who rather investigates the nature of art itself than carrying art history forward. Therefore, categorizing Richter as modern or traditional is not only problematic because Richter refuses to be classified as such, but also because contemporary art is no longer concerned with the question of historical significance. Accordingly, Richter, representing a contemporary artist, neither establishes a link to art history by clearly distancing from it nor is he concerned with inventing a new artistic style or merely imitating previous styles. As Stefan Germer (as cited in Butin & Gronert, 2004) emphasizes: Indeed, tradition plays an important role in Richter's work but not in the sense of postmodern historicism or avant-garde rebellion but rather in the sense of critically reflecting existing genres and categories.

Hence, Richter exemplifies in his work what Belting (as cited in Danto, 1997) describes as the stance of contemporary art: He "manifests an awareness of history of art but no longer carries it forward" (p. 5). Richter himself even states: "Ich bevorzuge keine bestimmten Bildthemen. […] Ich verfolge keine Absichten, kein System, keine Richtung, ich habe kein Programm, keinen Stil, kein Anliegen. […] Ich will die Welt nicht in einer persönlichen Weise sehen […] Wie ich fühle und was ich denke ist ziemlich uninteressant"[2] (cited in Butin & Gronert, 2004, p. 17). Thus, the unbound freedom of the contemporary artist leads to exactly the indifference Richter claims: "When one direction is as good

[2] "I do not prefer certain topics […] I do not have any intentions, no direction, no program, no style, no concern […] I do not want to perceive the world from any personal point of view […] What I feel and what I think is not very interesting."

as another direction, there is no concept of direction any longer to apply" (Danto, 1986, p. 115).

To summarize, both groups of art historians have to accept that Richter is neither concerned with traditional representational progression nor with adapting the striving for innovation of the modern artist. Taking on this viewpoint, they have to abandon their classification of Richter as either a modern or a traditional artist in favor of acknowledging that contemporary art no longer follows a historically prescribed direction (Danto, 1997).

5 Conclusion

With contemporary art having eventually lost any historical direction and dissolving into a lack of stylistic unity (Danto, 1986) the classification of modern versus traditional art can indeed no longer be applied to categorize the works of contemporary artists in general and those of the contemporary artist Gerhard Richter in particular. This claim has been exemplified by opposing two groups of art historians that classify the work of Richter as either traditional or modern and in doing so enmesh themselves in several problems. They uncritically intermingle other terms with modern and traditional art, which makes their arguments less convincing. Moreover, they tend to overemphasize Richter's statements as a source to interpret his artwork. Richter himself refuses to be categorized as either modern or traditional and - as a contemporary artist in Danto's sense - refuses to establish a link to previous art movements, both in the sense of dissociating himself from them or of uncritically adapting them in his work. As a result, art historians have to abandon their classification of Richter's artworks - and of contemporary artworks in general - as either modern or traditional art. According to Danto (1986), the incommensurability in style that characterizes Richter's art forces art historians to analyze each of his works with regards to Richter as an individual artist.

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IRRIGATING KAGAN'S DESERT

Towards a general framework for modeling comparative desert

Frederike Kaltheuner & Paul Strohmeier

Abstract In this paper Shelly Kagan's supposedly intuitive model of comparative desert is explored. Applying Kagan's model to a simple real life situation reveals an implicit bias towards high-desert and technical impracticalities. As a consequence, a new model based on ratio is introduced. While the Ratio Model solves both problems identified in Kagan's model, it is also based on normative assumptions. Under the premises that there is no universally shared conception of desert-based justice, a flexible framework is created, which allows for individual modifications.

1 Introduction

The philosophical problem of distributive justice is all-pervading in a socio-economic context. Companies facing economic short-cuts wonder how to justly distribute wages in times of crisis. Governments in need of increasing taxes seek to do so under the condition that the newly resulting distribution of resources be just. Parents dividing a treat between their siblings seek a just distribution. In this context, justice as desert is commonly referred to by its proponents as the

most intuitive and practical model of distributive justice (McLeod, 2002). If A deserves x she should receive x; if B deserves y she should receive y.

Shelly Kagan (1998) has developed a graphical representation of comparative justice as desert. Under the assumption that the absolute desert of two parties is known, Kagan's model ensures a 'just' distribution. The obvious advantage of such an approach is that justice becomes a rather straightforward enterprise, which is easily applicable. In line with the general claim about desert-based theories of justice, Kagan emphasizes the "intuitive support" of his graphical model, which was "strong and clear" (p. 313). While Kagan claims his model to be intuitive and universally applicable (1998) this claim is questionable. His model is concerned with well-being, an infinite good. In common real life situations however, usually finite, scarce goods are distributed. On the basis of a simple case, it will be argued that Kagan's supposedly neutral model not only fails to perform when dealing with scarce goods, it also heavily relies on debatable premises.

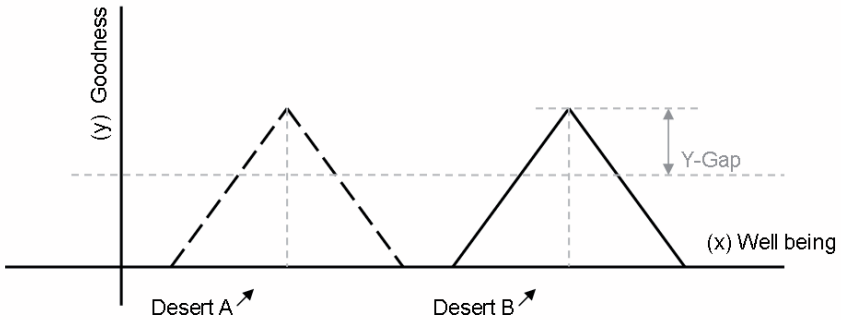
In the following paper a new model based on ratio will be presented. As a point of reference, an outline of Kagan's model of comparative desert will be given. With the help of an example, its underlying assumptions and weaknesses will be identified and explained in detail. Consequently the new model will be introduced and its benefits and shortcomings discussed. In the last sections, a general framework for modeling comparative desert will be developed. This framework allows for modifications dependent on the situation at hand as well as for various conceptions of what is just.

2 Kagan's graphical representation of desert

The functioning of Kagan's absolute desert model can be observed in graph 1, depicting the desert of parties A and B, respectively. The x-axis corresponds to the amount of well-being a party can potentially receive. It is important to stress that Kagan refers to A as a 'sinner' and B as a 'saint'. Thus, the model does not depict a concrete case where resources (such as money) are distributed according to a criterion (such as effort) that results in a certain level of desert. Rather, a person's overall performance is judged and rewarded with general well-being.

On the y-axis, a value of goodness is assigned to each potential level of the parties' well-being. From the standpoint of desert, it is best if A and B receive the exact amount they deserve. Any deviation from this amount of well-being results in a lower valuation than the optimum and is depicted in the 'desert lines' departing from the two peaks. However A's well-being must also be just in comparison to B's well-being. According to Kagan (2003), such a distribution is just if

"the offense against non-comparative desert is the same for all relevant individuals" (p. 107). In other words, an allocation is just if both parties face the same qualitative and quantitative deviation from their respective ideal amount of desert. A and B either have to face excess or shortage. It is not considered just, if one party gains while the other party loses. At the same time, the absolute amount of either loss or gain has to be identical. This is ensured if all distributions lie on a horizontal line. Kagan (2003) refers to this as the Y-Gap method (graph 1).



Graph 1: Shelly Kagan's Model

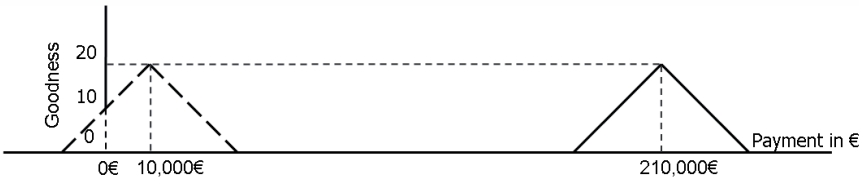
3 Applying Kagan's Model

Kagan claims his model to be intuitive and universally applicable for situations of distributive justice (Kagan, 1998). To test the method's intuitiveness, it will be applied to the following case:

> *A company has two employees, A and B. A does not need a lot of money to be happy and prefers to read books and have lots of leisure time. Consequently she does not put too much effort and time in her professional life. B in contrast is materialist. Her greatest desire in life is to own fast cars and other luxury goods, for which she is willing to work extremely hard and long. For the sake of argument, let us assume that A deserves 10,000€ annually, while B deserves 210,000€ per year based on accomplishment. In an ideal situation, each actor would receive exactly the amount of money they deserved. But what if the total amount of money available was less than 220,000€ How can the money be distributed justly, if desert is seen as the primary determinant of justice?*

To describe this situation in terms of Kagan's model, well-being is defined in monetary units[1]. The dependent variable y remains unaltered from the original model, depicting 'goodness from the standpoint of desert'. In accordance with Kagan's model, the amount of money which is deserved by each party corresponds to the highest amount of goodness (here arbitrarily given the value 20). Any deviation from desert results in a decline of 'goodness valuation'.

Graph 2.1 depicts the case in which 220.000€ are available for distribution between A and B. As the desert claims of A and B match the available amount of money, both receive exactly the amount of money they deserve. In this graph as well as all the following graphs A's desert lines are depicted as dashed lines, while B's desert lines are solid.

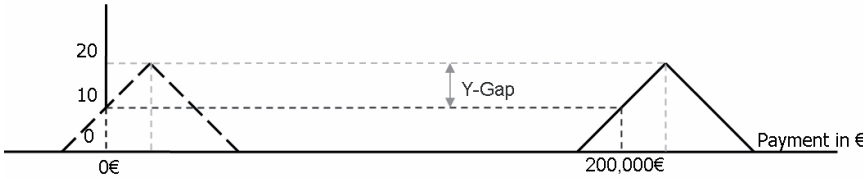


Graph 2.1: Absolute desert of A and B, according to Kagan

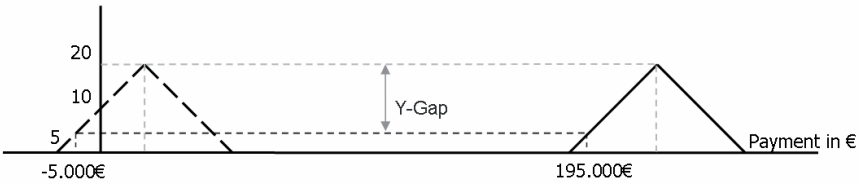
Let us now assume that due to economic problems the company is not able to pay its employees the deserved wage. The total amount of money has decreased to 200.000€. According to Kagan's Y-Gap method it can be guaranteed that a new distribution results in an equal quantitative as well as qualitative deviation for both workers. This is displayed in graph 2.2: A receives nothing and B receives 200,000€ According to Kagan (2003) this distribution is just as "the offense against non-comparative desert" is equal for both parties (p. 107). This clearly is the case: Both A and B receive less than they deserve, and thus there is the same qualitative deviation from desert. In addition, the new allocation results in an identical absolute decrease in goodness valuation: whereas the ideal distribution matched a goodness value of 20 for both A and B, the new allocation has a value of 10.

Consider a third case, where the company only has 195.000€ to distribute. The graphical solution according to Kagan's model is shown in graph 2.3. All conditions for a just distribution are met. Yet, A is faced with negative desert while B receives the total amount of available money.

[1] This change in the x-Axis in allowed for by Kagan (1998, p. 300.)



Graph 2.2: Desert of A and B, using the Y-Gap to find proper allocation of 200.000€



Graph 2.3: Desert of A and B, using the Y-Gap to find proper allocation of 195.000€

The problems of bias and of universal applicability which will now be discussed lead to the conclusion that Shelly Kagan's model of comparative desert is counterintuitive and not as universally applicable as claimed.

Kagan's model cannot be declared intuitive as it clearly favors B over A. Only if this premise is accepted can one also find the model intuitive. This bias becomes apparent in two instances. Though A is less deserving in quantitative terms than B, her claim on the 10.000€ she deserves is (if not further defined) in itself equally strong as B's claim to her 210.000€. The preference for B is also visible in the 'goodness scale' of the y-axis. If A, as happens in graph 2.3 receives a penalty of 5000€ (negative desert) this amount still corresponds to a goodness value of 5. A's penalty is still considered of higher goodness than B receiving 190.000€ which has a goodness value of zero even though the relative deviation of A is much greater than that of B. As one can see, the 'goodness scale' has different implications for both employees.

This preference for B may be deemed appropriate in Kagan's model where a person's overall moral performance (the 'sinner' A and the 'saint' B) is rewarded well-being. If, however, only one aspect of a person's life is evaluated, Kagan's model values high-desert performances more than those activities which lead to a lower desert. In the case described in this paper, A is first 'punished' for having worked less than B: Because she has put less effort and time in her work she

deserves less. Then however she is punished again: because she deserves less than B, it is less important that she receives her desert. This double punishment is only intuitive if one agrees with the assumption that B should be favored over A. Nevertheless, this bias is not explicitly stated but hidden beneath the notion of intuitiveness. Without further notice, Kagan abandons the notion that people might deserve differently, but still have the same right to their desert.

In addition to this bias for high-desert, Kagan's model is not universally applicable. In the given example of A and B, Kagan's model is applied to the distribution of a scarce good. In graph 2.3, correctly applying Kagan's criteria for justice implies a negative payment for A. No clear procedure follows from the model's logic. If A gives money to the overall budget (here the company) or directly to B, the graph no longer functions as an adequate mechanism for distribution[2]. If no money is available for distribution this controversy becomes explicit. Does B still receive 200.000€ due to the generous contribution of A? Does B receive nothing while A pays 200.000€ to the company which can keep the money? Kagan (1998) claims his model to be applicable to real life situations, such as used in the above examples. However, the problems encountered show its limited applicability, at least with regards to scarce goods.

