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Reforming Stable Japan

How a Pioneer tries to Emasculate the Long-Standing Status-Quo from Within

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Abstract The rigidity of Japan's labor market has been debated fiercely, in particular the relationship between market structure and productivity. Some attest the steadfast composition to be at the heart of Japan's post-war economic miracle. Others, however, underline palpable demerits. In their view, the rigidity of the labor market stifled entrepreneurial spirit, caused decisions to be based solely on compromise, and ost notable enied women and temporary employees a place in the labor force altogether. Yasukuyi Nambu was one of such critics. However, unlike most of his peers, this pioneer would not accept the present state of affairs, and decided to take the matter into his own hands. He founded a job agency, Pasona, aiming to empower women and temporary employees. This paper shows how Pasona became a compelling force in Japan's labor market. Where the government proved unable or unwilling to alter the rigid status quo, and the vested interest firmly opposed societal developments, Pasona demonstrated that market forces can emasculate the inept status quo from within. This gives evidence to the presupposition that there is an innovative, peaceful way to fundamental reforms in the Japanese labor market. Mind you: the alternative could be social upheaval.

1 Introduction

They always say time changes things, but you actually have to change them yourself."

- Andy Warhol

October 17, 1973. In the wake of Israel's Yum Kippur War, the members

of the Organization of the Arab Petroleum Exporting Countries (OAPEC)[1] sent a shockwave through the global economy; they would no longer ship petroleum to countries that supported the Jewish nation-state. It hit the world hard; the subsequent loss of supply meant that prices rose a staggering four hundred percent in a matter of weeks (Williams, 2008). The world's financial structure – which was already in a cul-de-sac due to the collapse of the Bretton Woods scheme – quickly became infected with symptoms of severe inflation. A global recession was inevitable.

Japan's economy was no exception; they too plunged into an economic downturn. Suddenly, after the golden years of the 1950s and 1960s, Japan's economic frailties became painfully visible. The labor market, for example, was very traditional – and characterized by its rigidness. When someone entered a firm as a graduate he was to remain there for his entire career. In return, he would be treated as a member of the corporate family and would to be taken care of until *death do them part*. The compensation system showed similar traits. The seniority based promotion scheme made performance seem inconsequential; wage structures were almost directly related to age or time spent at a company. At the same time Japan's temporary employees were practically expelled from the safe haven of lifetime employment and treated as "pariahs", destined to face a lifelong spell in the doldrums of the labor market.

A young man named *Yasukuyi Nambu* felt this first hand. After graduating from university he was looking for a fulltime job, but, due to the economic pressures, was unable to find one. Mr. Nambu quickly began to realize that he was not alone; many fellow graduates and housewives trying to return to the workforce were experiencing similar difficulties. Especially the abhorrent gender inequality struck Mr. Nambu. He wondered whether he would be able to establish a non-profit organization that could empower women through flexible, part-time job placements. Not only was the institute to find jobs for women, it was also to fight for their rights and that of all temporary employees. When he told his father about his aim to break the sacrosanct status-quo, his father saw the potential and advised him to "turn his job-placement scheme into a commercial venture" (Economist, 2007, p.40). And so he did. In 1985, Pasona Incorporated was born. It is now the biggest recruiting firm in Japan.

Japan's unique situation entitled unique measures – Pasona responded to this call. Now, twenty years later, it will be interesting to see how Japan's labor market has changed. In this essay we will look at this conundrum and ask ourselves the question: *How has Japan's contemporary labor market developed?* And: *To what extent did Pasona influence its path?*

n order to answer these thesis statements, we will *first of all* look at the fundament of Japan's labor market. What are the roots that underpin its labor structure? *Second*, we shall look at the developments of the past decades,

[1] OAPEC included all OPEC members, plus Egypt and Syria

and how Japan coped with increasing pressures to reform. *Third*, and last of all, we will discuss the role of Pasona in Japan's contemporary society. In the end, we shall précis the most important findings and finish with some closing thoughts.

2 Japan's Contemporary Labor Market

2.1 The Roots Underneath

After Japan officially capitulated in the wake of the Second World War, the United States (US) was quick to spur economic recovery. Arguably to taper off communist support in Japan, Harry Truman – then president of the US – decided to take the blueprint of Europe's Marshall Plan to the *Land of the Rising Sun*. Although this measure at first (due to the severe investment gap, high unemployment and stark inflationary pressures) seemed to have but little effect, the war in Korea gave an extra impetus; Japan's economy regained its momentum and embarked on a period now designated as the "Golden Years". From the 1950s, where Japan's Gross National Product (GNP) was a mere US$14.2 billion (which was equal to half of Germany's economic size and a third of Britain's GNP), to 1975, where its GNP was superior to all individual European economies (CIA, 2008), the Land of the Rising Sun managed to go from economic nadir to zenith.

During these periods of electrifying growth, debate arose about the *reason d'être* of Japan's postwar boom. While the aforementioned external sway was essential, many agreed that the internal traits were just as important. The employment system, for example, was highlighted by many as a key factor (Fujiki, Nakada & Tachibanaki, 2001; Kwan, 2000; Tezuka, 1997). The constant low unemployment rate underpinned this belief, with Japan scoring consistently better than the United States and Europe (Fujiki et al, 2001).

Three internal factors are at work here: *government relations, the utilization of social and spiritual forces for the organization's benefit* and *historical events*.

The Ministry of International Trade and Industry (MITI) was essential to the *first* point (Ellington, 2004). When Truman's aid package was subsiding, demand from the Korean war abated and inflation became unbridled. Japan's government decided to move towards a more controlling, stabilizing management style. This implied that Japan went back towards a quasi-feudalistic structure, in which the MITI became principally responsible for Japan's industrial policy, ranging from governmental investments and pollution control to assistance and guidance of the trade industry. They, for example, facilitated the development of infant industries by providing stern import restrictions, the diffusion of intellectual property and assistance in mergers (and exchange) with foreign partners (Aiso, 1991).

The quasi-feudalistic structure of economic policy also allowed the MITI to have monopolistic powers on conflicting areas like pollution control and

global competitiveness, in turn strengthening industry's comparative advantage. One can see the dilemma the MITI faced; while their main goal was to facilitate Japan's industry, their second goal was to protect the environment. To the development scientist Jeffrey Broadbent this quandary of development versus environment, which he called "growth-environment dilemma", inevitably led to grave environmental negligence (Broadbent, 1998). The post-war planning period nevertheless launched Japan's economy and gave them an essential competitive edge. Until the late 1990s, the MITI was – albeit not taking environmental protection into account – still one of the main protectors and initiators of the Japanese economy (Mori, 2003) (Johnson, 1982).

A *second*, more inherent, cultural characteristic that is often "praised" in the West as an essential contribution to Japan's postwar economic edge, is their respective 'utilization of social and spiritual forces for the organization's benefit (Chen, 2005)'. That, in other words, sees Japan's cultural and structural underpinning as something that palpably influences the incentives of employees. Confuciasm is at the root of this mindset; a predominantly Asian religion which in Japan revolves all around *kyosei*, or "together life" (Boardman & Kato, 2003). Individuals, companies and the state were to live in symbioses, cooperatively.

Key to this religion is the reciprocity of everyday life. A person should treat others in the same manner they themselves want to be treated, and thus show respect at all times. Especially with regard to seniors and the elderly, one has to give the utmost of deference and obedience. Risk is to be avoided by operating near the "golden mean", and self interest and altruism have to be carefully balanced. It is fundamental to be part of your social surroundings, ostracism – or social exclusion – is one's worst nightmare. Lastly, people are to love erudition and consequently continue to enrich themselves educationally throughout their lives (Boardman & Kato, 2003).

The constitution of Japan's labor market is firmly influenced by these principles. Employees are very respectful towards their superiors and their peers. They are hesitant to take risk and carefully balance their own interest with that of the company. The quintessential economist Geert Hofstede confirms this pattern in his study about Japan's cultural roots, noting that individuals tend to think long-term, be risk averse, and tend towards a more towards a collective mindset (Hostede, 1998; Hofstede, 1980; Boardman & Kato, 2003).

Due to the communal, erudite, respectful and obedient temperament of its employees, Japan's labor market managed to differentiate itself from other economies – in turn, in combination with other factors, providing companies with a highly motivated, dexterous workforce.

The *third*, and last, internal factor that contributed to Japan's mindset involves *historical events*. These are mainly due to the perilous nature of the country's resources and its unfortunate geographical situate. From a supply perspective, Japan's populace always had a difficult time to make ends meet.

With only a very limited amount of arable land, and a complete lack of strategic natural resources, people were forced to be careful with their endowments. This inevitably created an inherent predisposition towards stability and job security (Chen, 2004).

When we look at the Land of the Rising Sun and their tectonic positioning, fate looks similarly bleak. The fact that Japan is located on the fault line of both the Philippine Sea Plate and Pacific Plate plus the Eurasian Plate and North American Plate greatly enhances the possibility of seismic and volcanic activity. The "Great Kanto" earthquake of 1923 epitomizes this belief, killing over 100,000 people in the space of five minutes. This in turn also makes Japan's coastal regions incredibly vulnerable to tidal waves – exemplified by the commonly used word "tsunami" in the West, which is Japanese for "harbor wave" (Roy, 2004; Chen, 2004).