4 The Ratio Model

Based on the difficulties of Kagan's model, the Ratio Model will now be introduced. Amongst other ideas, the Ratio Model, as suggested in this paper, applies reasoning similar to what Kagan (2003) refers to as the ratio view. Kagan himself discarded it, due to the fact that he found it impractical. In Kagan's own words, the ratio model 'simply must be abandoned' (Kagan, 2003). The problems Kagan encountered, can however be solved by defining more clearly what is to be modeled.

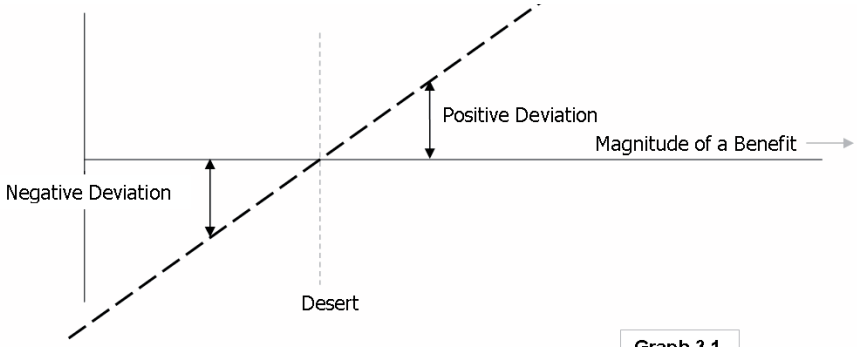
The Ratio Model has two important limitations: It is only applicable for modeling individual situations and only people whose desert is directly related to each other can be taken into account[3]. Additionally, reward and punishment are

[2] If A is punished and has to pay 5.000€ where does this money go? If one considers the options, one inevitably finds oneself caught in a never-ending loop as this payment changes the overall available money.

[3] If B deserves 21 times as much as A, one can assume that the work B accomplished was 21 times as valuable for the company as A's. Thus A's desert can be directly put in relation to B's desert by using work as a relative variable. This is in contrast to Kagan's model which aims at modeling the overall well-being of people who are not required to have any relation to each other, except for the fact that they are morally accountable of their actions. This implies that

assumed to be different categories which are not related and thus cannot be displayed in the same graph. An initial desert of zero will be considered invalid as it implies neither reward nor punishment and thus is not part of this new model[4].

The model is structured as follows: Receiving more than one deserves is displayed as a positive deviation from maximum goodness. In an analogue fashion, receiving less is displayed as a negative deviation. With the x-axis corresponding to the magnitude of a benefit[5] and the y-axis corresponding to the deviation from maximum goodness this assumption can be graphed as seen in graph 3.1:



Graph 3.1

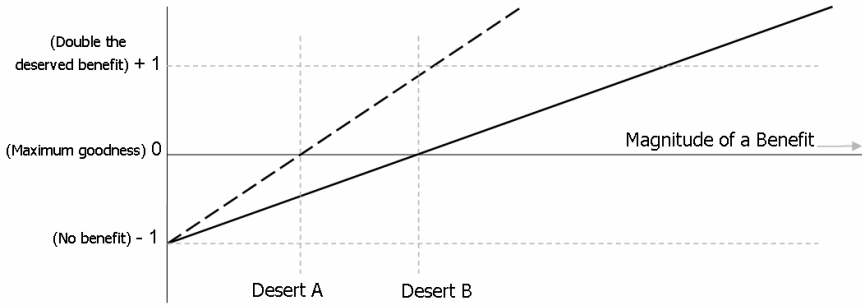
the overall well-being which is used in Kagan's model can not be used as the independent variable for the new framework, as it consists of an accumulation of individual rewards or punishments

[4] The necessity for this restriction becomes clear if one imagines following situation: Anthony, Barbara, Cleo and Darren are students. They are in a room and the professor is about to give them their grades according to their achievements. Anthony has worked very hard, he deserves an 8. Barbara has also worked hard, she deserves a 7.5. Cleo however did not actually take part in the course and therefore does not deserves any grade. Darren is in real trouble, for his final paper was plagiarized. Assuming one wants to create a model which contains their desert one could mark Anthony's desert with 8, Barbara's with 7.5, Cleo's with 0 and Darren's with -10. The fallacy of this becomes apparent if one intends to use the Y-Gap method. If for example it is necessary to change Barbara's grade to an 8 for bureaucratic reasons, Anthony deserves a grade of 8.5 - which is fine. However, all of a sudden Cleo would receive a failing grade for a course that she never attended and Darren's plagiarism would not be considered as bad as before without any intuitive reason.

[5] The term benefit is here used in its broadest sense. This can range from a grading system amongst pupils, to money or actual physical goods which are distributed. Instead of the magnitude of a particular benefit, the x-axis can also be used to model detriment or punishment.

If the aim is to distribute a finite benefit between two people according to desert, the Y-Gap can be used in the same way that it is introduced by Kagan (1998). Furthermore, a unit is necessary for displaying goodness: In the Ratio Model, a positive deviation from desert of 100% corresponds to a goodness of 1; a negative deviation from desert of 100% corresponds to -1. Maximum goodness is reached when there is no deviation from desert, which corresponds to a value of 0.

The application of this goodness scale is depicted in graph 3.2. Both slopes originate in a common point. Receiving nothing corresponds to 0 on the x-axis. Receiving nothing also is a negative deviation of 100% which corresponds to -1. Consequently the point of intersection of all slopes within this model is (-1/0). Any point on these slopes has a deviation from goodness relative to the deviation from desert. Thus using the Y-Gap now shows solutions that preserve the ratio of desert.



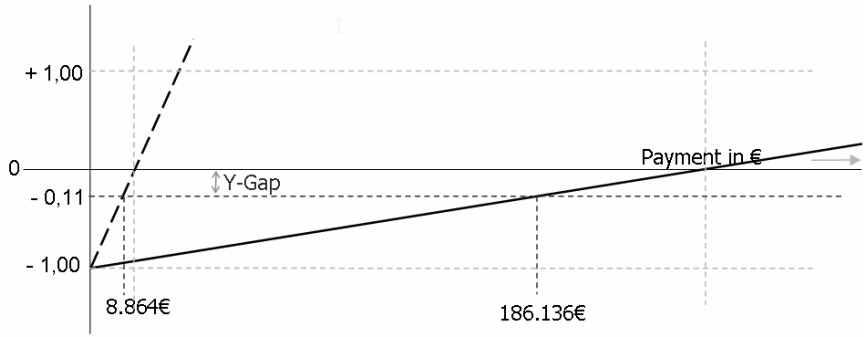
Graph 3.2

The Ratio Model has three advantages. First of all, the ambiguity of the 'goodness scale' is resolved. Desert is measured in deviation from maximum goodness instead of absolute goodness. Therefore, any value on the y-axis relates directly to the amount of money received. A value of -0.1, for example, indicates that someone has received 10% less than their desert. Thus the y-axis gives us qualitatively useful information. Also, the Y-Gap method can now be used without having to apply the criteria of identical qualitative deviation as the Y-Gap cannot cross both surplus and shortage area at the same time. This makes the Ratio Model more useful for practical applications.

By relying on proportional distribution the new model also avoids the bias towards B. To give everything to B and nothing to A is no longer a 'just' outcome. As all slopes originate with an x value of zero, A can no longer be punished for

working, and by preserving proportionality a relative small decline in money for B will no longer amount in a large decline of goodness. This can be seen in graph 4.

A third advantage is that negative desert is avoided. If 195,000€ are distributed according to the Ratio Model as is done in graph 4, it is no longer possible to assign negative desert. The problems that arrive from negative desert (as seen in graph 2.3) therefore no longer can occur.



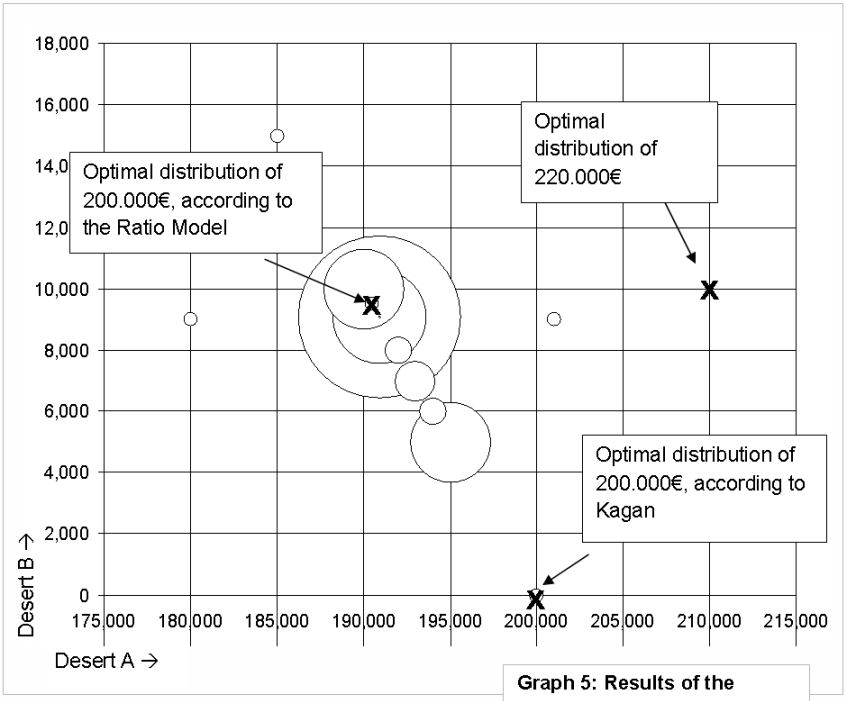
Graph 4: A Practical application of the Ratio Model: Distribution of 195,000€ between A and B

To test the new model's intuitiveness, 43 students of the University College Maastricht where asked to distribute 200.000€ between A and B[6]. The results of this questionnaire are represented in graph 5: The x-axis corresponds to the amount of money allocated to B and the y-axis represents A's share of the money. The different circles correspond to different distributions suggested. The size of the circles corresponds to the amount of people in favor of a particular distribution, whereas the optimum distributions, as well as the distributions suggested by Kagan's model and the Ratio Model, are marked with crosses.

While the result seems to support the Ratio Model at first glance, one must look at the responses more critically. The distribution of 10.000€ and 190.000€ for example, which was highly popular, does not necessarily mean that it was chosen because it is almost proportional; rather it could be based on the assump-

[6] The exact question asked was: A & B work for your company. According to the different amount of time A & B have worked for your company A deserves to receive $ 210.000 and B deserves $ 10.000. Unfortunately, you only have $ 200.000 to distribute between A & B. How would you distribute the money?

tion that giving at least one person his or her desert is more important than proportional distribution. From the heterogeneity of the results, one can conclude that there is not one 'intuitive' way of justly distributing resources. When taking a closer look at the implicit assumptions of the Ratio Model, it becomes clear why these cannot be inevitably shared by everyone. The Ratio Model is based on the assumption that receiving more than one deserves and receiving less then one deserves is equally 'bad'. Additionally it is assumed that the claim to one's desert is independent of the amount of desert. Depending on one's conception of justice, as well as the situation at hand, these assumptions are not necessarily intuitive. This calls for a modular framework of desert-based distribution[7].



Graph 5: Results of the questionnaire

[7] It shall be emphasized that justice as desert is by no means the only theory of distributive justice.

5 Creating a general framework for modeling desert

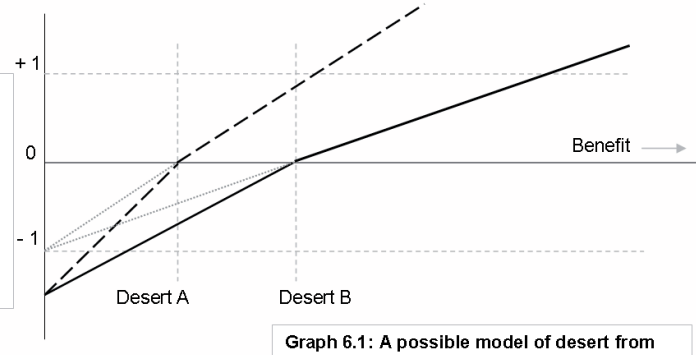
Graph 5 shows that even in a fairly homogenous group there are very different opinions on distribution. Also different peoples, different cultures, people with different political beliefs etc. will all have even more varied beliefs about what makes a distribution just (Timmons, 2002). Additionally, different distribution cases and one's personal connection to the situation influence and change one's opinion on how to distribute. Thus, for any model to be universally applicable and intuitive, it has to allow for modifications that suit the respective situation at hand. A general framework for modifiable, individual desert-based models will now be introduced.

There are two basic types of modification. The first merely changes the scale in which goodness is measured. This is done by moving the point of origin of the desert lines along the y axis (vertical). The second changes the ratio itself. This is done by moving the point of origin of the desert lines in the direction of x (horizontal). These two methods can be combined. Additionally, for more complex situations, two sets of desert lines can be created: one concerning negative deviations from desert and one concerning positive deviations from desert[8]. These can now have individual points of origin allowing for complex models of desert. These modifications will now be demonstrated and explained in further detail using various examples.

The following examples concern the first set of modifications (movement of the point of origin along the y-axis.) For instance, one can assume that an employee prefers a wage that exceeds her desert over one that is considerably lower. The first step is creating two sets of desert lines, one for the positive deviation from desert and one for the negative. Now, one can accommodate for this perception of desert by shifting the origin of the desert slopes of the negative spectrum deeper into the area of negative y. This can be seen in graph 6.1. Following the same reasoning, but instead shifting the origin of the desert lines of the positive spectrum of y closer to 0 creates a model which most likely appears more intuitive to an employer who prefers paying as little as possible to his employees. This scenario is depicted in graph 6.2.