2.2 Japan's Competitive Advantage

The amalgamation of internal and external factors created not just the sum parts, but the entangled parts of a greater whole. With a government firmly backing all industries, an obedient and dexterous workforce, and a historical need for security, Japan was inevitably stranded in a paradigm leaning towards commitment, security and long term orientation and that showed ubiquitously in the framework of the economy – most notably in the labor market.

The *Lifetime Employment* system is a perfect illustration of this postwar paradigm. Employees spent a lifetime in a company. In return, people could expect lifelong job security, an honorable place in society, and a novel family. With ostracism as one of the biggest fears, employees were incredibly loyal to their employer. It was the obligation of the company to show the same amount of respect in return.

Because of the longevity of Japanese employees, and the respective Confucianist tradition of constant learning, companies consistently try to educate and develop their workforce. Through the *sempai-kohai* mentor system, employees were matched with managers of equivalent intellectual ability. That way, a one on one on-the-job training system essentially created a connection between top, middle and low management – which, subsequently, also enforced the family bond between superiors and subordinates (WIPRO, 2008) (Chen, 2004).

The combination of life-time employment and sempai-kohai mentoring inevitably implied that employees were entitled to promotion. To keep employees content, and stability within the firm, Japan's management was built around the belief of promotion on the basis of seniority. It took the Confucianist roots of Japan into account, while also rewarding workers for their loyalty. Compensation hence also gradually increased almost parallel to one's age, or years of service. The wage discrepancy between top management and blue collar workers was never to differ too much so as to ensure that everyone

benefited equally, therefore safeguarding stability as well. Moreover, pensions, family allowances and separation pay were all included in one's remuneration. This way, all employees, albeit regardless of merit, were motivated to work – for they knew that they would reap the benefits in the future, and also lose the accumulated pension and allowances if they decided to exit.

To further enhance internal cooperation, in-company trade unions were founded. In this union, all employees – bar management, temporary workers and part-timers – were represented. Japanese companies were closely knit together because of these factors. Employees knew that they would be with a company until their pension, and were thus effectively against anything that could hurt the firm. Especially in times of difficult economic conditions, members of the unions were more than willing to sacrifice part of their paychecks for the sake of the firm.

It is in the summation of these factors, where Japan's competitive advantage was formed: a cohesive, egalitarian, subservient and educated workforce that was willing to work hard, and, if necessary, collectively prepared to forgo individual benefits for the sake of 'their' firm (Fujiki *et al*, 2001; Kwan, 2000; Tezuka, 1997; Chen, 2004; Boardman & Kato, 2003).

2.3 Limits of an Inflexible Framework

Although it is easy to see the benefits of Japan's labor framework, there are also some fundamental inefficiencies and discrepancies that inhibit the system. *First of all*, the stifling effect of too much rigidity and harmony. Besides the obvious liberal, *laissez-faire* critique on the Japanese system[2], one could say that the docile management structure disrupts innovation, efficiency and risk taking. Subordinates will under no circumstance question a manager's decision, as this would be disobedient and also cause the supervisor to lose face. This then allows daft policies to have time to develop and increase rather than being challenged early on. The managers, on the other hand, tend to use the consensus-based decision-making approach, called *nemawashi* (feeling the roots) or *ringi* (making decisions bottom-up). Although this might help to create an egalitarian workplace; it also implies that decisions are made at a glacial pace and on a compromise-basis. Involving many people, in turn, also entails that there is a lack of accountability, no individual incentive, nor any sanction that would deter people from making bad decisions in the future (The Economist, 2008).

Second, as aforementioned, employees are in essence stuck to a company. The moment someone changes jobs, everything that they built up will be lost. Housing provided by the firm – which especially during heights of the

[2] In a company where age, rather than merit, is the norm for promotion or remuneration, people would have less incentive to up their productivity. Moreover, if you have a certain amount of job security, one could argue that one is more inclined to shirk from work.

real estate bubble was a customary bonus – was, for instance, to be returned within a short time span. The pension plan was similarly at risk; the moment you left a company, your pension was undoubtedly cut or seized altogether. Although the lifetime scheme gives all employees a "common destiny", one can argue whether it presents a favorable trade-off. Moreover, from the perspective of the economy and society as a whole, one can wonder whether resources are allocated in the most efficient manner if human assets are as rigid and fixed as they seem to be.

Third, and last, is the discrimination against temporary employees, novel entrants and – most notably – women. For "temps", the state-of-affairs was unfavorable because of the insecurity, the low wages and the complete lack of social standing. If a company was in financial difficulties, temporary employees were the first to go. They were also fundamentally underpaid in comparison with their full-time peers. And, especially with Japan's Confucianist principles in mind, temporary employees were treated as if they were pariahs – not part of the union, nor any educational program, and most importantly, not part of the family.

Novel entrants faced similar difficulties during the 1980s and 1990s. Whenever the economy went into a downturn, companies started to restrict the streams of inflowing graduates. Subsequently, novel entrants were squeezed to the bone before they were hired. When they did manage to find a firm which wanted to invest in their relationship, graduates often found it hard to accept the low starting salary and ludicrous working hours. The new generation was different from the older, security loving cohort.

Lastly, and most manifestly, is the discrimination of female workers. In Japan, as in most countries, women were the traditional caretakers or "homemakers", while the men were the habitual breadwinners. While, however, in the Western countries women gradually started to empower themselves, Japan's labor force remained predominantly male (Fujiki *et al*, 2001). That stems from Japan's fundamentally dogmatic framework. The fact that women were to leave a company for a certain amount of time to give birth was, especially in the postwar era, still largely ignored. Once they left a company, even if it was only to give birth, they effectively jumped off the ladder. When they wanted to get back on not long after, they were treated almost as temps or novel entrants; without much respect or remuneration.

The above discrimination is, in essence, two-fold. First of all, women find it incredibly difficult to enter in the first place. Companies are aware of the 'liability' that a woman poses to the system, and subsequently try to avoid hiring her (Fujiki *et al*, 2001). If they did do so, pay (whether that is through pecuniary or non-monetary benefits) tended to be significantly lower. Secondly, whenever they did manage to re-enter, women were forced into temporary jobs. That implied that when a recession occurred, women were the first to be forced out of the labor market (as temporary employees are in times of recession the first to be let off) (Shinotsuka, 1983; Higuchi, Selke & Hayami, 1987; Tachibanaki & Sakurai, 1991).

3 The Dawn of a Paradigm Shift

The dogmatic labor system – one skewed towards full-time, male employees – made the fresh Japanese graduate *Yasukuyi Nambu* ponder. He, as a novel entrant, was unable to find a job that suited his expectations. When offers did reach him, they were unfavorable or downright exploitative. Even in the 1980s, when Japan was booming as never before and increasing affluence gradually caused people to forgo stability as an automatic choice, temporary employees were still denied equal rights. Mr. Nambu decided that it was time to fight for change; Pasona Inc. became a reality.

3.1 Enter Pasona

The first and foremost objective of the job-agency Pasona was to "provide solutions for society's problems" (The Economist, 2007, p.40). This in essence originated from Mr. Nambu's drive to tackle an underlying belief that it was possible to work in one firm all your life and to avoid the stigma of a recluse, or pariah, and receive a rewarding salary. To put his axiom into practice, Mr. Nambu became a job agent and union in one. Those looking for a temporary assignment were to ascribe to his firm. Pasona, subsequently, would do its utmost to find a suitable job for its client. Negotiations, for remuneration or other purposes, would be taken care of by Mr. Nambu's company. Moreover, so as to ensure the proper handling of its clients during their respective assignment, Pasona actively safeguarded its workers from possible mishandling or exploitation. Temporary employees were suddenly backed up by a strong voice.

In doing so, Pasona effectively abstained from the usual practices, and forced its own paradigm on a country where stability was venerated so highly. Mr. Nambu's company was shaking Japan's foundation; something which inevitably led to a hostile response from the vested interests. Especially in the beginning, the resistance to Pasona was fierce. Negotiations were tough, as no company was interested in the 'vicious' liberal-American way of doing business. Moreover, due to Japan's economic boom, there was no real demand for change; both temps and novel entrants readily found jobs and felt their clout increase as labor supply began to dwindle. The bubble, however, burst at the dawn of the 1990s, fundamentally changing the landscape of the entire economy. All of a sudden, temporary employees were fired in great numbers. Their bargaining position consequently also deteriorated rapidly – never in postwar history had Japan had so many unemployed temps. Novel entrants faced similar difficulties; companies cut back on hiring – hence creating immense competition among graduates (The Economist, 2008; The Economist, 2007).

As the effect of the economic downturn continued, some Japanese companies were even forced to do the unthinkable: lay off full-time employees. It left the business world awestruck; the Japanese model started – after the golden

years of the 1960s and 1970s – to show its Achilles' heel. Globalization meant ever-increasing competition, and accompanying ruthlessness. While Japan's businesses thought that they would not be affected, they soon realized that they too were entrenched in the world economy. This, in turn, changed their perspectives on business.

Pasona turned out to be the perfect advocate for temps during these difficult times. They actively endorsed temporary employees and went door-to-door to show the merits of appointing temps. Moreover, the job agent also instigated a scheme that tried to show that Japan's (corporate) culture and temporary employment could live side-by-side. For example, in order to attest that temps fitted into the system, Pasona invented a contractual hybrid of the two Japanese axioms "lifetime employment" and "firing equals ostracism". For the duration of the contract, Pasona ensured that you were entitled to full rights. At the end of the contract, a company had the decision to continue or end the partnership.