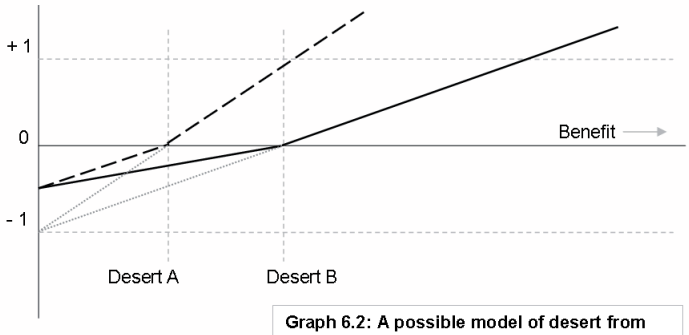
[8] For sake of simplicity most examples in this paper will be limited to two points of origin. There is however no formal reason to do so. In theory one could use an infinite amount of slopes which requires an infinite amount of points of origin. This could be the basis of 'curved desert'.

An employee may find it more unjust to receive less than she deserves than receiving more then she deserves. The point of origin of the lines of the negative desert spectrum is therefore moved deeper into the negative spectrum of y.



Graph 6.1: A possible model of desert from the perspective of an employee

An employer may not mind paying less than necessary, or on the contrary, she may even think it a good thing. This is taken into consideration by moving the point of origin of the lines of the negative desert spectrum closer to 0 on the y axis.

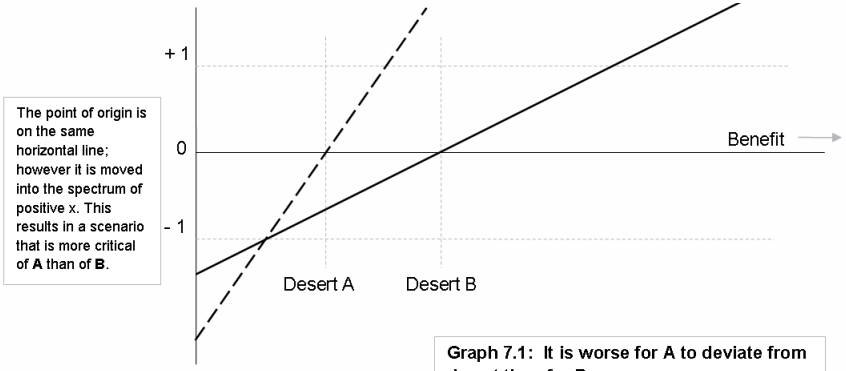


Graph 6.2: A possible model of desert from the perspective of an employer

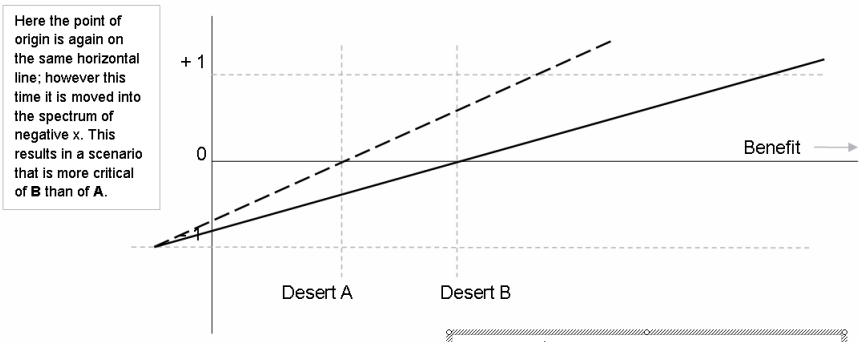
The second set of modifications comes at the cost of an abstract dependant variable[9]. However if one is willing to accept this abstract variable it can be a useful tool. If one moves the point of intersection into the positive or negative spectrum of x individual scales for each person accounted for within the model are created. Some people for example might argue that it is of greater relevance, that A receives her exact desert than that B receives her exact desert. As depicted in graph 7.1, this can be done by moving the point of intersection into the positive spectrum of x, thus creating individual scales which are most critical of people with small

[9] In the unmodified Ratio Model, the goodness scale corresponds directly to the percentage of deviation (0.5 corresponds to plus 50% etc.). With the first set of modifications the scale is shifted, the direct relationship however is preserved. If one moves the point of origin on the x axis however, the dependent variable looses most of its descriptive value, as there is no direct relationship between goodness and deviation from desert

desert deviating from their desert. Graph 7.2 shows that the opposite. Moving the point of intersection into the negative spectrum of x creates scales which are more critical of people deviating from their desert the higher their desert.



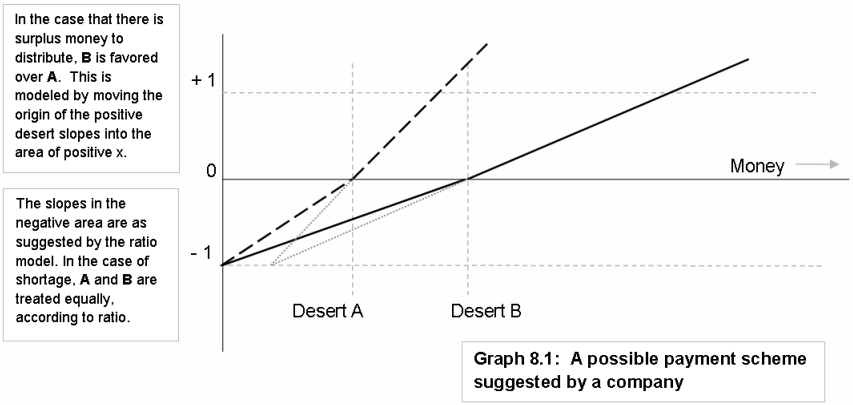
Graph 7.1: It is worse for A to deviate from desert than for B



Graph 7.2: It is worse for B to deviate from desert than for A

A practical application of the second modification is presented in the following example. A company may want to encourage people to put lots of effort into their work. Thus, in case of surplus, employees with high desert should receive a greater bonus than those whose work results in low desert. If the company faces shortages, all staff can be treated equally to avoid protest. Such a scenario is depicted in graph 8.1. Here, the negative deviation from desert is treated according to ratio; it uses the unaltered Ratio Model. Within the area of positive y how-

ever, high desert is favored by placing the origin of the desert slopes in the area of positive x.



Graph 8.1: A possible payment scheme suggested by a company

Combining both types of modifications mentioned can create models closer to our complex understanding of desert. It could be claimed that wages below desert should be avoided. Alternatively it could be argued that it is more important for people with lower desert to receive their money than for people with higher desert, and that surplus money should be invested in bonuses for low income employees rather than giving it to those who receive high wages anyways. All these aspects of distributive justice are modeled in graph 8.2, using all types of modifications which have so far been discussed.

Avoiding wages below desert is achieved by moving the point of origin of the desert lines of the scarcity area further into the area of -y. Assigning more value to people with less desert to receive their money, assuming there is scarcity, is reflected by moving the intersection of these desert lines into the area of +x. Finally, favoring people with less desert if there is a surplus, and perceiving it as better to receive more money in general, is accomplished by creating separate desert lines for the surplus area and moving their point of origin towards +y and -x. This example demonstrates the advantages of a flexible, modular framework.

This model is more critical of **A** and **B** receiving less than they deserve than receiving more than they deserve. This is implemented by moving the origin of the positive desert lines closer to 0 on the y axis and the origin of the negative desert lines further into the negative area on the y axis.

If there is scarcity, **A** is treated more critically than **B**. This is implemented by moving the point of origin of the negative desert lines further into the spectrum of positive x.

If there is a surplus, **B** is treated more critically than **A**. This is modeled by moving the origin of the positive desert slopes into the area of negative x.

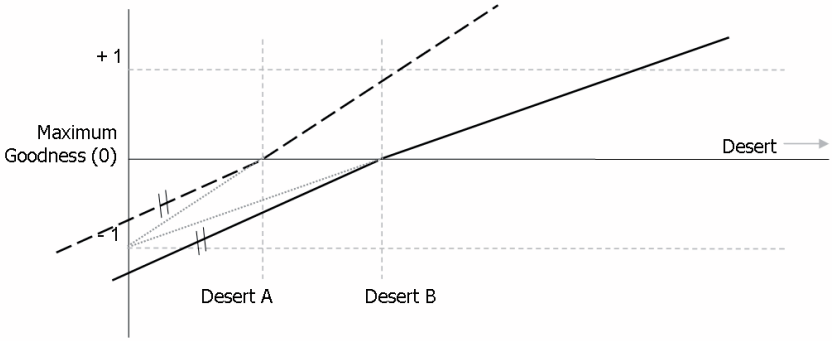
Graph 8.2: A possible payment scheme combining different types of modifications from the original Ratio Model

6 Special Cases, Limitations and future research

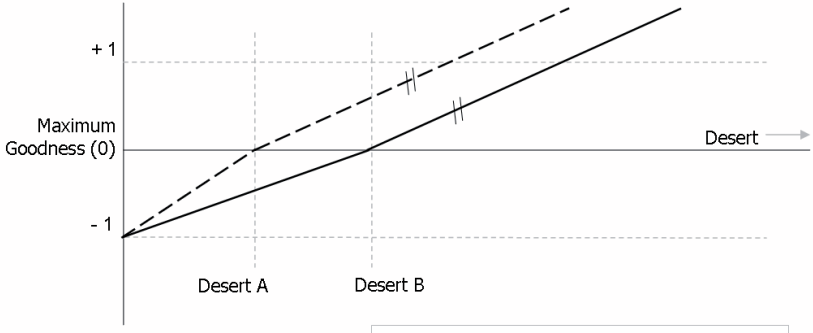
There are several special cases which can occur, depending on where the point of intersection is plotted. By moving the point of intersection further away from 0 and eventually into infinity, parallel lines emerge[10]. Consequently, it becomes apparent that Kagan's model can actually represent a special case of the suggested framework. Imagine that a company assigns A and B to lock a safe in which the money is stored. Imagine that both A and B fail in their duty and the company is robbed in consequence. In this case one can argue that it would make sense to punish both employees equally in absolute terms (graph 9.1). Likewise, the equal distribution of a bonus, such as Christmas money, can be depicted in graph 9.2. Both of these distribution schemes require parallel – absolute – desert lines, as suggested by Kagan.

A further special case is a slope of zero. This simply implies that how much a person receives is irrelevant for the overall goodness. In the scarcity area this means that it does not matter giving a person nothing, her claim to her desert is not valued. In an analogue manner in the surplus area this would mean that we

[10] In extreme cases intersections of parallel lines can re-enter the finite plain in the positive spectrum of y, creating models that do not immediately appear intuitive, but may have practical applications, yet to be discovered.



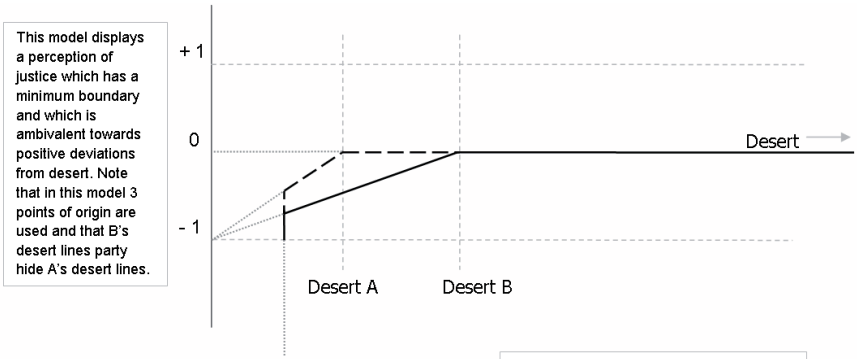
Graph 9.1: A and B are punished equally



Graph 9.2: A and B are rewarded equally

do not mind if she receives more than her desert, no matter how much it is. If there is no slope, the opposite occurs. No slope indicates that a deviation from desert is unacceptable. This could be used for creating boundaries, such as minimal wages or maximum income. If this sounds confusing, graph 10 may shed some light on these special cases. Apart from these modifications, not all mathematically feasible solutions contribute to the functioning of the framework. A desert line with a negative slope for example is invalid and thus must be treated as if it had no slope.

While the modifications suggested in this framework have the apparent benefit of creating flexibility, these modifications do however change the meaning of the dependent variable. The first set of modifications merely changes the scale which is used. In contrast, the second set of modifications changes the depen-



Graph 10: Two special cases

dent variable to an abstract term which does not give immediate information on the allocation of goods. Thus, the flexibility of the framework comes at the cost of receiving a dependent variable which gives far less information than the original Ratio Model.

A further limitation is that all models in this paper are continuous and linear. Neither continuity nor linearity however necessarily represents the way desert is intuitively understood. Nonlinear (what Kagan (2008) describes as 'curved desert') and non continuous models deserve further research. Also, the aspect of efficiency is not taken into account in this framework, though it should be possible to combine this framework with models such as Teun Dekker's (2008) model on desert and distributive efficiency.

7 Conclusion

The distribution of scarce goods is a common societal problem of distributive justice. Thus, a model which aids to determine distribution according to a predefined set of assumptions can be of great potential use. In this context the work of Shelly Kagan has to be seen as a valuable contribution to political philosophy. Yet, this paper demonstrates that the supposedly intuitive model of Shelly Kagan becomes highly problematic in the given example of employees A and B. Despite its reference to common sense, Kagan's model relies on implicit and unstated normative assumptions, which are not necessarily shared by a majority of people and hence universally applicable. The Ratio Model attempts to resolve these problems, however, it also can is caught in a similar trap. Any rigid model of desert-based distributive justice inevitably assumes that there exists only one 'just'

way of distribution. The heterogeneous demands of practical situations, as well as different normative conceptions of justice call for an individualized, modular framework.