By accepting and adopting this contractual version of Japan's labor system, Pasona unwittingly initiated a paradigm shift in the conceptual framework of the workforce. After the Second World War, employees were just happy with the stability that full-time employment meant and saw no real alternative. Mr. Nambu noted this conundrum and said to them: "be a regular worker – and be exploited for the rest of your life" (The Economist, 2007, p.40). With the emergence of the employment agency Pasona, workers in Japan were shown that there is an alternative – and, more importantly – that employees have an intrinsic bargaining value: human capital.

The other imperative implication was – as Mr. Nambu envisaged – that women managed, with the backing of Pasona, to empower themselves. Not only because a large majority of temporary employees are female, and thus directly profit from the bargaining powers of the job agency, but also indirectly because of the paradigm change. When temporary employees were treated less like pariahs, women found a place for themselves in society. The resulting snowball effect carried the deep-seated message that they could shed the mantle of homemaker and also be breadwinners.

3.2 Exemplifying Change

While temps, novel entrants and women slowly began to find their place in Japan's society, today their rights are still not on par with normal full-time (male) workers (Fujiki, 2006). That begs the question, how can it be that the labor market reforms that were essentially set in motion by Pasona did not prolong? The answer is a combination of two underlying factors: the inept government (tyranny of the status quo) and the clout of the vested interests.

The government's difficulty to get reforms going, and also to ensure top-down penetration, can be observed throughout the last two decades. While the Liberal Democratic Party's (LDP) 'shogunate' has been almost unchallenged, they never managed to get reforms through. The fact that the posi-

tion of prime minister has changed hands more than 40 times in the space of 50 years epitomizes the paradoxical instability of the Japanese government. When Yasuo Fukuda, the recently retired prime minister, tried to fundamentally alter both the legal and labor framework, he had to face the disdain of both his party and the population alike. The problem of a democratic system remains that deep-rooted reforms that cause a significant change frighten a lot of voters. Rival opposition (either from another political party or even from one's own party) exploits that fear of change by appealing to populist arguments. In a country where the older generation places great significance on stability, this will inevitably damage the arm that wants change. Would you want change if you believed that your pension would be at risk? Would you want change if you thought that this would imply that your job would soon be outsourced? No. That is the frailty of a democratic system; usually those that have much to lose shout louder than the vast majority that holistically stand to benefit far more from a reform – the tyranny of the status quo.

That leads us to the second point; the clout of the vested interest. Change would have been a lot faster if not for the big influence of the established regime. In a country where companies tend to be humongous[3], their sway is inevitably also sizeable. They not only control a vast network and large financial assets, but also employ a big piece of Japan's labor market. While the government can do all they can to change a country's system, it will indubitably need the help of those bottom-up connections. A veto from a conglomerate like Sony could be deadly. It magnifies the tyranny of the status quo, and shows that both factors (governmental and market) mutually enforce each other.

4 Conclusion

Yamato, Japan's archaic name, effectively means "big harmony". Although the name has been replaced, contemporary Japan still lives by its ancient dictum. With a cohesive, egalitarian, subservient and dexterous workforce that is guaranteed life-long job security and a till death do us part social safety net, people lived in symbioses, cooperatively. Fundamental downsides of this "life time employment" scheme stemmed from the inability to integrate temporary employees, novel entrants and women, and, the stifling, inefficient effect that such a rigid employment system inexorably brings.

Yasukuyi Nambu realized this and decided to establish a job agency – Pasona. What he did not realize is that with that company he would effectively instigate a paradigm shift that vitally changed the perception of temps, female workers and novel entrants akin. Starting in the 1990s, groups that found

[3] The most influential Japanese companies generally are conglomerates (i.e. companies that possess a range of products that are located in entirely different businesses). Many of such "multi-industry" firms have a product span so wide, that their size dwarves the rest of the market.

themselves discriminated against started to ask for reforms. Unfortunately, due to the tyranny of the status quo and the vested interests, reforms have, to date, been going at a glacial pace.

With internal pressures mounting, prospective scenarios are looking increasingly austere. If Japan wants to achieve the so imperative *big harmony*, it will need to embark on either of the following routes to reform.

First, change through governmental interference. Although many prime ministers have trumpeted their reform plans, to date this channel has been – in turn by the aforementioned inability to break the status quo and vested interest – completely ineffectual. With Shinzo Abe as the latest luminary to fill the political void and attest change, many have become skeptical about the chances of political success. The shift from a rigid to a more open, dynamic labor market is – in other words – long overdue.

A *second* method of change comes through market forces. With Pasona as its poster child, this approach has been making considerable strides. Other initiatives, like 'headhunting' firms, have managed to considerably change the perspectives and mindsets of the people – showing them the benefits of a flexible, merit-based employment system. Unfortunately, they can only pressure the government through the disdain of their constituents to combat the status-quo. This will – as Pasona exemplifies – accrue additional sway behind reforms, but changing the rules of the game is another story.

If the two above-mentioned approaches fail to bring the sought after alterations, the *third* – and most encompassing – scenario is that of a *social clash*. The West experienced this in the 1960s and 1970s, when government and market forces were not on par with the perception of the people, slowly momentum and impatience in favor of change amassed. A wave of democratization and resistance to the vested interests carried by the novel generations (i.e. women and temporary employees) might strike the country with gusto - in turn, overthrowing the current structure, and writing a rulebook of their own.

And that is why Pasona is a vital part of contemporary Japan. As a middle way between governmental and societal alterations, Pasona showed us that market forces can emasculate the long-standing inept status quo from within. His innovative way is part of the solution; a way to go to a state where equality of outcome is replaced by *equality of opportunity*.

As Andy Warhol noted, time does not always change things. Sometimes it takes more than an injustice or incongruity. If, however, no decision maker decides to mend imbalances that *fundamentally* segregate a society, it is only a matter of time before the people take the matter into their own hands. Mr. Nambu showed us an innovative, peaceful way. Let us pray that other pioneers will stand up and combat the fossilization of Japan's labor market in a corresponding manner. As Yasukuyi Nambu personified, even in a society where everything seems to be written in stone, change is possible.

References

Aisho, H. (1991). 25 years of miti and its influence on computing research in japan. *IEEE Computer Society Press*, *24*(9), 99–100.

Allen, G. (1958). *Japan's economic recovery*. Oxford: Oxford University Press.

Broadbent, J. (2001). Environmental policy as learning: A new view of an old landscape. *Public Administration Review*, *61*(3), 322–334.

Chen, M. (2004). *Asian management systems*. London: Thomson Learning.

CIA. (2008). *The world factbook*. (Retrieved on September 29, 2008 from `https://www.cia.gov/library/publications/the-world-factbook`)

Economist. (2007). Changing how japan works. *The Economist*.

Economist. (2008). Take a leaf out of his book. *The Economist*, *X*(XX).

Furuoka, F., Yee, B., Mahmud, R., & Kato, I. (2008). A paradigm shift in japan's political economy: From the developmentalism to tourism based country. *Journal of Contemporary Eastern Asia*, *7*(2), 17–27.

Higuchi, Y., Selke, A., & Hayami, H. (1987). *Macro analysis of the japanese economy*. Tokyo: Daigaku Shuppankai.

Hofstede, G. (1980). *Culture's consequences, international differences in work-related values*. Newbury Park: Sage.

Hofstede, G. (1998). *Masculinity and femininity: The taboo dimension of national cultures*. Thousand Oaks: Sage Publications.

Johnson, C. (1982). *MITI and the japanese miracle: The growth of industrial policy (1925-1975)*. Pola Alto: Stanford University Press.

Kwan, C. (2000). *Revitalizing the japanese economy. the brookings institution.* (Retrieved on September 22, 2008, from `http://www.brookings.edu/papers/2000/\\06globaleconomics\_kwan.aspx`.)

Mori, M. (2003). Environmental politics in the period of rapid economic growth. *Seisaku Kenkyu*, *11*(1), 141–152.

Roy, R. (2004). *Tsunami: Made in japan, in all languages. the times of india.* (Retrieved on September 25, 2008, from `http://timesofindia.indiatimes.com/articleshow/971634.cms`)

Shinotsuka, E. (1983). *Minimum wages and female part time workers in japan*. Tokyo: Japanese Institute of Labor.

Tachibanaki, T., & Sakurai, K. (1991). Labor supply and unemployment in japan. *European Economic Review*, *35*(8), 1575–1587.

Tezuka, H. (1997). Success as the source of failure? competition and co-operation in the japanese economy. *Sloan management review*, *38*(2), 83–93.

Williams, J. (2008). *Oil price history and analysis.* (Retrieved on September 25, 2008, from `http://www.wtrg.com/prices.htm`)

WIPRO. (2008). *Sempai kohai / mentoring.* (Retrieved on September 25, 2008, from `http://www.wipro-forum.de/system/cms/data/dl_data/7b8233e16f5a294a7bb9c2f8e8801c90/sempai_kohai.pdf`)

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Outsiders Within

Critically Analysing Everyday Racism in Germany

Hendrik Hartmann

Abstract Immigration often results in the subordination of immigrants by dominant groups in a society. Based on ethnographic fieldwork in a Turkish immigrant neighbourhood in Cologne and in-depth interviews with second-generation Turkish immigrants, the author outlines processes of group identification and racial categorisation of Turkish immigrants. The thesis presented here is that in the case of Germany, Turkish immigrants' social identity is confined by a largely racially defined Other-definition of being Ausländer. This classification is created and maintained by white, ethnic Germans through processes of everyday racism on the interpersonal level. This study will demonstrate the mechanisms of these micro processes and the racial group classifications they entail. After pointing out how legal definitions of the state become racially charged and the source of social fault lines, the author calls for a careful reconsideration of the racial content of legal classifications.

1 Introduction

It was a newspaper article that started this study. In the city of Cologne in January 2008, a young Moroccan immigrant was stabbed and died. It took the police eight hours to discern that his white, non-immigrant killer acted in self-defence and let him off. From the following day on, several hundred people gathered in the streets every night for two weeks, chanting the victims name and demanding justice. The district in which the killing and the protests took place is ill-reputed. Many immigrants live there, most of them with Turkish roots. One in four is out of work. "The death of Sahin was a trigger", a street worker said about the protests. "Now all kinds of

problems are being addressed, from private life to unemployment. Many just feel treated unfairly."[1]

The initial reason for conducting this study was to find out how the exclusion of immigrant groups is created in Germany. How is friction between immigrants and the dominant population generated and why do immigrants feel unfairly treated? Until the present day, very little qualitative data exists about how immigrants in Germany perceive their role and situation in German society that could help to answer these questions (Finkelstein, 2006, p. 195). The basis for this paper is therefore a field research conducted in the city of Cologne. The data that will be presented here was collected in the form of ethnographic research in an immigrant neighbourhood, and on the basis of interviews conducted with five young men who grew up in this neighbourhood as second-generation Turkish immigrants.

Based on the interviews and participant observation, the research question of this paper can be formulated as: How are communal fault lines created between the dominant society and immigrants in Germany? – And consequently: Of what nature are the exclusionary discourses that are used to maintain power by the dominant group? It emerges from the research that a central concept to this analysis is the *Ausländer*[2] identity, a racially charged categorization that depicts immigrant groups who are visibly different from the dominant ethno-racial German community. Following this investigation of group categorizations, different forms of everyday racism will be outlined that immigrants are subjected to and that result in reinforcing the dominant position of the dominant group against the newcomers. To deal with this, this paper will make use of the concept of everyday racism as put forward by Philomena Essed. In the concluding section, the role of racial state categorizations for the formation of communal groups will be highlighted.

2 The Research

The research for this paper was carried out in August and September 2008 in the city of Cologne. Through a friend, the author was brought in contact with a social worker called Sherien who runs a community centre in the district Mauenheim in Cologne. The community centre is located in a neighbourhood of apartment buildings that were set up in the 1960s as accommodation for guest workers employed at the nearby Ford car factory. Today, the secluded neighbourhood, locked in between train lines and a cemetery, is almost exclusively inhabited by former guest workers and their families. Of the 800-odd inhabitants, almost all are low-income Turkish immigrants of the first and second generation. Reports by the community centre call the area "ghetto-like" due to the ethnic separation from other parts of the district and the desolate condition of the buildings (Gerdeawal, 2004).

[1] http://www.ksta.de/html/artikel/1201184397075.shtml

[2] In English, literally "foreigner."

Sherien served as contact person for the researcher in the neighbourhood throughout the research process. He has worked in the community centre for over thirteen years and is therefore well known among the local people. Sherien knows most of the older youth and their families. The fact that he himself is an immigrant who came to Germany in the 1970s as a student from Afghanistan helped him gain the trust of the families whose children come to the community centre. "They trust me because I am not a German and I am a Muslim like them, but I can also stay out of the internal conflicts in the neighbourhood because I am not Turkish", he says.[3]

For the researcher as a white, non-immigrant German, it was difficult to get contacts initially. The ethnographic research extended to a total of three weeks at the community centre. Throughout the weeks, older youths and adults who came to the centre acted distantly, and Sherien mentioned after a while that parents had asked him what this "German man" was doing there; they suspected the researcher to be sent from the municipality to "check on welfare abuse", as Sherien said. With these conditions, it was difficult to gain the trust of possible interviewees in order to talk about such sensitive issues as Turkish and German identity and conflicting issues between them. Here Sherien proved to be of great help and gradually came to serve as an informant for the research in the neighbourhood. He contacted youth and adults and asked them to take part in the study. He prepared them for the interviews and engaged in substantial trust building. Finally, he introduced them to the researcher and provided a casual and comfortable atmosphere for the interviews.

The interviewees that took part in this study are all second-generation Turkish immigrants. All of them are male, but there are great differences between them in terms of education and social class. Aslan (25, postman), Faruk (17, grammar school[4] pupil) and Cemil (23, unemployed) live on the *Etzelstraße*, mostly among other Turkish immigrants of lower social status. Aslan and Cemil did not attend grammar school but completed lower secondary school[5]. Salih (23, university student) and Hamit (23, university student) attended grammar school and have moved away from Cologne. The families of Salih and Hamit moved away from the *Etzelstraße* into different districts of Cologne when they were children and today both of them study at the University of Aachen. They were included into the study initially only because of a lack of alternative interviewees. However, it turned out that their views and different perspectives added important aspects to the outcome of this study.

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[3] All quotes from the field research and all interview data were translated from German into English. The most significant terms were left in the original German version and explained in a footnote.

[4] The German Gymasium.

[5] The German Hauptschule

3 Research Question and Theoretical Foundations

According to Castles, one possible scenario for the long-term social effects of immigration on a society is segregation and the formation of ethnic minorities. These minorities are defined by two separate definitions; the Self-definition and the Other-definition. The former refers to a collective consciousness of a group "based on a belief in shared language, traditions, religion, history and experiences." The latter is assigned by dominant groups on the basis of socially constructed markers of physical appearance, origin or culture (Castles, 2003, pp. 32, 33).

The present paper will focus largely on the racial content of the Other-definition in the case of Turkish migration to Germany. Therefore, it is necessary to introduce here a definition of the terms race and whiteness. The meaning of race is by no means static but is socially constructed in relation to space and time. Racialisation, the process that turns people into one group based on physical appearance, is a process of ordering and organizing. Society gives meaning to race through binary oppositions such as us/them, self/other, and white/black (Hall, 1997). Physical appearance in term of skin colour, hair colour or other features is charged in that process with an ascription of cultural characteristics. In the classificatory system of race, whiteness is regarded as the invisibly dominant space against which difference is measured; norms are derived from whiteness, privileges granted on its basis (Garner, 2006, pp. 259-262). In its cultural form, the representation of whiteness as the dominant ethno-racial group in a state legitimizes its superiority as a distinct community with shared belonging and loyalty. Consequently, as Torres observes, "those cultures considered incommensurable to the national culture always belong to people whose visible characteristics distinguish them from the majority 'white' population" (Torres, Mirón, & Inda, 1999, p. 10). In the following sections, I will refer to the dominant ethno-racial population in Germany as 'white, ethnic Germans'. This terminology points out that the dominant group is normalized in their physical appearance and thus considered white, but also socialized into German national culture.

This study is based on the idea that hegemonic political and social structures on the macro level have profound impacts on individuals on the micro level. This idea owes to Stuart Hall who was the first to point out how, in thinking about race, hegemony and ideology work at the interface between the social and the self (Hall, 1986/1996). Hall's notion of racial formation and social domination is informed by the idea that dominant structures are produced and reproduced by the subject-individuals themselves. There is thus no difference between the social and the individual because the individual "auto-produces" the dominant social structures in language and interactions.

4 Ausländer Identities and the Communal Constructions of 2nd Generation Turkish Immigrants

In the course of the research, it emerged clearly that the interviewees see their own social identity in two concentric circles of belonging. On a wider circle, all interviewees consider themselves as *Ausländer*, the antithesis to being *German*[6]. As the inner circle of their identification serves their ethnic background of being Turkish. In terms of their Turkish identity, there were clear differences between Aslan, Cemil and Faruk, who all live in the predominantly Turkish *Etzelstraße*, and Salih and Hamit, who have left the area. But while there were important differences in how the interviewees see their Turkish ethnicity, their identity as non-German *Ausländer* was shared by all interviewees in a similar way. The *Ausländer* identities expressed by the interviewees thus reflect what Castles has called the Other-definition of ethnic minorities. The following section will show that the interviewees' shared identification as *Ausländer* is imposed on them by the dominant group of white, ethnic Germans. This identification does not refer to the original meaning of the term *Ausländer*, which relates to citizenship. Instead, being *German* and being *Ausländer* in everyday discourse become group delimitations that are largely racially defined.

4.1 Turkish? – maybe. Ausländer? – for sure!

The term *Ausländer* was mentioned by all interviewees as a central part of their identity vis-à-vis white Germans. While they all saw Germany as their home country, they did not see themselves as 'real' Germans. Mostly, being German in the interviewees' eyes is a category of ethnicity and race rather than citizenship and therefore not easily transferrable. Hamit explicitly brought up being *Ausländer* as his primary source of identity over being Turkish throughout the interview. He said that "while the Turks form a big group and the immigrants from other countries form smaller communities, they all face the same problems." In one instance, he explained how this is reflected in everyday life with an example from his student job at a car rental agency:

> "The *Ausländer* there, they formed a group. It wasn't a Turkish group, it was everything: Poles, Croats, Iranians, whatever. It wasn't as if we had actively built this group, it somehow just happened. There were of course Germans too in that circle but they were more open-minded. As for other Germans, well, you heard stupid comments from them about *Ausländer* and then you didn't really feel like hanging out with them."