The framework consequently presented in this paper is inspired by Kagan's model but by virtue of its flexibility is far more universally applicable. Nonetheless it is only a model, and by its nature a simplification. The Ratio Model and its framework could prove useful in some real life situations, however we appeal to anyone who uses this model (or any model for that matter) not to use it blindly but to be aware of its underlying assumptions.

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THE MUTUAL SHAPING OF SOCIETY AND THE CONTRACEPTIVE PILL:

An investigation into culture and politics

Michelle Ruesch

Abstract The paper at hand examines from a constructivist perspective the ways in which the contraceptive pill has been influencing society and vice versa. An analysis of the contraceptive pill in the context of gender relations as well as in the context of North-South power relations shows that culture has both shaped the contraceptive pill and is being shaped by it. Acknowledging this, the contraceptive pill can be said to be an essentially political issue. The different dimensions of the contraceptive pill as a political issue are analyzed in the final part of the paper. All in all, the paper points out that the contraceptive pill reflects and at the same time shapes social power structures and culture, which makes it a political issue.

1 Introduction

Unbelievable but true, up until the middle of the 20th century birth control was illegal in the US and one could be jailed for promoting contraception. In

fact, the oral contraceptive pill was first approved by the US Food and Drug Administration in 1960 and caused a lot of controversies especially in the light of the emerging women's movement in that same period of time (Oudshoorn, 2003). Interestingly, while today being the predominant method of contraception in the more developed regions of the world, notably in Europe and the US, the contraceptive pill has had considerably less success in developing countries (United Nations, 2004). The aim of this paper is thus to investigate the mutual shaping of society and the contraceptive pill. This will on the one hand permit the reader to understand the contraceptive pill as a product of social processes, and on the other hand show its influence on society. Based on a constructivist perspective of science and technology, it will be shown throughout the paper that the contraceptive pill reflects and at the same time shapes social power structures and culture, which makes it a political issue. In a first step, the constructivist perspective will be introduced as underlying theoretical framework. Thereafter, the contraceptive pill will be analyzed from a constructivist perspective. This will be divided into two subparts, the first one treating the gender dimension, and the second one concerning culture and North-South power relations. In a third and final step, some conclusions will be drawn with respect to the political dimensions of the contraceptive pill.

2 Introduction to a constructivist view on science and technology

Before turning to the special case of the contraceptive pill, it is essential to present the underlying theoretical framework, thus the constructivist perspective on science and technology, also called the STS view. This view has its roots in the 1960s as a response to the up to then predominant 'technological determinism' view which depicts technology as neutral, independent from society and following a linear, rational pattern in which a new technology is 'discovered' by some individual genius. A technology that succeeds is the 'best' technology. Furthermore, technological determinism emphasizes the one-way influence from technology to society (Jaeger, 2008). Out of the realization that this is too simplistic, scholars started to stress the other extreme, namely the influence society has on technology, which resulted in 'social determinism'.

In contrast to that, the constructivist perspective, which had its breakthrough in the late 1980s, stresses the interactive relationship of science, technology and society (Fuglsang, 2001). Technology and society are co-evolving, constantly shaping each other. Technology is not autonomous but interwoven with social and cultural processes. Different schools within the STS perspective all stress

the inseparability of science, technology and society. As Latour (1987) puts it, an artifact must be socialized in a network of actors in order to be successful, thus the different actors of the network construct the technology by attributing certain meanings to it. After some time, the technology becomes a 'black box', which means that it has found its place in society and has a stable, dominant meaning. In Bijker's (2006a) words, the interpretative flexibility of the different relevant social groups decreases due to negotiations and conflict, thus the different sets of values originally attributed to a technology by different actors involved in a network are largely reduced to one dominant meaning. Such 'stabilization' ultimately leads to 'closure', the notion that the dominant meaning of a particular technology is hard to challenge due to a strong network. Another common claim in STS is the necessity to 'deconstruct' technology (Bijker, 2006a), or, in Latour's words 'open the back box', thus, to analyze the interactions between society, science and technology that led to the technology as we know it today. This will be done in the following section in which the theoretical claims of the STS view are applied to the case of the contraceptive pill. For lack of space, the focus will be on the relation between society and technology, just keeping in mind science as a third interacting element.

3 Examination of the contraceptive pill from a constructivist perspective

According to the STS view, a technology cannot be understood without considering the social processes around it, and vice versa. Hence, this section will look at the ways in which the contraceptive pill has been shaped by, and at the same time shapes society. As Russell and Thompson (2000) argue, "contraceptives can only be understood with reference to the political and economic structures, and social and cultural forms, of those people amongst whom they are found and (perhaps) used" (p. 7). In fact, just like every other technology, the contraceptive pill is not neutral but embodies values (Tiles & Oberdiek, 1999). As a consequence of interpretative flexibility, several sets of values are attributed to the contraceptive pill. Here, culture plays an important role, since one's cultural background largely affects one's values. Furthermore, speaking of culture in relation to technology cannot be done without also speaking of power relations. Russell and Thompson (2000) recognize the "complex interplay of culture, power and technology" (p. 7). In the following, two dimensions of culture will be examined with respect to the contraceptive pill.

3.1 The contraceptive pill: gendered and gendering

In this section, the contraceptive pill will be analyzed from a gender perspective. This means looking at how gender has affected the contraceptive pill, and vice versa.

How gender has shaped the contraceptive pill

Concerning the effects of gender on the contraceptive pill, a question that comes up is why all hormonal reproductive technology is made for the female body. Essentialist explanations state that intervention into the male body is scientifically just harder to achieve. However, this claim is dismissed by Nelly Oudshoorn (2003) who claims the contraceptive pill to be "the materialized result of negotiations, selection processes, contingencies, and technological choices, embodying socially and culturally constituted values" (p. 10). According to her, there is no male pill because such a technology has not been supported by the persisting gender culture. In this respect, there are two traditional perceptions which become clear when looking at the historical background of the pill. First of all, Margaret Sanger and other feminists who were engaged in the development of the pill saw this form of contraception as an empowering technology for women, giving them more autonomy. They actually wanted the contraceptive pill to be applied to the female body. This kind of involvement of women was largely neglected in the women's movement of the 1970s in the light of the various health risks of the contraceptive pill. According to the then predominant feminist view, the contraceptive pill was a reflection of a dominant male culture which saw contraception merely as a female problem.

Nevertheless, such ideologically extreme views are too simplistic. Wendy Faulkner (2001) categorizes them as either overoptimistic, seeing technology as essentially good and desirable, or over pessimistic, depicting technology as patriarchal and oppressing, portraying women as "victims of men's technology" (p. 80). As Faulkner argues, both these views disregard the social shaping of technology and consequently the potential of reshaping technology. From a constructivist perspective, the contraceptive pill is the product of prevalent social perceptions of gender and a political struggle between the sexes. Since a lot of women consciously pushed contraceptive technology to be applied to the female body, one cannot say that the pill is a product of male domination. As Oudshoorn (2003) argues, the contraceptive pill must actually also be seen in the light of a lacking male movement. The dominant male and female perception has traditionally been that women are responsible for their own fertility. Speaking of 'gendered technology' does hence not mean 'women-hostile technology'. One cannot say whether the contraceptive pill is emancipating or oppressing, since this

depends on one's sets of values. Faulkner's (2001) differentiation between 'gender in technology' and 'gender of technology' clarifies this point. Contraception in general has traditionally been seen as women's responsibility by women and men. This implies gendering by association, what Faulkner calls 'gender of technology'. However, this general cultural representation of reproductive technology as a female issue has led to the development of a technology which is gendered by material embodiment, the female contraceptive pill.

How the contraceptive pill has shaped gender

Not only has gender shaped the development of the contraceptive pill, but the contraceptive pill also has shaped and transformed gender representations and gender relations. First of all, one can argue that the contraceptive pill has reinforced the dominant perception of contraception as a women's thing. However, this is only partially true since the contraceptive pill also opened up political debate about why there is no male pill. It fed the women's movement struggling for emancipation, pointing at the unequal distribution of risks like deadly blood clots, heart attack and stroke. This in turn evoked funding for research on a male contraceptive pill, which, however, has been promised to come within four to five years since the 1990s (Oudshoorn, 2003). In addition to that, only a few companies continued research on contraception as the costs of litigation and pressure from feminists soon outweighed profits (Djerassi, 2001).

Another way in which the contraceptive pill has shaped gender is the increased amount of autonomy that it gave to women, which in turn considerably transformed the labor market (Bailey, 2006). On this note, while partially reinforcing the predominant understanding of contraception as women's responsibility, this same reinforcement can also be seen as an empowerment of women. Although seemingly contradictory at first, it becomes clear in the light of a statement by Glenn Sacks (2005), first US columnist on men and father issues: "Power is the reward that comes with responsibility" (para. 3). By attributing responsibility to women, they simultaneously achieve the power over decisions concerning family planning. As empowerment is a relative notion, it must be seen in comparison to others (Brey, 2008). The empowerment of women can thus be seen as a disempowerment of men. Looking at how the contraceptive pill has shaped masculinities is as vital as looking at its effects on women. While women have a wide range of possibilities for contraception today, men can only chose between condom and sterilization. A huge advantage of the contraceptive pill, namely that it can be taken without necessary agreement of the sexual partner, is denied to men. According to a Cornell University study, more than a million births per year in the US result from pregnancies unintended by men (Sacks,

2005). Men are to a large extent disempowered concerning decisions on family planning. Feminists often put forward the claim that even if there was a male pill, men would not take it regularly because they do not feel responsible, and women would not trust men. However, such claims ignore that representations of gender roles can change, not least due to interaction with newly developed technology. It remains to be seen, whether the development of a male pill will balance power structures with respect to gender roles and perceptions.

Before moving to the next section, it should be noted that the contraceptive pill is still a young technology, which continues to be shaped by society. Moreover, its social consequences are not fully visible. A recent study, for example, has warned of a disruption of instinctive mechanisms for partner choice which would mean that women who are on the pill might choose biologically unsuitable partners (Guardian.co.uk, 2008).

3.2 The contraceptive pill: shaped by and shaping culture and the North-South divide

The mutual shaping of gender and the contraceptive pill has attracted considerable attention due to engaged feminists and technological constructivists like Ann Rudinow Saetnan, Nelly Oudshoorn and Marta Kirejczyk (2000). However, there is another dimension that has gained considerably less attention in the academic debate around the contraceptive pill. This dimension concerns the ways in which the contraceptive pill reflects and transforms culture with respect to the North-South divide, which refers to the cultural differences between developed countries settled mainly in the North and the West, and developing countries settled mainly in the South and the East.

How the contraceptive pill reflects Western values

Just like every other technology, the contraceptive pill reflects the nature of the actors involved in its construction. In this respect, it is remarkable that the actors involved in medical development and political discourse of the pill have mostly been from the Western hemisphere. Actually, the desire for such a contraceptive pill has first come up by US feminists in the early 20th century, but in fact, birth control was illegal in the US until 1936, being considered unethical. Due to feminist activism and governments in the surge for population growth control strategies, a slow value shift occurred towards a culture which could integrate reproductive technology (Clarke, 2000). It took several decades to overcome cultural barriers. This shows that the contraceptive pill went through a long social process before largely being accepted as a closed black box. This black box embodies values like female emancipation as well as values acknowledging the importance

of contraceptive technology for population control and individual family planning. Another vital set of values concerns Western assumptions regarding science as a rational, linear process, leading to progress and to better and more trustworthy results. The dominant perception of medical contraception as the safest and best method, elucidates why women from Western developed countries prefer medical contraception to natural contraception (United Nations, 2004).

Being a technology made to fit into the Western culture, it is problematic to assume that exporting the contraceptive pill to Southern, less developed countries, will be a successful undertaking. A study (Save et al., 2004) on resistance to medical contraception in Turkey shows that medical methods are perceived as Western and that, while contraception itself is seen as important, other methods are chosen, preferably the withdrawal method, which Turkish participants called 'their own method'. According to the study, using medical contraception is a matter of culture. Men repeatedly pointed at the embarrassment to ask for contraception in pharmacies. This shows that contraceptive technology is not embedded in Turkish culture. Furthermore, Turkish participants stated that they do not like the contraceptive pill because of its health implications, and that they prefer another child to illness. This suggests that different priorities are attributed to different sets of values in different cultural settings. In fact, recent research found that natural contraception methods are as effective as the contraceptive pill (Sciencedaily.com, 2007). One culture is thus not inferior to another only because it has different values and priorities.

It can be concluded that the Western society has played a predominant role, but since the introduction of the contraceptive pill in developing countries, these cultures also contribute to the shaping. Ultimately, resistance to the contraceptive pill is also a way of shaping it.

How the contraceptive pill shapes culture and North-South power relations

Again, the relation between technology and society is only in a one-way direction. The contraceptive pill thus also has implications on culture and power relations between developed and developing countries. Realizing that the contraceptive pill mainly embodies Western values, one way to argue further is to claim that the contraceptive pill reinforces existing power relations. The argument goes that the advantages attributed to the pill, including benefits to women, but also for strategies against overpopulation, are distributed unequally. In short, if contraceptive technology is not adapted to the cultural environments of developing countries, neither will women there be empowered and nor will population control strategies work. This would lead to a disempowerment of the developing world in relation to the developed, Western world. A common view, labelled the 'new Malthusian

view', is that overpopulation in developing countries is a major cause of poverty; therefore the strategy to eliminate poverty would be reducing birth rates. So far, promotion of contraceptives in developing countries was done on the grounds of costs, and ease of delivery and duration (Hewitt & Smyth, 2000). Only slowly has it been recognized that "biomedical practitioners (need to) acquire a detailed understanding of the beliefs and behaviours of the local population" (Parker & Gordon, 2000, p. 87) and to find contraceptive methods which embrace particular cultural settings. This is why there have been various studies on the factors leading to contraceptive use in less developed regions of the world. Among the factors are the level of knowledge about methods, religious denomination, communication between the sexes, women's status, economic status, as well as conspiracy beliefs and perceived discrimination (see Nwachukwu & Obasi, 2008; Save et al., Tengia-Kessy & Rwabudongo, 2006; Terefe & Larson, 1993; Thorburn Bird & Bogart, 2003). As a result, there is an emphasis on increasing accessibility, education and sensitivity to culture, for example through instruction in local languages.