When asked on what basis he can identify with *Ausländer* better than with 'legitimate' Germans, Hamit mentioned a certain way of communication that

[6] Whenever the word *German* stands in italics, it is directly or indirectly quoted from the statements of the interviewees and means the ethno-racial concept rather than citizenship.

reflects a shared experience: "The way you speak is different with other *Ausländer* from how you speak with *Germans*. It is mellower."

Salih also brought up the distinction between *German* and *Ausländer* as a major fault line that he has experienced in Germany. He described his experiences during his time at secondary school, when his family had moved away from the *Etzelstraße* and he was sent to a *Gymnasium* unlike most of his childhood friends and therefore he was mostly among *Germans*. He remembers the time as one of racist mobbing were he "was picked on for being Turkish and joshed with Nazi and Hitler games". Times changed, he said, when he switched from a grammar school to a comprehensive school in year 11. It was the first time he "really felt alive and well at school", he says, "because the class was extremely mixed. One half was German, while the others were *Ausländer*. There was everything: Palestinians, Ukranians, Indians and many Turks." At the same time he was losing touch with his childhood friends from the Turkish neighbourhood. "It didn't fit anymore. At the *Gymnasium* I only hung out with Germans, and so I lost touch. Also, my Turkish childhood friends got into trouble and did all sorts of things that I didn't want to be part of."

Thus, Salih grew away from the Turkish cultural influence when he left the *Etzelstraße*, but that did not mean that got *German* friends. Like Hamit, he felt more in touch with other *Ausländer*. Salih also mentioned that it wasn't important where his friends came from. It was important that they shared his experience of not being considered German. For Salih, in contrast to Hamit, the word *Ausländer* does not serve as a category of identity that he would positively identify with. He is annoyed about the term, yet he has internalized it to the extent that he brings it up in the interview rather than being Turkish in statements like: "I grew up in a *Ausländer* family." When this was pointed out, he answered: "It has become a prototype that you get cornered in and it's easy to give in to." Salih was aware of the marginalization that the concept of *Ausländer* entails and rejected it because he regards it as "derogatory" and "exclusionary". At the same time, he also rejected Turkish identity as identity category: "I'm German-Turkish. I am no Turk but I will never be German either. My child will be become more German and it will go on like that with every generation."

Talking to Faruk, Aslan and Cemil, whose lives are centred in the Turkish community on the *Etzelstraße*, it becomes clear that people of their ethnicity and culture are what they identifies mostly with. However, while Faruk never used the term *Ausländer* to describe himself, he did use the term "German" to describe the group of white, ethnic Germans that he is different from. Aslan used these concepts similarly. He explained that the problem for immigrants lies in "xenophobia[7], which exists in parts of the German society". Thereby, he is forced to acknowledge the *Ausländer* concept and its meaning in relation

[7] He used the German term *Ausländerfeindlichkeit*, which is the allegorical translation of xenophobia.

to "Germans". Cemil also invoked the difference between Germans and *Ausländer*, despite his clear Turkish self-identification: "We have no problem with *Germans* but there is trouble with them because we are *Ausländer*." In the interview with him, too, *Ausländer* was used as a grouping category that takes up the meaning of a person of any kind that is "non-German". Yet to him *Ausländer* was by no means an identity category that he would ascribe to for himself, and in contrast to the others he did not feel an immediate connection to other non-Germans based on the mutual Other-Definition. He described how within his group of friends on the *Etzelstraße* other non-German groups are hated even: "Many Turks here hate Germans. But not only Germans; also Poles, Russians, whatever. But mostly, I think, Germans hate *Ausländer*". He said that different groups described as *Ausländer* "cannot come together because everyone has a different culture, a different religion". Cemil expressed the feeling that he could only be friend with those that have a Turkish background and "live Turkish."

Cemil and Faruk also referred to peer pressure to avoid assimilating into a German culture. Farusk said that "if someone acts differently, you say he acts German. Even when he's Turkish, he simply acts German. I don't know where that comes from." Cemil and Faruk put themselves in relation to Germans. But unlike Hamit and Salih, they created an irreconcilable dichotomy between *Ausländer* and Germans and disapproved of moving out of that dichotomy. In that sense, Faruk and Hamit would surely disapprove of a lifestyle like that of Salih who tries to escape this Turkish-German division and create an individual identity outside these exclusionary categorisations.

4.2 The racial content of the Ausländer identity

It emerged from the interviews that the interviewees' identification with their Turkish identity was a choice that they could make based on the community they live in but that they could also discard if they left the community. The identification as *Ausländer* however was not a matter of choice for the interviewees. It was a fixed ascription that also Hamit and Salih could not bridge, although they have no negative sentiments against being *German* and who try to find their individual identity within German society rather than stick to their Turkish community. Salih's childhood experience in the predominantly "German" class in school exemplifies this. Salih and Hamit have made friends with some Germans – those that "are more open" – but they feel most comfortable with other people that are considered *Ausländer* by *Germans*, no matter where they come from. It emerges that immigrants in Germany that are visibly different from ethnic Germans cannot escape the Other-categorization as *Ausländer*. They consequently have to form their identities in response to this concept, be in the form of a strong sense for their ethnic community or in their search of an individual social identity. It appears from this study that even in the second generation, the *Ausländer* categorization remains an inevitable identifier.

Originally, the term *Ausländer* referred to legal aliens in Germany according to the *Ausländergesetz*[8] that came into effect in 1965 and was replaced by the Zuwanderungsgesetz[9] in 2005. While the new regulation does not use the term *Ausländer* anymore, it has already become commonplace in public discourse on immigration. In the previous quotations from the interviewees, the meaning of *Ausländer* is disconnected from the original meaning. It has become a label given by the dominant group and is detached from all cultural norms and behaviour, which means that it has become a racial classification that defines all people who are visibly not white and whose ancestry outside Germany can be seen by their appearance. In fact, the original meaning of the term as reference to non-citizen residents has disappeared in the public discourse that is reflected in this study. A paradoxical statement by Hamit highlights this where he juxtaposes his German citizenship with his identification as *Ausländer*:

> "With the whole guest worker thing, you don't really feel welcome here. You think to yourself: Okay, I have German passport but they don't really want me here. As an *Ausländer*, you just need to watch the news: everyday they report something, *Ausländer* this *Ausländer* that."

Other interviewees make similar statements. Aslan says: "A German passport or a Turkish passport, it doesn't matter to me. I keep my religion. That is more important," and adds: "Even if you have a German passport, you are not really German." It is difficult to say to what extent *Ausländer* identities carry a racial content. It appears that, at least in the first generation, language and history of migration plays a large role as well. This infers from the statements of Hamit and Cemil, who include groups that are not visibly different from Germans, like Poles and Russians, into their *Ausländer* definition. However, it has been observed that Polish immigrants who came to Germany in the late 19th century were initially denoted as "Slavic" and thus constructed as racially different from Germans. Then, however, they underwent a "painful integration process" and today are accepted as ethnic Germans, despite still carrying Polish sounding names (Bade, 2004, p. 63). It is unlikely that groups who are visibly different from ethnic Germans can undertake a similar process of "becoming white"[10].

5 The Ausländer identity as the basis of everyday racism

Since the previously outlined *Ausländer* identity is an Other-definition, it is not chosen by individuals but imposed on them by the dominant communal group of white Germans. This happens through a constant reproduction of the system of Othering in everyday interactions between individuals.

[8] English: "Aliens act"

[9] English "Immigration act"

[10] For an extensive case study on the concept of "becoming white" cf. (Ignatiev, 1995)

Essed's concept of everyday racism helps to conceptualize these subtle forms of racism. Everyday racism is described by "injustices recurring so often that they are almost taken for granted, nagging, annoying, debilitating, seemingly small, injustices one comes to expect" (Essed, 2002, p. 203). The concept relates day-to-day experiences with macro-structural racial hierarchies of politics and power. Comparative studies on minorities and marginalization in Western societies often put the focus on overt racist violence. The 'Minorities at Risk' (MAR) project at the University of Maryland for example mentions "xenophobic attacks by skin-heads and right-wing extremists" as principal risks that Turkish immigrants in Germany face (CIDCM, 2003). The interviewees of this study did not regard Neonazi racist violence as nearly as important as racism in everyday interactions. This is congruent with Essed's statement that "[everyday racism] has a more damaging effect on health than incidental major confrontations with racism" (Essed, 2002, p. 208). While racist extremism can be shrugged off more easily because it is a minority opinion, everyday racism hurts because it happens on a daily basis and every white person seemingly engages in it unconsciously.

Generally, everyday racism is so internalized by individual actors that the racist dimension becomes visible only because the examples are numerous and they come from several voices collected in different situations. When they are taken in isolation, it is easy to disconnect the micro-event from the macro-structure and to miss the racial dimension in the experience. According to Essed "everyday racism permeates everyday life in repetitive events and routine practices. [...] Everyday racism involves cumulative practices, often covert and hard to pinpoint" (ibid., p. 208).

5.1 Everyday racism as negative stereotyping and distrust

In the present study, the interviews revealed how everyday racism is tightly connected to the classification of a person as *Ausländer*. According to the interviewees, the immediate stereotypes that an ethnic German connects to *Ausländer* are low social class, low education and criminal intent. This becomes apparent from Cemil's statement that "Germans think that we are loud and criminal." The interviewees brought up concrete examples that point out how white Germans did not consider them as trustworthy on the basis of them not being white. Hamit mentioned how on several occasions he was explicitly made aware of this:

> "When people see me for the first time, black hair, bearded, they often think:, 'He's an *Assi*[11]'. I've heard it a thousand times before. They haven't even spoken to me! Some came to me a few days after they got to know me and said: 'At first I really thought you were an *Assi*. But I got to know you, and you are not like that'. [...] Then I just think: now it happened again."

[11] *Assi* is German slang meaning scum, trash, or misfit, usually used with reference to *Ausländer*

Faruk – a tall, heavy man, like Hamit with dark hair and a trimmed beard – says that "when I'm on the bus, with my headphones on, with my looks, people think that I am an *Ausländer*. They wouldn't believe that I attend grammar school." His use of the term *Ausländer* as a stereotypic description of himself reveals how strongly the term and the accompanying prejudices are interwoven.

Aslan brought up a similar example as Hamit where white Germans openly stated their distrust to him. He described an incident a few days before the time of our interview. It had been the last day at work for a colleague he had worked with for a long time and that he had grown to like. He explained:

> "All my colleagues are German. That's okay; I get along with them well. But today, it was [my colleague's] last day and he said to me: 'You are the only one I'm going to miss. You are the only Turkish guy I get along with.' And I went: 'What's going on?' In this moment he had just ruined everything for me. [...] That has happened to me so often; people saying: 'You're a cool Turk, you are the only one I can talk to'. Then I always think: 'Have you ever even *tried* to talk to a Turkish person apart from me?"

The two previous quotations depict cases where the connection of trust and racial categorization were made explicit by racist remarks. They are the most blatant examples of everyday racism that were brought up during the interviews. Apart from that, all interviewees pointed out to me how they constantly felt that they were not trusted in small day-to-day interactions. Hamit described this as friendly distance: "There is always a distance first. They [white, ethnic Germans] are friendly, they are nice – that is not the problem. But it takes time for them to open up." Cemil, Faruk and Hamit brought up one specific issue in striking similarity: they described how they were looked at by white, ethnic Germans. Cemil said that "They don't look me in the eye. [...] Maybe they are scared of me". Faruk described a similar feeling, but made out different reasons for it:

> "People look at me, I don't know why. It's not that they are scared, it's more that they think I can't behave, that I'm an *Assi* or something. You can really feel it from the looks."

Hamit puts its this way:

> "When I go to an office or something like that, people always look at me strangely. Well, it's not really a certain look, but you can feel it. I cannot say what the person thinks, but I see how they look at me. [...] They look at me stupidly, are not warm or anything. They must think: Well, he's surely an *Assi* and wants to annoy me. [...] And then I see someone else coming in and they are nice right from the start. I have to earn that first."

5.2 Everyday racism as contested belongings

White, ethnic Germans are able to use the terms *German* and *Ausländer* as antitheses to declare their privileged position by claiming that they alone are legitimate members of the German state while non-white Germans are supposedly alien to the state. The most telling example is the notion that the non-White can "go home". White Germans seem to have internalized the racial content of German identity to such an extent that it seems natural to think that those categorized as racially different could not possibly really be from Germany. This was pointed out by most interviewees in sharing experiences of how ethnic Germans told them to "go home". Aslan described an argument he had with a German colleague. He recalled how they were discussing a case from the media where a Turkish immigrant had beaten up an elderly person and explained:

> "We discussed that at work. And then we talked about the possibility of deportation and this guy says 'yeah, he deserves to be deported', and I go: "Okay, but where to?" 'Well, to Turkey, where he came from'. And I respond: 'So if a German person does it, should they send him to Spain cause he's been there on vacation?'"

Salih uses a story of this type to explain where he believes racism starts:

> "There was a fight at the *Neumarkt*. And of course an '*Ausländer*' was involved. When the fight was dissolved and people left, a women came up and yelled after the guy: 'Why don't you go where you came from?' and the guy stopped, turned around and said: 'But that's here.' When you look at that situation, [the woman] wouldn't call herself a racist, not at all. But that is the weakest level of racism."

Cemil seemed to have internalized the racial conceptualization of German identity, which created in him a contradictory view of his own belonging. He stated that he did not feel any connection to Turkey and said "I am born here, and here in Germany is where I feel comfortable". Yet, he is sure that "I don't belong here. I am a foreigner." He went on describing this limbo and the lack of appreciation he feels in Germany:

> "The Germans shouldn't talk so negatively about the Turks. They've accomplished a lot here. My dad for example has worked for Ford for over thirty years. And still: Yes, we are *Ausländer*. But we are looked at so negatively. They don't want us here."

5.3 Everyday racism as racial governance

The concept of everyday racism as it was developed by Essed does not include a role of the state. However, the present research point clearly to a relevance of state categorizations in incidents of everyday racism in Germany. According to Goldberg theory on racial states, racial governance identifies non-white

groups as inferior or immature which would require their management and oversight, surveillance and suspicion (Goldberg, 2002, p. 110). The author's experience of being seen as a white state agent with the mission to control the non-white neighbourhood on the *Etzelstraße* shows how the state's policy of overseeing its non-white population governs day-to-day interactions and how state governance and policy comes to shape power relations between individuals. All interviewees mentioned frequent experiences of everyday racism that involve condescending behaviour where white Germans would explain them the formal and informal rules of social behaviour in Germany. Cemil frequently refers to Germans as "*Justizmenschen*"[12]. He says that "they always call the police. Even when I just throw away litter they get at me yelling 'I'm going to call the police!'" Hamit finds that "if I talk to a German guy, the first thing he wants is to appear smart [...] He can do god knows what a shit job [below my rank], but still he's cracking wise to me." These rules, he says, are usually quite arbitrary and only seem to serve to emphasize the fact that Hamit is the one who needs to learn and the German person can explain to him how stuff works:

> "It might be really simple things, and it is actually quite ridiculous. At workplace I sometimes have to wash cars and people come to me and say: 'That's how we do it, first we wipe the front window, then the back window.' You know, it doesn't matter what I do first! But they want to tell me how things are done."

Aslan has a similar story that he shares:

> "I was delivering boxes, heavy boxes. And I parked on the wrong side [of the street] so that I didn't have to carry them across the whole street. It wasn't a problem: it was a side street, and there was enough space for others to pass by. But then someone came and yelled "you can't stop here!" and I said: 'I only want to unload, I'll be gone in a second'. And he replied: 'Always the same with you foreigners. You don't understand, do you? Why don't you go home where you came from. Now take away your car or I call the police'."

The interactions that Cemil, Hamit and Aslan describe show how white, ethnic Germans claim to represent the state's laws and regulations. To them, non-white Germans do not know the rules and how to behave accordingly. It is to white Germans to oversee the actions of non-whites. On a day-to-day basis, the racial definition of the state is reproduced and emphasized by individuals. While the legal principle of the German state is raceless equality, the ownership and legitimate use of it is claimed by the dominant white group against the racially different. Again, a clear connection between everyday racism and the role of the state emerges. In a single incident, it would merely be a person threatening to "call the police" or explaining "how things work";

[12] Meaning that rules are overly important to them and that that they go to court over minor issues.

nothing that a white person would not experience as well from time to time. But to every interviewee of this study, the invocation of rules by Germans was a major problem and was mentioned quite early in every interview. To Cemil, it seems to be in the nature of "Germans" to be "Justizmenschen". To him, it is in the nature of Germans "to be quite orderly and pedantic." In the light of the intensity of the usage of 'order' and 'rules' by white Germans against non-white Germans, the obsession with the law could more likely be explained as a pattern of governing daily social relations, where the dominant group uses state rules to reinforce its hegemonic position and sense of ownership.

6 Racial Categorizations in the Research Process

In the light of everyday racism and the internalisation of racist practices, the question needs to be asked to what extent this research, which was itself based on white/non-white interactions, replicated these practices. In this final section, some aspects of the research process will be reviewed in the light of the previous discussion. The purpose of this example is to show reflexively how impervious racist language and meaning in the racial state is. As a researcher, it is rather disturbing with hindsight how implicit racisms entered the research setup as well as the interviews and only became visible during the data analysis in the light of a theoretical framing.

During the interviews, the term *Ausländer* was deliberately avoided by the researcher because of its derogatory connotation. The term should be used appropriately as a citizenship category and since some of the interviewees were German and others Turkish citizens, it was not possible to group them this way. Instead, the researcher opted for talking in ethnic terms of Turks and Germans, thereby – seemingly – leaving out concepts involving citizenship and power. However, the strategy of using race-less and non-hierarchical ethnic definitions failed, because a difference in power and hierarchy based on race was permanently present during the interviews. The interview process as such can serve as an example of how positions of power and exclusion can be internalized, and how difficult it is to avoid racial categorizations defined by the state. This became obvious mainly during the interviews at the *Etzelstraße*. The interviewees distanced themselves from (the researcher's perception of) non-white Turks to avoid negative stereotyping. Cemil often talked indirectly in the third person when talking about being Turkish, even when he was describing his own experiences (e.g. "This is how people see Turks"). Thereby he created a distance between himself and his experiences, and explained his own positions as one of difference. Aslan made a similar attempt to explain Turkishness. Without him or the researcher noticing, he stereotyped Turkish immigrants as irrational others and characterized white Germans as normalized and rational (e.g. "Turkish parents don't think of the future of their children"). At the same time, he distanced himself from that description and tried to form a bond with the researcher (e.g. "I wish I would have known how important school is").