However, this view is in itself very Western, because it presumes the positive impact of technology. The contraceptive pill is seen as the solution to social problems like gender power imbalance and overpopulation. Due to such a view, it looks like people in development countries just need to overcome their cultural barriers and they will be empowered. However, as already stated above, medical contraception is not necessarily the best and only possible approach, it depends on ones values and priorities. According to this more comprehensive perspective, the export of the contraceptive pill to another culture can have a disturbing impact. In a study on Ethiopian Jews and contraception (Philipps Davis, 2000), the symbolic importance of blood in Beta Israel cosmology was emphasized. Ethiopian Jewish women see their menstrual period as a natural act of cleaning the body from bad blood that causes illnesses. Since the contraceptive pill makes menstrual periods lighter, women feel that their body is not cleaned properly. They state that the pill makes them tired and dizzy and this is why they have their own, natural methods. This shows that when the very nature of the contraceptive pill goes against the principle of a particular culture, it might neither be effective nor desirable to introduce such technology.

4 The contraceptive pill: A political issue

Up to this point of the paper, evidence was given to the claim that the contraceptive pill shapes and is shaped by culture. It was pointed out that culture is related to social power structures. This claim will be pushed further in the following

section, highlighting the overall conclusion that can be drawn, namely that the contraceptive pill is a political issue. According to Ball and Peters (2005), politics arises from disagreements and conflicting interests, which are caused by diversity and difference. Furthermore, according to Kleinmann (2005), something that is political is by definition not neutral and is related to social power structures. There are several ways in which the contraceptive pill is a political issue. They will be outlined one by one in the following.

First of all, the contraceptive pill is political because it has been subject of political controversy and conflicting interests, as demonstrated for example by opposing feminist ideologies or the involvement of religious groups in the debate. This refers to Latour's (1987) conception that the development of a technology is a social process of negotiations around different sets of values.

Second, as Bijker (2006a) explains, technology is political because it also affects non-scientists who in turn participate in the debate. This holds true for the contraceptive pill as well, as one of the most important groups in its shaping had been women, largely from non-scientific backgrounds.

Third, as has also been pointed out in the second section, the contraceptive pill is often seen as a technical solution for social problems, notably increasing women empowerment and population control. This makes the contraceptive pill a political tool which is subject of various policies, as for example birth control strategies.

Fourth, again referring to Bijker (2006a), technology often causes new risks which must be regulated by political institutions since they otherwise tend to be distributed unequally in society. This also applies to the contraceptive pill which has caused political debate about unequal distribution of the health risks between women and men. Moreover, decisions are made concerning for example the approval of new forms of the contraceptive pill.

Fifth, the distribution of benefits related to technology is as important as the distribution of risks. This is a point neglected in Bijker's (2006a) text on technology and politics, but he mentions the importance of balancing benefits and risks in another work of his on vulnerability (2006b). Concerning the contraceptive pill, it has been demonstrated that its benefits, notably the possibility of controlling one's fertility, tend to be distributed unequally, empowering women more than men and Western cultures more than cultures within developing countries. This is subject of political controversies, regulations and policies.

Sixth, the contraceptive pill does not only matter to politics but it is itself inherently political since its very nature reflects and shapes the socio-political structure of society. In his famous article on the politics of artefacts, Winner (2000) distinguishes between two kinds of technologies: Those which have an

amount of flexibility concerning their design and arrangement, and those which are inherently political. In the special case of the contraceptive pill, there is no clear-cut answer. On the one hand, the contraceptive pill has a good amount of flexibility in its design; it could be applied to the male body or not be a pill. On the other hand, even if changes are made in its design, it will remain a contraceptive technology and contraception is a political issue by its very nature, generating controversy in society. The contraceptive pill generally favours a democratic political system since it can be implemented and controlled by users themselves. Ultimately, one can conclude that even though the design of the contraceptive pill could be changed, it would remain inherently political.

With respect to these six points it can be concluded that the contraceptive pill is a political issue because it has been shaped by and shaped politics. With culture being inseparable from politics, causing conflict and controversy, it can finally be established that the very fact that the contraceptive pill is a social and cultural construct makes it a political issue. With regards to this, Carl Djerassi (2001), one of the main scientists in the network around the contraceptive pill, concluded from his research that "politics, rather than science, would play the dominant role in shaping the future of human birth control" (p. 193). It remains to be seen how contraceptive technology and society will shape each other in the future, and what kind of social, cultural and political controversies this interaction will produce.

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STEMMING THE FLOOD?

Exploring neo-realism and refugee politics in the EU

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Abstract This essay seeks to explain the European Union's refugee and asylum politics by examining the interaction of ideological structures on the one hand, and agents who internalise, enact, and reproduce these structures on a daily basis on the other hand. As consequences of this process of structuration, refugees-to-be are criminalized, excluded, abused, and left to die, rather than being conceptualized as people in need. The essay seeks to point out not only the inhumane effects, but also the shortcomings of the EU political framework, and calls for a re-conceptualization of security, European identity, and refugees.

1 Introduction

In 2007, Ramin[1] had made it to Turkey. Together with others who shared his goal, he then entered a little boat and secretly crossed over to Greece. Before they reached land, though, their boat was stopped by the Greek navy who took all passengers on board their ship. It was soon clear that they were not attempting to rescue or help the migrants.

> *They took away my mobile phone. They took my money. They beat me. They stripped me of my clothes except my underpants. There were about 20 of us on the boat. They did the same to the others that they did to me*
>
> (Frelick, 2008, pp. 42-43).

Ramin's group was split and placed in two inflatable boats, which the Greek navy punctured before leaving the migrants behind in Turkish waters. Whilst they could see the Turkish coastline, Ramin's boat could not move fast enough to reach it as it was filling up with water and began to sink. Many migrants onboard could not swim and one drowned. Finally, the Turkish coastguard reacted to the appeals of the other group, who had made it to the mainland, and saved the surviving passengers. Ramin, 28 years old, was interviewed by Human Rights Watch (HRW)[2], and could share his story. He had decided to flee his home country, Iraq, after his brother had been kidnapped and killed. Fearing persecution due to his brother's work as a translator for American forces, Ramin had headed towards the European Union in hope of asylum and a more secure life.

Due to the continuous combat in Iraq and Afghanistan, many people have fled the region in order to save their lives and escape persecution. Many of them are now stuck in Turkey, from which they attempt to enter Greece, and are subsequently being subjected to abuses by both Turkish and Greek officials. Human Rights Watch found a pattern of severe beatings, punctured boats and forced returns from Greece to Turkey. Most importantly, it found that potential refugees were denied the possibility to apply for asylum before they were sent back. There are also stories of abuse and violence in many other countries. Italy, collaborating with Libyan coastguards, began to openly intercept migrants' boats at sea and to send them to Libya this May ("UNHCR deeply concerned," 2009), although Libya is notorious for its practically non-existent asylum system and human rights abuses (Frelick, 2009; Guiraudon & Lahav, 2007). In the Spanish enclave Ceuta in North Africa, several migrants were crushed; others were shot when they attempted to forcibly enter Ceuta from Morocco ("Africans die in Spanish enclave," 2005; Baylis, 2008; Fortress Europe, 2003). Whilst estimates vary, specialists think that up to 2000 people die at sea when attempting to reach the EU each year ("UNHCR - Irregular Migration by Sea," 2009), and the death toll increases (Lutterbeck, 2006). The EU's answer has been the tightening of border controls, making it ever more difficult for potential refugees to reach a member state and ask for asylum. This paper will analyze the neo-realist, 'us vs. them' framework in which the EU is conceptualizing its refugee policies and practices, and will proceed to outline how various actors internalize this framework, resulting in a self-perpetuating spiral of violence and alleged securitization.

Importantly, the EU is responsible for the standardization of asylum and immigration procedures and status once they are conferred on immigrants. However, states decide individually on the numbers of asylum applications that they approve and their national border guards, in addition to the European border patrol Frontex, patrol their borders (Ruffer, 2005). The focus of this paper will be on EU regulations and how they impact on and are shaped by national government's actions.

This paper limits its focus to the group of 'refugees' as defined by the EU and in line with the Geneva Convention, namely designating as refugee

> *a third country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it*
>
> (Council Directive 2004/83/EC, 2004, para. 2(c)).

However, this notion is highly problematic in itself. Lavenex pointed out that the definition excludes all those fleeing from civil war or generalized violence (Lavenex, 2001a), and Betts has called attention to the common root causes of both these groups' plight (Betts, 2006), making the distinction between 'economic' migrants and 'political' refugees, according to him, untenable. A new discussion on who is entitled to protection is therefore urgently needed, it would, however, go beyond the scope of this paper.

2 Violent Structures: Defensive Neo-Realism and a Clash of Civilizations

Neo-realists have a state-centric view of the international system, which they regard as anarchic – since there is no higher power which could enforce rules, cooperation is possible but difficult to maintain. Due to this threatening, anarchic world, states need to focus on their security and survival at all times (Reus-Smit, 2005). Defensive neo-realists acknowledge that globalisation and states' interdependence make war more costly, and cooperation more likely to be successful although there is always concern about states' non-compliance in cooperation, especially when security policy is concerned (Lamy, 2004). For defensive neo-real-

ists, national interest is defined in terms of national security – state power is only pursued to achieve security (Collard-Wexler, 2006), and preferably through moderate strategies that do not antagonize other states (Taliaferro, 2001).

Whilst some claim that neo-realism cannot adequately explain the phenomenon of the EU itself, others argue it can[3], in any case, the European Union as a whole, regarding its external relations in general and refugee policies in particular, acts very much in the defensive neo-realist paradigm. In this paradigm, initially "a refugee does not differ from other voluntary migrants. Their common definition consists of their quality as transborder-phenomena" (Lavenex, 2001a, p. 13). This is reflected in the fact that prior to arrival and classification, refugees-to-be[4] are not differentiated from other groups of migrants – they need valid documents and visas to enter the EU legally, for instance (Lax, 2008). However, those persecuted in their home country often do not have access to such documents (Hentges, 2002).

A dominant discourse[5] within the EU regarding refugees is one of the Union as an area of freedom, security, and justice[6]. Upon close examination of the Hague program (see "The Hague Programme: Strengthening Freedom, Security and Justice in the European Union," 2004), a five-year (2005-2010) action plan for freedom, security and justice, however, Bigo showed that within this discourse, a particular form of freedom is meant. Whilst the document is divided in three parts according to the goals: freedom, security and justice, Bigo finds that

> *after the point 1.1 on citizenship of the Union, all the other paragraphs of this first part concerning freedom are about limits, interdictions, policing at a distance, controlling by remote control and even detaining and punishing others at a distance. The proper notion of an active defence of freedom is distorted into a war for a kind of freedom*
>
> (Bigo, 2006, p. 36).

He asserts that "freedom, in the Hague programme, is seen as the creation of a 'safe area without intruders'. Freedom is a tool for maximizing security" (Bigo, 2006, pp. 36-37). The program's goal of strengthening freedom then becomes, according to him, more of a 'homeland security' strategy. The discourse aims at deterring those who are not welcome in the EU, those who cannot consume. Crucially, Bigo points out that "*their* freedom is not important", and that the program invokes the "defence of an 'essentialized' *us* under threat by unknown *others*" (Bigo, 2006, p. 37). Bigo clearly shows that whilst freedom and justice are present in the program, they are in fact subsumed under the overarching and all-important idea of security for EU citizens – wholly in agreement with the defen-

sive neo-realist paradigm. Freedom means surveillance, control, and protection from the imminently threatening 'other' (Bigo, 2006). Other authors, in agreement with Bigo, argue that the dominance of interior ministries in refugee politics is largely responsible for framing the issue as one of internal security[7].

'Illegal' immigration generally, including that of refugees-to-be, is perceived as a threat to the European Union (Lavenex, 2001a; Lindstrom, 2005; Mitsilegas, 2003) - a threat to national security above all, but also to social order and national culture, as will be explored later on. Asylum policies are often focused on minimizing fraud, as asylum is perceived as being abused and misused by economic migrants or criminals (Hentges, 2002). This perception of both immigration and asylum leads to important consequences in the policies and practices within the EU.

In recent years, the EU has realized that 'illegal' immigration is a 'problem' it cannot solve by itself. It began to cooperate with several states in Northern Africa and in other regions to make it easier to send 'illegal' immigrants back. Moreover, nowadays the European Union does not sign cooperation agreements unless the states involved agree to the "joint management of migration flows and compulsory readmission in the event of illegal immigration" (Guiraudon & Lahav, 2007, p. 142). If a country shows "an unjustified lack of cooperation in joint management of migration flows", economic and political sanctions can follow (Guiraudon & Lahav, 2007, p. 142). This clearly shows the EU's willingness to cooperate on the one hand, and their fear of non-compliance by other states on the other – the Union thus uses soft power and coercion, in a truly neo-realist fashion, to ensure that other states will cooperate.

There is a recent prime example for this cooperation – in June this year, Italy and Libya ratified a "friendship pact" in which Italy apologized for its colonial past and promised to invest 5 billion dollars in Libya over the next 25 years (Sarrar, 2008). Libya, on the other hand, has begun to tighten border controls, detain those trying to leave for Europe and cooperates closely with Italy regarding sea patrols as a result of the pact; already, fewer immigrants have arrived in Italy and Malta during the past months (Grech, 2009). Gammeltoft-Hansen warns that these practices could constitute breaches of International Law: "Libya is not a signatory to the 1951 Refugee Convention and has a track record of onward expulsion to unsafe countries where persons risk torture or persecution" – sending people back to Libya might thus lead to 'chain-refoulement'[8] and the breaching of article 3 of European Convention of Human Rights (Gammeltoft-Hansen, 2008, p. 189). Moreover, stopping 'illegal' immigrants from leaving Libya might, according to HRW, "violate the right of anyone to leave any country (International Covenant on Civil and Political Rights, article 12) and the right

of everyone to seek asylum (Universal Declaration of Human Rights, article 14)" (Human Rights Watch, 2009).

Looking at the EU legal framework more generally, it can be observed that there are measures for active and passive interception of 'illegal' immigrants (Lax, 2008). With regard to passive interception, all those measures that stop immigrants from ever arriving in the EU can be included; important here are the visa requirements mentioned above, as well as high penalties for carriers should they bring people without valid documents into the EU, including refugees-to-be. No less than 500.000€ must be paid as a lump sum for each infringement of EU regulations on legal carrying (COUNCIL DIRECTIVE 2001/51/EC of 28 June 2001, 2001, para. 4(1)), and carriers can be held responsible for the stay of persons without necessary documents or permits. Since 2004, moreover, airplane companies have to transmit passenger information before flights take off via the "Advance Passenger Information System" (Balzacq & Carrera, 2006). It has been pointed out that there is basically no other option to legally immigrate into the European Union from a poor country other than asylum (Lax, 2008) - which is only granted once the refugee-to-be has reached European soil.

Once a refugee-to-be has succeeded in 'illegally' entering the EU, however, other obstacles will emerge. Firstly, the Dublin Conventions[9] oblige all refugees-to-be to apply for asylum at the port of entry in the EU (Ruffer, 2005) - assuming that there are compatible standards of human rights in all member states (Lavenex, 2001b). Importantly though, rates of approval of asylum applications as well as human rights abuses vary widely among EU countries. In Greece, only 0,04% of applicants were given protection at the first instance in 2007 – 2,05% were granted refugee status on appeal (NOAS, Norwegian Helsinki Commitee, Greek Helsinki Monitor, 2008). In Italy, on the other hand, around 50% of asylum applicants are granted some form of protection (Frelick, 2009). The enforcement of the Dublin conventions is ensured by the usage of Eurodac, a database collecting fingerprints of all those who enter the EU 'illegally', arguably criminalizing them (Brouwer, 2006; Lavenex, 2001a). When applying for asylum, moreover, all persons will have to demonstrate not only the validity of his or her claims, but also the fact that he or she has not traveled through a so-called 'safe country', unilaterally defined by the EU as such (Meyerstein, 2005). All of these hindrances and impediments mean, in sum, that there are many asylum applications that are immediately dismissed (Vedsted-Hansen, 2005).

Apart from these passive means of interception, the EU has further invested in active interception as well. The EU border patrol Frontex was established in 2005, supporting national border guards in patrolling especially the Mediterranean sea (Council Regulation (EC) 2007/2004, 2004). In 2008,

Frontex operation HERA officially diverted 5969 individuals back to Africa in the West Mediterranean alone (Frontex, 2009b). Concerned not to violate the principle of *non-refoulement*, the EU had cooperated with Senegal and Mauritius, whose officers were on board of Frontex boats and were officially in charge of sending migrants back (Gammeltoft-Hansen, 2008).

In addition to being seen as a threat to security, however, refugees are also seen as a threat to the social fabric of the EU and its national cultures – Bigo clearly illustrates how the discourse of freedom, security and justice 'essentializes' Europeans, whilst it 'others' immigrants. One of those creating and fuelling the powerful myth of a world divided into different groups inevitably struggling against one another was Samuel Huntington with his Clash of Civilizations (Huntington, 1993). He helped to create an 'us' that is more encompassing than the traditional, national community, and which nevertheless draws a sharp line between the 'western civilization' and 'others'. As Hall (1996) pointed out, "national cultures acquire their strong sense of identity by contrasting it with other cultures" (p. 188) – the same is certainly true for the new regional construct, the European Union. It has been noted that

> *the process of European integration is particularly concerned with the construction of a cohesive European identity. The creation of boundaries and the exclusion of non-members are critical for the manifestation of a collective identity and for the construction of a community based on identity*
>
> (Karyotis, 2007, p. 9).

This slightly different, yet dominant and powerful discourse of 'us vs. them' serves to unite European citizens, and gives them a feeling of superiority towards the others (Hall, 1996). According to Foucault, discourse has effects because of its combination with power, knowledge and truth. Foucault saw knowledge as always entangled with power "because it was always being applied to the regulation of social conduct in practice" (as cited in Hall, 1997, p. 47). Moreover, "knowledge linked to power (…) has the power to *make itself true*" (Hall, 1997, p. 49), creating a Regime of Truth by constructing the dominant discourse as 'reality' (Mills, 1997). The security discourse as well as its cultural variant, the 'us vs. them' discourse, certainly function as a Regime of Truth in the EU. As a result, the "non-white, non-Western, and often non-Christian" (Chebel d'Appollonia & Reich, 2008, p. 332) immigration into the EU is seen as 'invasion' in many people's eyes, who fear that their own identity will be threatened. Other effects of these discourses can be seen when examining various actors' reactions to them.

3 Actors and their Consciousness: Border Patrols, the Media, and Right-Wing Parties

A large number of different actors is involved in the perpetuation of the neo-realist security framework and its consequences – only the most important ones can be discussed in this paper. Importantly, Karyotis (2007) pointed out that actors' perceptions and actions are not only influenced by speech-acts, but also by the practices that are part of the overall discourse. Regarding national border patrols and police, it has been shown by Human Rights Watch that they have taken an active part in the discourse of 'us vs. them', using violence against and stealing from those they perceive as 'others' (Frelick, 2009, 2008; Troller, 2008). Also, it has been reported that when faced with migrants in distress at sea, national border patrols repeatedly failed to rescue them.[10] Similarly, commercial boats were reported to not rescue migrants in need, even though maritime law obliges them to do so (Frelick, 2009). The harsh reactions of EU Member States when migrants are actually saved go a long way in explaining marines' unwillingness to help: only last week, the boat crew of the *Cap Anamur* was acquitted of the charge of aiding 'illegal' immigration after rescuing 37 Africans in the Mediterranean in 2004 ("Freispruch im Fall Cap Anamur," 2009; Reuters, 2009). In spite of the positive outcome, the prospect of a three-year trial and the threat of a jail sentence, in addition to financial considerations given that ships struggled to obtain permission to land after having taken refugees on board (Popham, 2007b), certainly dissuade mariners to rescue migrants at sea.

European police forces, on the other hand, have been demonstrated to play "an important part in constructing the security dialogue on migration, in order to advance their own bureaucratic positions and attract more resources" (Karyotis, 2007, p. 11); they therefore actively perpetuate the dominant discourse for pragmatic reasons. A recent report published by Frontex (2009a) shows how deeply the security discourse is internalized and acted out by the agency. Analysing recent immigration flows, Frontex contends that the two most important factors for migrants to attempt to enter the EU are

> *"(a) availability of work in Member States and*
> *(b) likelihood of crossing the border without being returned.*
> *Other factors like the situation in the countries of origin seem to play, though important, a less significant role in determining the scale of illegal immigration to the EU"*
>
> (Frontex, 2009a, p. 4).

Such an approach, then, necessarily leads to the conclusion that the only viable means to limit 'illegal' immigration is the further tightening of border control.

As an additional factor in maintaining the neo-realist Regime of Truth, right-wing parties should be named. Schain clearly demonstrated how the extreme right successfully influenced mainstream parties' agendas on immigration and asylum, even if they were not in power themselves (as cited in Guiraudon & Lahav, 2007). Capitalizing on anti-immigrant sentiment, right-wing parties indirectly pressured those in the centre to move towards the right in order to keep or regain votes. Among the European public, anti-immigration feelings are strong: in 2003, the European Social Survey found that 50% of respondents throughout Europe expressed opposition to immigration, 29% opposed asylum seekers, 48% described a resistance to diversity, and 58% felt that immigrants constituted a 'collective ethnic threat' (Chebel d'Appollonia, 2008). These sentiments are both influencing and influenced by right-wing politicians, whether they are in power or not. As an example at the highest level, Prime Minister Berlusconi asserted determinedly that Italians did not want a 'pluriethnic' or 'pluricultural' Italy, and that they were proud of their culture ("«Non vogliamo un'Italia pluriculturale»," 2006). Whilst public fears and oppositions towards immigration indirectly give politicians the mandate to continue with their restrictive asylum regime, public opinion is on the other hand strongly influenced by these policies:

> *Talk of sending warships into the Mediterranean, of ever-tighter border controls and of limiting aid to countries thought 'uncooperative' in taking back unsuccessful asylum applicants – unrealistic or unlawful as such moves may be – creates a climate of heightened public anxiety*
>
> (Karyotis, 2007, p. 8).

Another, important actor is the media. Pugh (2004) illustrated how the language used by mainstream media supports a security-driven, 'us vs. them' discourse by using photos which are depicting masses rather than individuals, and describing refugees as 'flood', 'tide', 'flow', or 'wave', which 'washed away', 'swamped', 'flooded' or 'submerged' EU countries. Pugh notes that there is no larger context of refugee influxes given, trade relations and civil wars, for instance, are not touched upon, and the focus is solely on asylum seekers' or immigrants' arrival in Europe.

4 Conclusion: Breaking out of the Iron Cage

Neo-realism, as with many political frameworks, "has shaped the way governments have behaved as well as explaining that behaviour. As such, the theory has been self-replicating, self-fulfilling, and literally self-explanatory" (Booth, 2005, p. 4). By promoting a discourse on immigration that essentializes Europeanness in opposition to Otherness and capitalizes on internal security, the European Union omits to address root causes of 'illegal' immigration, such as a problematic international trade system. The security discourse blurs distinctions between different kinds of immigrants, and regards all immigration as a threat (Karyotis, 2007). Hence, legal means to immigrate were limited, inevitably leading to an increase in irregular migration. Within the neo-realist framework, this development is interpreted as a further security threat, which is met by tightened border controls. However, in the past desperate migrants switched to more dangerous routes rather than abandon their plans to reach the EU (Fortress Europe, 2003) and more deaths resulted, which served as an excuse to tighten border control even further and to work together with North African countries to help stop the immigrants from leaving Africa. The EU discourse has moreover led to the increasing use of violence against 'illegal' immigrants by police forces and border patrols: "traditional practice in a humanitarian regime, a relatively weak sphere of state sovereignty, has been imperiled by the way in which boat people have come to be represented" (Pugh, 2004, p. 51). Human Rights are subordinated to collective security. In a sense, the neo-realist security discourse can be described as an iron cage[11], determining the basic assumptions and perspectives of most actors involved and leading to a 'singular obsession' of European governments to control their external borders (Chebel d'Appollonia, 2008). It is crucial here to remark that "the very nature of security is socially constructed and essentially contested" (Karyotis, 2007, p. 12), it is "theory-based and contextual" (Booth, 2005, p. 13) and given the violent results of the neo-realist framing of security, it is high time that it was re-evaluated and conceptualized anew. The perceived need for Europeans to create their own, collective identity must not be met by 'othering' those in need of protection, and by creating a fierce 'us vs. them' vision of the world.

Lastly, it should be emphasised again that the notion of 'refugee' as such is problematic, as it leaves out many people who might need international protection very urgently. The causes of civil wars, persecution, and economic hardship are often closely interrelated, as Betts (2006) pointed out. Can it be justified to categorize migrants as 'economic' immigrants allegedly wanting economic advantages in Europe, and 'political' refugees having 'genuine' reasons to flee persecu-

tion? A broad debate on who should be protected and on what grounds needs to take place in international relations, and a general re-framing of the concept of 'refugee' should be seriously considered.

Notes

[1] This name is invented and not mentioned in the Human Rights Watch report. It is used in order to improve legibility of the 28-year old man's story.

[2] For the full report on the problem of migrants at the Turkish / Greek border, see (Frelick, 2008).

[3] For a detailed overview of the various positions, see (Collard-Wexler, 2006)

[4] I use the term "refugee-to-be" to refer to those migrants who are fleeing from persecution and have good grounds for being classified as a refugee but have not (yet) been given the status of 'refugee'.

[5] Whilst the notion of discourse is used in various ways, it is understood here based on Foucault as "practices that systematically form the objects of which they speak" – discourse is hence constituted of the underlying ideas that regulate and produce statements, concepts, practices, and subject positions. Discourse cannot be analyzed in isolation, but only by looking at representations or practices produced, such as laws, directives, or utterances. See (Mills, 1997, p. 17).

[6] The concept of the EU as an 'Area of Freedom, Security and Justice' first emerged in the Treaty of Amsterdam, which went into force in 1999. See (Henderson, 2005) Since then, it continued to be referred to in EU legal documents, such as the Hague Programme referred to in the paper, or the proposal for the successor programme, the Stockholm Programme. For these documents, see (The Stockholm Programme, 2009; "The Hague Programme: Strengthening Freedom, Security and Justice in the European Union," 2004).

[7] See for instance (Lavenex, 2001a, p. 128).

[8] The principle of non-refoulement is the perhaps most important aspect of international refugee law. It refers to Article 33(1) of the Geneva Convention 1951, reading "No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." (UN Convention Relating to the Status of Refugees, 1951).

[9] The first Dublin Convention was passed in 1990, but entered into force only in 1997. The second convention, Dublin II, went into force in 2003. See (Meyerstein, 2005).

[10] See for instance (Popham, 2007a, 2007b; Frelick, 2009).

[11] For an explanation of Weber's concept and how it can be applied to political realism, see (Booth, 2005, p. 37).