The stereotyping of Turkish immigrants that was underlying many of the interviewees' responses was caused by the setup of the interviews, which happened as the interviewer was over uncritical and unaware of the racial power relations that were present. Some interview questions generalized the interviewees into stereotyped members of an ethnic group. Since the researcher as a member of the ethnic German group asked the interviewees about their perspective as representatives for the Turkish group, the interviewees felt pushed to explain themselves. Since the theme of the interviewees could be understood as something like conflict caused by immigration, Aslan and others got the impression that they themselves were seen by the researcher as the cause of conflict and, to cooperate, they made attempts to explain what was "wrong" with Turkish immigrants.

In the course of the interviews, descriptions of Turkish as "other" and German as "natural" were gradually picked up. While terminology like *Ausländer* was avoided, its meaning was nevertheless present. Upon listening to the recordings from the interviews the researcher noticed how he himself had on several occasions engaged in the racist discourses that he tried to unravel. The most striking example was the use of elements such as "here in Germany" when the author asked about the interviewees' lives. Where else would their experiences be based on? The interviewees came to formulate their answers in the same manner. Hamit for instance said that "I know my rights here" when talking about discrimination. Little words like "here" show how the researcher permanently contested the belonging of the interviewees as well. Salih was the only one to challenge this mode of thinking. He refused to be pushed into a non-German, Turkish corner and protested against questions that involved an "othering" of his Turkish identity. When asked why he uses terms like *Ausländer* to describe himself, he made clear that he picks it up from public discourse but himself rejects it: "If I see myself as *Ausländer*? Only when *Inländer* push me into that corner."

7 Conclusion: Everyday Racism and State Categorizations

Based on the participant observation and interviews with Turkish second-generation immigrants, this study has offered new insights into the process of how communal fault lines are created following immigration and how the dominant group of white, ethnic Germans maintain their dominant social position by racially Othering immigrants in a process of segregation. It has been shown how a false *Ausländer* identity has been created and racially charged in the discourse on immigration and is today the basis for racist exclusion on the everyday level. The study has confirmed Castles' theory of the formation of ethnic minorities, which entails a Self-definition based on a collective consciousness as well as an Other-definition based on socially constructed racial and cultural markers assigned by dominant groups. The belonging to the Turkish immigrant community can be seen as the Self-definition here, while the racial *Ausländer* definition – a purely negative classification that is meant

to define difference to a socially constructed norm – exemplifies the Other-definitions by the dominant group. It has also been shown how, in contrast to the Self-definition that can be freely chosen by every individual, the Other-definition is inevitable classification that every immigrant who does not fit into the racial conception of German identity is subjected to. Through this research, it becomes clear how immigrants challenge the idea of a homogenous, white national identity in Germany, and how subtle practices on the everyday level are used to reinforce the dominance of white, ethnic Germans and maintain the myth of a homogenous community.

The role of state categorizations is crucial in this process. The state plays an important role in reinforcing the hegemony of the group of white, ethnic Germans, while, at the same time, the state is shaped by this group in its legislation and policy-making. Consequently, the state's definitions influence, or one might say govern, day-to-day interactions of people on a micro level as the above section on everyday racism has demonstrated. When political definitions and regulations enter the social realm, they create a certain language and become the basis for attitudes and behaviour of individuals. Thereby, they have a profound impact on personal interactions. In the present case, the originally legal term *Ausländer* has become a key concept for a process of everyday racism that is entirely detached from actual state policy and functions on an individual level. While the term *Ausländer* as legal terminology before the year 2000 indirectly contained a racial dimension due to the ethnic conception of citizenship in Germany, it has since then developed to become a blunt categorization of racial exclusion and led to racist discourses by the dominant group.

In recent years, there have been significant changes in the legal definitions in Germany that challenge the racial categorization of its citizens and the homogenous definition of the nation. In 2000, German national law was reformed to include the universal "ius soli" principle of citizenship next to the racial principle of "ius sanguinis." In 2005, the *Ausländergesetz* was replaced by a new immigration law, which however left the idea of an ethnic German identity intact. The results of this study demand that public policy take seriously practices of everyday racism and remove any categorizations which reinforce the idea of a racially defined national identity.

References

Bade, K., & Oltmer, J. (2004). *Normalfall migration.* Bonn: Bundeszentrale für Politische Bildung.

Castles, S., & Miller, M. (2003). *The age of migration.* New York: Palgrave Macmillan.

CIDCM. (2003). *Assessment for turks in germany.* University of Maryland: Center for International Development and Conflict Management.

Essed, P. (2002). Everyday racism. In D. T. Goldberg & J. Solomos (Eds.), *A companion to racial and ethnic studies.* Malden: Blackwell Publishers.

Finkelstein, K. (2006). *Eingewandert: Deutschlands "parallelgesellschaften"*. Bonn: Ch. Links Verlag.

Garner, S. (2006). The uses of whiteness: what sociologists working on europe can draw from us research on whiteness. *Sociology*, *40*(2), 254–275.

Gerdeawal, S. (2004). *Gemeinwesenzentrum etzelstraße - jahresbericht 2004*. Köln: Arbeitskreis Ausländisches Kind e.V.

Goldberg, D. T. (2002). *The racial state*. Malden: Blackwell Publishers.

Hall, S. (1996). Gramsci's relevance for the study of race and ethnicity. In D. Morley & K.-H. Chen (Eds.), *Stuart hall: Critical dialogues in cultural studies* (pp. 411–440). London: Routledge.

Hall, S. (1997). The spectacle of the "other". In S. Hall (Ed.), *Representation: Cultural representations and signifying practices*. London: Sage.

Ignatiev, N. (1995). *How the irish became white*. London: Routledge.

Torres, R. D., Mirón, L. F., & Inda, J. X. (1999). *Race, identity, and citizenship : a reader*. Oxford: Blackwell.

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With A Little Help from Our Friends

What the USA Can Learn from Other Nations in its Pursuit of Energy Independence

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Abstract Energy independence, the condition of a country or region that is completely self-sufficient in its energy usage, has recently become a popular topic of discussion in the United States. With the events of September 11, 2001 and the Iraq War, energy independence has regained its prominence in the American public sphere as a national security issue. Not since the 1970s and the aftermath of the 1973 OPEC embargo has energy independence been seen as so important. This paper looks at changes in energy policy in three places at specific times: the Netherlands in 1973, Cuba after the fall of the Soviet Union and the United States in 1973. After an overview of current American popular dialogue on the subject, this paper will attempt to show what the United States has missed in its now 35-year-old pursuit of energy independence.

1 Energy Independence Then and Now

Energy independence has become a popular topic of discussion in recent years, but it has been a part of public consciousness since the days of U.S. President Richard Nixon and the OPEC oil embargo (Bailey, 2004). In 1973, the OPEC nations limited the supply of oil to countries that had supported Israel in the Yom Kippur War. The sudden reduction of oil imports made the affected countries horribly aware of the potentially devastating consequences of relying on foreign nations for energy supplies. The United States and the Netherlands both faced the same embargo but their reactions differed greatly. It was during the embargo that energy independence first became a popular topic of discussion in the United States. By the end of the decade,

President Jimmy Carter had introduced various types of government support for alternative energy production, including solar and hydroelectric power. After gaining prominence throughout the 1970s, the notion of energy independence was reduced in importance during the years of President Ronald Reagan, and essentially faded from the public consciousness throughout the 1990s (Morgan, 2006).

A combination of recent events has led to an increase in American debate on energy independence, but this time with a different purpose. Increased public attention has been focused on Middle Eastern politics since the terrorist attacks of September 11, 2001 and the United States' invasion and occupation of Iraq. In the past eight years, Islamic terrorism has come to be seen as a dire threat to the security of the United States. Many Americans see a connection between the oil reserves of the Middle Eastern OPEC nations and Islamic terrorism. As a result, calls for American energy independence have been framed by the rhetoric of national security. For instance, Republican presidential candidate John McCain used the following line in his acceptance speech at the Republican National Convention in Minneapolis: "We are going to stop sending $700 billion a year to countries that don't like us very much."(McCain, 2008) Instead of facing an energy crisis as in the 1970s, Americans now fear that they are creating a security crisis by buying oil imported from the Middle East.

This paper will address the possibility of American energy independence by examining steps taken by three different countries in the face of energy crises. The first is the Netherlands in 1973, which reacted to the oil embargo in an uncomplicated and effective manner. This response is a useful example of a Western country that was able to adapt its way of life to meet the change in energy supply. The second is Cuba in its Special Period, which reacted to near-complete oil starvation by shifting to a new, less oil-dependent way of life. Cuba's actions provide a model for energy independence that could be adopted and adapted by other countries seeking self-sufficiency. The third example is the United States during the 1973 oil embargo, which reacted slowly but spawned a series of federal measures aimed at reducing energy dependence. It is absolutely essential to look at the USA's approach to energy independence, as its superpower status ensures that it will set a standard for the world to follow. In a world where energy usage issues are becoming increasingly noticeable in popular debate, the actions of the world's lone superpower are as important as ever. Lastly, there will be a summary of modern American debate on energy independence and analysis of the three scenarios for ways to achieve that goal.