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THE FRENCH VEILING DEBATE:

Reproductions of Orientalist feminism

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Abstract Throughout the last decades a heated debate on the headscarf has engaged the French public, culminating in the 2004 ban of conspicuous religious symbols in public schools. The majority of French feminists supported this law based on the opinion that the veil signifies the oppression of women in Muslim societies. These feminists claimed to advocate Muslim girls' causes, while actually participating in continuously dismissing and marginalizing their voices. This paper will analyze the French feminist position in the headscarf debate. It claims that the feminists' stance is much influenced by their own self-perception and representation. These in turn are still informed by colonialist discourses and rest on an inherently Orientalist construction of the Muslim woman. The current feminist discourse will thus be situated in the historical context of Imperialism. Doing so, continuities and reproductions in the French obsession with the veil will be illustrated and critically examined.

1 Introduction

In 2003, sixty prominent French women published an open letter in *Elle* magazine, urging President Chirac to ban the headscarf in public schools. This letter was based on their interpretation of the headscarf as a symbol of oppression and gender inequality that allegedly characterizes Islam (Thomas, 2004). The publication took place in the context of a heated public debate on the topic, eventually culminating in a ban on wearing conspicuous religious symbols in public schools. Despite addressing all ostensible signs of religious affiliation, the context in which the law was decided upon indicates that it was especially aimed at veiled Muslim girls (Longman, 2003). Although not all French feminists supported the ban the majority did and, despite claiming to advocate Muslim girls' causes, these feminists took part in the general trend of silencing, dismissing and marginalizing the voices of veiled women.

This article will analyze the position of these French feminists in the headscarf debate. It will draw on Said's concept of Orientalism, that is the specific "system of representations [...] that brought the Orient into Western learning, Western consciousness, and later, Western empire" (Said, 1995/1978, p. 203). It will be claimed that the French feminists' ardent opposition is greatly influenced by their own self-perception and representation, which is still influenced by colonialist discourses, resting on an inherently Orientalist construction of the Muslim woman. In the course of the following analysis the paper will therefore take a historical approach and link the current French feminist discourse to past feminist engagements in Imperial projects. This is necessary, since although the *Foulard affair*[1] is usually said to have started in 1989, the French obsession with the veil goes far back in history.

It should be noted that this paper neither attempts to analyze oppressive structures in Muslim societies nor does it provide a comprehensive examination of the various discourses surrounding the Foulard affair in France. It specifically analyzes the French feminist construction of Muslim women, which is intimately linked to the veil understood as a cultural symbol, and addresses the political and social effects of these constructs. Moreover, what is referred to as 'French Feminism' is obviously a generalization that does not necessarily include all French feminists or exclude all non-French feminists, but refers to a dominant tradition of thought within French Feminism.

Keeping this in mind, the first part of this paper will provide an introduction to the headscarf debate which started in 1989 with the expulsion of three veiled

[1] Foulard is the French word for headscarf.

girls from secondary school. Subsequently, a critical examination of the French feminists' interpretation of the headscarf will be provided. In the concluding section, this paper will outline Said's Orientalism and examine its relevance in understanding the history of French feminism. It will be shown how Western feminists during colonial times actively participated in the dominant Orientalist discourse and how this shaped their worldview, aims and identity. The current feminist discourse will be situated in this historical context and continuities as well as reproductions will be illustrated and critically examined.

2 Introducing the Foulard Affair

In 1989, three young women were expelled from school by their headmaster for refusing to take off their headscarf in class. The event gained the attention of the national press, becoming the subject of heated debates for months to come. It is commonly accepted as the beginning of the *Foulard affair*, which has since then frequently occupied the French public and politics. Clearly, although the question is centred on and symbolized by the headscarf, it is much more complex and includes problems of multiculturalism, perceived challenges to French identity and the assumed failure of the integration of France's approximately five million Muslims. The headscarf was and is not only assumed to threaten French *laïcité*[2] and the stability of the republic in general; it is also understood to symbolize Islam's radicalization and its oppression of women, as well as to be a barrier to the French model of integration (Longman, 2003).

With regard to immigration, France has always pursued an integration model of assimilation and cultural conformity. An ideal citizen is supposed to be French before any other identity, consequently, even politicians of the left appealed to the allegedly threatened French culture and national heritage as a reason for banning the headscarf. Initially, the issue had been resolved in late November 1989 with a ruling of the Council of State, to which it had been submitted. It was decided to permit the headscarf and other religious signs in school, unless they would "constitute acts of pressure, provocation, proselytizing or propaganda" (as cited in Longman, 2003, p. 304). At that time, the right to decide on the cases remained with the headmasters of the schools concerned (Wing & Smith, 2006). Headscarf issues and calls for a ban occurred throughout the subsequent decade,

[2] Laïcité refers to a French interpretation of secularism, which demands strict religious neutrality and anticlericalism by the state. It is perceived as an important feature of French identity and has been inscribed in public institutions since 1905 (Longmann, 2003).

but it was not until early 2004 that the *Foulard affair* culminated in a law on *laïcité* and conspicuous religious symbols in schools. The law was recommended by the so-called Stasi commission, especially appointed by President Chirac. For over six months the commission undertook more than 120 hearings into the current status and application of the principle of *laïcité*. The law which was eventually introduced states that in "public secondary schools and high schools, wearing symbols or dress by which the students conspicuously manifest a religious affiliation is prohibited" (as cited in Wing & Smith, 2006, p. 757). While this law also affects Jewish yarmulkes, Sikh turbans, and oversized Christian crosses, its main aim and effect in the particular political and public context of its introduction was to ban the wearing of Muslim headscarves. Within Europe, France has now some of the most restrictive legislation on veiling (Longman, 2003).

Politicians from both right and left, as well as a clear majority of the French population and intellectuals, supported this controversial legislation. Interestingly, the majority of French feminists also advocated banning the headscarf in schools. Overall, there is a general consensus that "France has reacted like no other country of immigration to the presence of "Islamic" headscarves in its public schools and [that] French public reaction appears strikingly disproportionate" (Thomas, 2004, p. 5). This is illustrated by the fact that, while France has the largest Muslim population in Europe, an estimated four to five million predominantly young people, only 1256 headscarves were, according to official French sources, worn in public schools in the academic year 2003-2004. Moreover, a mere twenty of these cases were judged 'difficult', even by school officials themselves, and only four students were expelled (Thomas, 2004).

3 The French Feminist Position

It is generally claimed that there are two main principles justifying the law. First, it is argued that Muslim veiling challenges the principle of *laïcité*. As such it is incompatible with and poses a direct threat to French national identity as well as French conceptions of citizenship. The second fundamental principle allegedly violated by veiling is gender equality. The veil is understood to implicate the sexual subjugation of women and in addition there have been reports of increasing community pressures on young French Muslim women to adopt the headscarf. This argument for the need to protect veiled and unveiled Muslim girls alike was essential for feminist groups supporting the law. Some influential French feminists have actually "likened these pressures to those forcing women to wear the veil in Iran or other parts of the world" (Thomas, 2004, p. 6). Thus, for the

majority of French feminists the veil has a single, essential[3] meaning, which is illustrated by the following quote of the feminist group *Les Chiennes de Garde*, which claims the veil to be a "symbol of an oppression of women, of a demonization of the body and of the sexuality of women, which makes women indecent by nature who one must camouflage" (as cited in Kaldas, 2007, p. 8). Moreover, the group perceives its interpretation of the veil as the only valid, speak 'true', interpretation and therefore considers the topic beyond dispute. Élisabeth Badinter, a prominent French feminist, agrees that "the veil, is the symbol of the oppression of a sex [...]. Putting a veil on the head, this is an act of submission. It burdens a woman's whole life" (as cited in Green, 2006, p. 37).

However, despite the singular meaning assigned to the veil by these feminists, they are not unaware of the many diverse motivations for women to wear the headscarf. Nor do they believe that every woman is physically forced to veil. However, they hold that Muslim women's personal motivations do not challenge the inherently repressive function of the veil, in other words "they maintain that the actual meaning and significance of the veil is the oppression of women, regardless of the circumstances leading a woman to wear one" (Kaldas, 2007, p. 9). This notion is often present in arguments that lean on the Marxist paradigm of 'false consciousness'[4]. According to the feminist interpretation of this paradigm, (Muslim) women are so thoroughly socialized into their inferior roles that they internalize their oppression. In this line of argumentation it becomes irrelevant whether there is discontent among Muslim women regarding veiling practices as they are unable to even understand the oppressive nature of their current condition. Thus, the fact that Muslim women in France have repeatedly voiced their agency and freedom of choice concerning veiling does not change the inherent oppressiveness of the headscarf, indeed, only illustrates these women's 'false consciousness'. In accordance with this reasoning, Anne Vigerie and Ann Zelensky have dismissed veiled girls' claim to express their freedom through wearing a headscarf in an article published in *Le Monde*: "the dominated are the most fervent supporters of their placement under supervision. [...] there is no more certain oppression than self-oppression" (as cited in Kaldas, 2007, p. 15).

In the course of the public debate there was thus a general tendency to mar-

[3] Essentialism is the believe that certain entities or groups of people possess some unalterable and permanent properties, which are universal and not dependent on context (Woodward, 1997).

[4] In Marxist theory this term refers to a state in which members of subordinated classes hold mistaken mental representations of society's relations. Thus subordinated classes as for instance workers or peasants suffer from false consciousness as they do not recognise the realities of subordination and exploitation their socal relations really represent (Little, n.d.).

ginalize and silence veiled women's voices or dismiss them by questioning their ability to judge where they managed to be heard (Kaldas, 2007; Wing & Smith, 2006). Just like their male counterparts, French feminists disregarded the standpoints of their objects of advocacy with a fervour that is striking. For instance, Amara (2006) responded to girls' claims that for them wearing a headscarf was part of a process of emancipation, stating that it bothers her to "hear them talk about freedom of expression because behind this symbol is a project for a different society than our own: a fascist-like society that has nothing to do with democracy" (as cited in Kaldas, 2007, p. 16).

4 Questioning the French Feminist Position

"Collective and individual identities exist and impact on one another reciprocally" (Schöpflin, 2001, p. 1). Moreover, identities are constructed along the axes of not only one, but several dimensions such as gender, nationality, race, class and sexuality. As noted by the term intersectionality, these "systems often overlap and cross over each other, creating complex intersections at which two, or three or more of these axes may meet" (Working group, n.d., para. 8). Thus, none of the above dimensions can be analyzed in isolation and the notion of a universal female experience is untenable; the experience of gender is always influenced and shaped by one's other determinants of identity, such as race or class.

However, French feminists fail to notice that their identities are of an intersectional nature and that their feminism is shaped by other strong affiliations, for instance by the adherence to a traditional notion of French national identity. In addition, they also ignore the potentially intersectional nature of discrimination by positioning their experiences and interpretations of sexist subordination as the norm. By focusing solely on their own interpretation of gender oppression, French feminists are neglecting the fact that Muslim women's subordination interacts with racial, class and, crucially, religious discrimination. It might have to be accepted that white, middle-class feminists cannot attempt to liberate Muslim women with regard to gender, while simultaneously degrading cultural and religious affiliations which are important to them. Indeed, one can argue that French feminists add to religiously and racially-based subordination by attempting to empower Muslim women through an unreflective, ethnocentric understanding of gender emancipation.

Moreover, the argument that Muslim women are socialized into inferior roles and thus do not recognize their oppression any longer becomes questionable when considering that socialization takes place within every culture, leaving no

one free to judge from a neutral position. Clearly, "choices for all of us are fashioned by discourses, social locations, geopolitical configurations, and unequal power into historically and locally specific ranges" (Abu-Lughod, 2006, no page). No one is free to decide in a social and cultural vacuum, but everyone is bound within a specific context. However, these constraints apply to women in a Muslim community just as much as to Catholic, Jewish or atheist women in a secular society. This is perfectly embodied in the famous expression of 'the tyranny of fashion' which dictates not only clothing but most of the appearance of Western women and men. In recognition of this, feminists have for a long time criticized the social imposition of beauty ideals on Western women's lives and bodies. They campaigned against the corset, the bra and make-up, all used to make women desirable for men, and thus interpreted as symbols of the oppression of women in the West. Despite emphasizing the oppression inscribed on the Western female body, by defining the oppression of Muslim women in opposition to it, French feminists position precisely this body as the liberated norm. The current discourse, which defines the veil as an oppressive and "barbaric marking of the body, positions the unveiled western body as normative and unmarked" (as cited in Lewis, 2002). Consequently, this 'neutrality' of the Western body in the discourse on the veil reveals more about social power relations than it does about actual oppression: only the dominant can afford to disregard how they appear and how this appearance is interpreted and read (ibid.).

In addition, French feminists seldom propose or support the legal banning of Western oppressive symbols, for instance the use of make-up by High School age girls. Thus, French feminists who support the banning of the veil do apply double standards, believing that Western women are able to shake off potential oppression themselves, while Muslim women are not capable of doing so and need to be rescued by the state. In addition, even if one believes the veil to be a symbol of oppression, banning even the voluntary use of it would simply replace one form of social control with another. The importance of choice lies at the core of feminist thought. Women are not forced to vote, work or refrain from marriage, but they should have the right and ability to choose between the same available options men can choose from; even if these choices are shaped by a cultural and social context (Green, 2006).

5 Colonial Feminism and the Historical Importance of the Veil

Having established the difficulty of the feminist arguments, the question arises why they are still promoted by many French women with such fervour. This

paper argues that in order to understand this fiercely advocated, essentializing position of contemporary French feminists in the *Foulard affair,* one has to consider an inherent Orientalism in the construction of their feminist identity. Therefore, the next section will outline the construction of identities in relation to the concept of Orientalism. Moreover, it will be illustrated how feminists' historical involvement in Imperialism provides a key to their construction of Muslim women as oppressed and veiling as a central marker of difference.

A differentiated account of how identities are constructed is provided by Woodward (1997). According to her, human perception of the world is structured by classificatory systems, which are "setting symbolic boundaries between what is included and what is excluded" (Woodward, 1997, p. 35). Often, this classification and through it the production of meaning takes place by the marking of difference, usually in the form of binary oppositions contrasting "us" with "them". The importance of binary oppositions and the central role of the disempowered and dominated 'other' in the process of identity formation also characterizes Said's work. His Orientalism refers to the Western stereotyping and essentializing of Eastern culture and society as fundamentally different and inferior. Western thinking has been based on a distorted image of the Orient, filtered through Imperialist and therefore inherently limited experiences of the East. Thus, by means of the Orient-Occident divide, Said (1995/1978) demonstrates how the construction of binary opposites is usually entwined with the development of a power hierarchy, in which one of the binary opposites achieves a position of dominance.

However, although dichotomies may form the basis for exclusion, they are also important in the formation of identity. Since meaning is not essential but can only be created in systems of relation, some stereotyping is unavoidable as humans make sense of the world. Accordingly, Liddle and Rai (1998) identify Orientalism "as an approach which enabled the West to come to terms with the East, and at the same time to construct the West's identity in contrast or opposition to that of the East" (p. 497). Thus, by otherizing the Orient as mystical and sensual, but also as chaotic, irrational and backward, the Occident was able to establish its own modern and civilized identity in a binary fashion (Said,1995/1978).

Said (1995/1978) does refer to the inherent sexism in Orientalism which situates women as the creatures of male power-fantasies and establishes a "feminine penetrability" of the whole Orient (p. 206). However, by stating that "Orientalism itself [...] was an exclusively male province" Said does not attend to women's Orientalism, a lack of attention that has been criticized by many (ibid., p. 206). According to Lewis (2002), Western women, for instance as artists and

writers, contributed to Imperial cultures and the creation of colonial relations. Since nineteenth-century European feminism evolved in an Imperial context, it was naturally impacted by it and the accompanying Orientalist discourse. Most feminists believed in the superiority of the white race and European cultures and joined in the Imperialist assumption of an essential inferiority of the Orient. Taking into account the dominant Imperialist discourse, it is not surprising that the Western feminist identity was also Orientalist, thus "constructed in opposition to and domination of the female Other" (Burton, 1990, p. 306). Colonized women were viewed as submissive, degraded and enslaved by a patriarchal and essentially inferior society. Crucially, this construction of the female other allowed Western feminists to conceptualize their own civilized and rational self. They were "able to depict their emancipated modernity in contrast to the lumpen subservience attributed to 'native' women" (Liddle & Rai, 1998, p. 213). Thus, the colonized subject woman, which represented everything Western feminists were struggling against, became the measure of Western feminists' own progress.

Moreover, the advocacy of the colonized women served as a tool for Western women's own liberation and emancipation within a patriarchal system. By adopting their role as advocates of women's right in the colonies, Western feminists established their necessity for the Imperial project, which in turn enabled them to gain independence and evade patriarchal constraints at home. However, by establishing the need of advocating and saving colonized women, these were positioned not as equals but objectified as inferiors. The colonized woman was believed to be in a stage of human development below the European woman, who viewed herself as part of not only the highest culture and civilization, but also the highest and most legitimate form of feminism. Due to the racial and cultural superiority of white Europeans, Western feminists felt a special responsibility toward colonized women, taking the role of "maternal Imperialists" (Liddle & Rai, 1998, p. 499). Western feminists thus perceived and represented themselves as agents of civilization and progress, democracy and feminism. This, however, was only made possible by the constant negative presence of the submissive and passive female other; a presence which nineteenth century feminist identity was grounded in and guaranteed by (Krishnaswamy, 2002).

The processes described above can be observed in colonial Algeria, where French feminists like Hubertine Auclert lobbied for the rights of Algerian women, demanding French intervention to end their plight (Kaldas, 2007).
According to Green (2006), Algeria's colonization by the French also marks the first emergence of Western discourses on veiling practices within non-Western cultures. Colonizers, including feminists, thought Islam to be uncivilized and barbaric. Accordingly, they viewed the veil as an inscription on the female body

that Muslim women were unable to escape male oppression. This also led to the belief that forced public unveilings, practiced recurrently in colonial Algeria, were necessary not only to liberate women, but in order to civilize the whole country. Thus, situated within the above outlined context of Orientalism, the veil acquired a special importance during the age of Imperialism. It came to stand not only for the subordination of women in Muslim society, but as such also represented the assumed degradation of the whole society: "Veiling- to Western eyes the most visible marker of the differentness and inferiority of Islamic societies- became the symbol now of both the oppression of women [...] and the backwardness of Islam" (as cited in Longman, 2003, p. 308).

This central function of the veil in Orientalist discourse is supported by Yegenoglu (1998), who states that "the most blatant example of the fear of the other and the associated fantasy of penetration is French colonialism's obsession with the woman's veil in Algeria" (p. 39). Power struggles were played out over women's bodies and conquering the veiled women was equated with conquering Algeria. Conquest does obviously not refer to simple military matters, but to the absolute penetration of society through the imposition of new political, social and knowledge structures. The veiled woman is an element carrying central meaning in Orientalist discourses because the veil stands as a barrier to the (sexual) availability of the individual woman just as much as to the knowledge and possession of the whole Orient. Thus, the veil functions as the ultimate symbol of a boundary that threatens Western power over an Orient "which the West desires to penetrate – be it physically (the sexual fantasies of Orientalism), geographically (the incursions of colonial rule) or philanthropically (from missionaries to feminists)" (as cited in Lewis, 2002, p. 216). By for instance reporting about forbidden harems, Western women supplemented, rather than challenged, male colonial discourses. Through primarily filling gaps in male sources, women not only reinforced Western men's authoritative position but moreover aided in strengthening Orientalism's binary oppositions (Lewis, 2002). Thus, females' subordinated position in Western society led to a different take on Orientalism, but Orientalism nonetheless.

6 Contemporary Reproductions of Orientalist Discourse and Identity

The above discussion has shown that the perception of the veil as the main symbol of female submission in Muslim society is in no way a recent one, but has emerged from an Imperialist past steeped in Orientalist discourses. These

are still present in contemporary debates on the veil and the role of women in Muslim societies. According to Razack (2007), the normative figure in Western feminist discourse stays the "liberal autonomous individual of modernity" (p. 3). This individual is contrasted with the 'other' woman, on whom elements of difference are projected and who is depicted as restricted by culture, hence lacking personal autonomy. In accordance with the above, Zayzafoon (2005) states that there are "some French feminists, who despite their dismantling of the workings of Western patriarchy at home, have failed to decolonize their writing from their concept of difference at the heart of the Eurocentric universalist mode of thinking" (p. 75).

According to Bahramitash (2005), it is possible to distinguish three aspects of Orientalist feminism concerning Islam, whose influence reaches from the past to current days. Underlying the discussion is the perception of a binary opposition between the Western and the Oriental culture, with the first being progressive and good for women while the second is uncivilized, backward and very hostile towards women. Second, Muslim women are depicted as victims, not as agents of social transformation. Any action by which Muslim women resist oppressive structures and empower themselves are thus dismissed and excluded from the discussion. Accordingly, Muslim women are in dire need to be saved, a role which many French feminists still claim for themselves. The third characteristic of Orientalist feminism presumes that all Muslim societies are the same, with all women living under identical conditions. As shown above, all three characteristics are present in the French feminist's arguments for banning the headscarf in public schools. By supporting and joining in the construction of the veiled woman as submissive, oppressed and passive, Western women are still establishing their own emancipated, liberated and progressive self. In addition, by claiming to understand their condition better than the women themselves, French Feminists establish their own superiority with regards to this presumably silent and submissive 'female other'. Their own emancipation, which might seem questionable and blurred within an, in many ways still patriarchal West, takes shape and appears tangible if contrasted to Muslim women's situation.

In addition, the interpretation of the veil illustrates the relations of power inherent in the construction of knowledge and meaning. A feeling of Western superiority is clearly present in the assumption it has the ability and the right to define, against someone's self-understanding, what his actions and appearances really mean. This practice culminates in the outright rejection of someone's own explanation of and meaning given to his life. This could be witnessed in a talk show where Carmen Bin Laden dismissed veiled girls' interpretation of the veil as an expression of their freedom by saying "you wear the *voile* to keep men from

having impure thoughts, so you are in a state of submission [...], you are very young and do not understand what the *voile* means for you as women" (as cited in Kaldas, 2007, p. 15). Bin Laden obviously assumes that her interpretation and construction of the Muslim women is more valid than the women's self-understanding. Through this practice French feminists clearly deny Muslim women the very agency they are claiming to fight for on their behalf.

Feminism is never only about certain rights, equality or resources, but also about power, knowledge and truth. According to Foucault (1984) "truth is no doubt a form of power" (p. 107) and the production of knowledge cannot be uncoupled from the exercise of power. This power, understood as a "multiplicity of force relations" (Foucault, 1976, p. 230) intrinsic in the sphere they operate in, is most potent when rendered invisible by being translated into exclusive systems of knowledge. Consequently, the hegemony of an Orientalist relation between the East and the West is established "not through force or coercion but most effectively by way of practices, techniques, and methods which infiltrate minds and bodies, tastes [and] desires" (as cited in Bahramitash, 2005, p. 225). What the West assumes to be the truth about Muslim society and the place of women within them, is thus rather a reflection of current structures of power relations in society.

Western feminists still, if unconsciously, cooperate in the construction and essentializing of Muslim women by positioning them as subjugated objects rather than agency-holding subjects. In a complex web of power relations, Western feminists need to position themselves above Muslim women in an attempt to gain authority in a patriarchal Western system: "It is through the discourse that creates the 'Third World woman' that the First World woman is brought out as privileged and singular" (Bahramitash, 2005, p. 228). Thus, monolithic and essentialist representations of the female other are contrasted with Western feminism's self-representation in what is an exercise of Orientalist power. In this process stereotypes of Muslim women have not only become part of the dominant discourse, but are also taken as a reference by Western feminists in constructing their own identity within a patriarchal system.

However, throughout the last decades some veiled women in France have been trying to reclaim the agency which they have been denied in the Orientalist discourse established about them. Through public statements and demonstrations some veiled women and girls have rejected the dominant construction of the submissive and passive Muslim woman, as well as the necessary linkage of veiling and oppression. These women and girls are aiming at breaking up the implicit French assumption of two distinct, static and non-compatible entities: the French emancipated woman and the Muslim submissive female other. This

is not only a direct threat to French feminist identity, it is also a threat to their power over the construction of knowledge which is immanent in the meaning of concepts such as emancipation, freedom and agency. This explains the harsh reactions toward veiled girls that try to deconstruct the dominant feminist discourse. Schöpflin (2001) states that a collective identity provides certainty and security for its members "by making the world meaningful, [...] and constructing collective forms of knowledge that allow the individual to lead a life without having constantly to make (new) sense of whatever phenomena he encounters" (p. 3). Thus, for French feminists the questioning of old certainties around which their identity is constructed might be a very troubling experience. Accordingly, the protection and vehement reproduction of established meanings is an understandable reaction. In this regard the response of French feminist Amara towards girls that claim to experience veiling as part of a process of emancipation makes sense: "It bothers me to hear them talk about freedom of expression because behind this symbol is a project for a different society than our own: a fascist-like society that has nothing to do with democracy" (as cited in Kaldas, 2007, p. 16). The girls' use of the notion of emancipation to explain a custom that French Feminists have for centuries understood as the complete antagonism of emancipation, clearly threatens the fundaments of their feminist identity.

7 Conclusion

This paper does not intend to silence any form of critique concerning the oppression that women – and in this respect also men – face in other cultures and societies. It is also not implied that French feminists form a theoretically monolithic and unreflective block. However, it does support critiques of an Orientalist discourse French feminism has been supporting and reproducing since colonial times through a discursive production of binary identities. This paper aims to show how French feminists are replicating an Orientalist construct of the Muslim woman as subjugated, passive and in need of saving. In this discourse, the veil is assigned a singular meaning as the symbol of oppression and gender inequality in an inferior Muslim society. These Imperial legacies not only conflict with many veiled women's self-understanding; they also lead feminists to support the discrimination of women on the basis of their religion, exemplified by the 2004 law on headscarves. Moreover, the paper has analyzed how this Orientalist behavior of French feminists can be traced back to their self-understanding and -representation, which is still partly constructed and defined in opposition to the 'Oriental female other'. Muslim girls who try to end their objectified status and reclaim

their agency by affirming to freely choose to cover, even considering it a form of emancipation, are thus met with fervent resistance because they are directly threatening the meanings and interpretations on which French feminist identity is build.

However, veiling, as with every custom or tradition, is void of any meaning unless seen in its social and cultural context. As such, the veil, in its many forms and appearances, reflects the diversity of Muslim women's experiences around the globe. These range widely from oppression and submission to political and personal emancipation and liberation. The West's ability to hold on to a narrative that so blatantly contradicts other groups' self-understanding clearly illustrates past and present power structures. In practice, this one-sided authority over knowledge adds to a form of discrimination, which not only Muslim women experience in French, and probably much of Western, society. In addition, it substantiates the urgent need to recognize the intersectional nature of possible discriminations.

French feminists have to decide whether they are able to leave behind old Orientalist discourses and move towards a more nuanced understanding of the complex situations women face in this world. If they truly care about the situation of all women rather than just those that are white, middle-class and Western, it might be best to leave behind veils and vocations of saving others and, instead, to listen to the demands and wishes of those 'others'. However, if feminists choose to hold on to old Orientalist stereotypes they risk being co-opted by a form of 21-century Imperialism that, in the name of gender equality, speaks for women around the globe, but not with them.

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