2 The Netherlands, 1973

In 1973, the Netherlands faced a crisis in its energy supply. Like most of Israel's other allies, OPEC cut services to the Netherlands to punish it for its supporting role in the Yom Kippur War. According to the Dutch

newspaper *Het Parool*, the embargo was a "national disaster" (Hellema et al., 2004). Oil accounted for 53% of Dutch energy use and 40% of that oil came from the OPEC countries. Although 45% of the country's energy needs were met by domestic natural gas supplies, oil was certainly essential to the Dutch economy, especially in the transport sector. Road transport, air transport, shipping, the fishing industry, the chemical industry and greenhouse farms would all feel the cut in oil supply with potentially drastic consequences. The country also exported oil to the rest of Western Europe via the port at Rotterdam, one of the largest in the world (Hellema et al., 2004).

Before the embargo actually took effect, the Dutch government was looking for ways to confront the crisis. While considering numerous geopolitical moves that would have involved coordination with their neighbors, government officials also made several moves to decrease domestic demand, which accounted for 40% of the oil used in the country (Hellema et al., 2004). The move that caused the greatest disruption was the ban on automobile usage on Sundays.

During a period of uncertainty regarding exactly how much oil the Netherlands could expect to be without, the Dutch government took aim at a 10% reduction in domestic oil usage (Hellema et al., 2004). Beginning on the 4th of November, 1973, and continuing weekly thereafter, automobile usage was banned within the country. Despite concerns about the effect this would have on ground transport-based businesses, it was ultimately the most successful of the Dutch government's measures to reduce domestic consumption. There were also fears that the public would not comply. They proved baseless, however, as the public generally seemed to understand the reason for the ban. It also helped that the Queen was seen riding her bike in public on the first car-free Sunday (Hellema et al., 2004).

Car-free Sunday had its problems as well. On the first Sunday, foreign drivers were not subject to the ban, much to the displeasure of the Dutch. Beginning the following week, foreigners were also prohibited from driving inside the country. However, there were still issues surrounding exemptions on car-free Sundays, particularly for the civil servants responsible for the reams of paperwork that had to be done. By January, 74,000 exemptions had had to be granted for a variety of reasons. All things considered, car-free Sunday was generally a success, resulting in a remarkable 10% drop in fuel consumption and only a relatively small number of court summons and impounded vehicles (Hellema et al., 2004). Apart from car-free Sundays, the Dutch government made numerous appeals to the public for assistance during the crisis. They made a general call for reduction in the use of oil and oil products, particularly cars and heating oil. Although a new speed limit of 100 km/h was considered, the government decided to make it voluntary. Remarkably, 90% of drivers complied with the voluntary speed limit, reducing domestic consumption by 5% through increased efficiency (Hellema et al., 2004).

So to sum up, the Dutch government was faced with an energy crisis in 1973, and it responded with basic measures that helped ease the shock of

the situation. Domestic demand was reduced by 15% through two simple actions: banning the use of cars one day per week, and encouraging drivers to reduce their speed to a more efficient level. These two measures were halted after the crisis was over, and the Netherlands is currently far from energy independent, importing much more oil than it exports (Energy Information Administration, 2008). However, the country still showed how easy it can be to achieve a significant reduction in energy dependence, providing a partial model for modern energy independence advocates.

3 Cuba in the Special Period

For a country such as Cuba, energy independence is not a political question, but a question of necessity. The Soviet Union had provided Cuba with 90% of the country's fuel. After the Soviet Union collapsed in 1989, Cuba was faced with a "double blockade" on oil imports. The country's steady stream of petroleum from the USSR was reduced to a trickle, and the long-term embargo placed on Cuba by the United States limited the island nation's chances of finding another source of fuel. The embargo not only ruled out the U.S. as a possible trading partner, but American amendments to the embargo also made it difficult for other nations to trade with both Cuba and the U.S. (Kaufman, 1993). The period in Cuban history after the Soviet Union's collapse in 1989 is euphemistically known as the Special Period.

The effects of a near-total absence of petroleum are far-reaching for the average modern society, even more so in developed countries. Transport is the sector that would be most noticeably affected, but Cuba's agricultural sector also underwent dramatic changes during the Special Period. Before the collapse of the Soviet Union, Cuba's agricultural system was highly industrialized (Morgan, 2006, Vandermeer et al., 1993). Built for comparative advantage in an import/export economy, Cuban farms grew sugar for export and produced very little for domestic consumption. To illustrate how entrenched this system was in Cuba, one can point to the fact that Cuba used more fertilizer annually than the United States (Morgan, 2006). Fidel Castro once claimed that the massive amount of pesticides used in his country was a clear sign of its progress (Vandermeer et al., 1993). When the Soviet Union fell, this system of industrialized agriculture was completely destroyed. Cuba lost 80% of its imports, including a 77% drop in fertilizer imports, a 70% drop in animal feed, and a 63% drop in pesticide imports (Morgan, 2006, Vandermeer et al., 1993).

It was not only imports of agricultural products, but also the near-complete absence of fossil fuels that sent Cuban agriculture into crisis. Tractors and trucks could not run without oil, spelling disaster for Cuba's export-based system. In the years since, the resulting crisis has led to a complete transformation. As food became scarce, Cubans began to grow their own. Even in the most populated parts of Havana, residents turned vacant lots into vegetable gardens. The government encouraged this initiative as a way to

help mitigate the food shortage (Morgan, 2006). The problems of the oil drought were met with simple, yet effective solutions. In the absence of fuel to run their tractors and combines, Cuban farmers returned to animals to plow their fields. Without imported fertilizers, organic composting became a popular technique. Without imported chemical pesticides, farmers looked for natural pesticides, particularly parasites that targeted pests and left the crops (Kaufman, 1993). Overall, manual labor increased as the work done by machines run on fossil fuels decreased (Morgan, 2006, Vandermeer et al., 1993). Cuba's switch to alternative agriculture during the Special Period was part of a nationwide shift in energy sources. The country could no longer rely on imports as it had during the Cold War, and so began to look for domestic sources of energy. While a larger country like the United States can find an abundance of typical energy sources within its borders, Cuba's existence as an island meant energy had to come from some unexpected places.

One of the simplest and most quickly implemented solutions was in the transport sector: bicycles. Cars were no longer a reliable source of transport, so the Cuban government imported over 1 million bicycles from China. As those were distributed, work began on three bicycle factories, which would produce 500,000 more bicycles before long. In tandem with the increase in the number of bicycles were bicycle-related building projects, such as highways dedicated to bicycle traffic (Morgan, 2006, Kaufman, 1993).

While Cuban agriculture was beginning to use natural processes to solve its problems with the energy crisis through organic fertilizers and pesticides, Cuban factories were also finding new ways of meeting their energy needs. The sugar mills which had fuelled Cuba's export economy began to power themselves using the waste they had previously discarded. Powering the mills with sugarcane waste has not only made them self-sufficient, but also produces enough energy to send the excess back to the grid during the harvest season. After being used to produce power, the waste left over from that process is also used for multiple purposes. The sugarcane fiber is used as feed for livestock and as pulp in the paper-making process, while the residual liquid is used for irrigating the sugarcane fields (Kaufman, 1993). This process helps illustrate the general characteristics of Cuba's new system. The energy is found in a local source and waste is reduced to almost nothing, which ensures that the maximum level of energy is extracted.

Other solutions to the energy crisis were found in housing developments. Cuba's tropical climate necessitates some sort of air conditioning device. With the shortage in typical energy supplies, some housing developers turned to trees as natural air conditioners (Kaufman, 1993). For those apartments taller than the trees, Cuba's urban agriculture provided a similar solution: grapevines and other plants grown along balconies (Morgan, 2006). More comprehensive planning has led to even more creative solutions. One housing complex has its own sewage treatment plant, which biologically treats the waste and uses the result to fertilize its gardens (Kaufman, 1993).

Cuba's energy crisis was unexpected and extreme. In this case, energy

independence was not a goal to achieve, but a fact with which to cope. Victims of a double blockade due to the U.S. embargo and the Soviet fall from power, Cuba's energy imports were limited whether it wanted them to be or not. Cubans had shown some concern about possible problems resulting from energy dependence in the 1980s, and they were forced to confront those problems in a dramatic fashion. During the Special Period, Cubans viewed their energy policy as a key part of their national sovereignty and their desire to maintain "nonaligned economic independence."(Vandermeer et al., 1993).

Although the Cuban system coped effectively with the energy crisis of the Special Period, it would be misleading to imply that Cuba is fully energy independent. The country currently imports 90,000 barrels of oil per day from Venezuela and owes the government in Caracas US$2.5 billion (Corrales, 2005). Those imports account for almost one third of Cuba's energy consumption. The close relationship between Fidel Castro and Hugo Chávez ensures that this trade continues smoothly, but it is apparent that Cuba is overly reliant on Chávez's ability to remain in power. When he was briefly ousted earlier this decade, the oil shipments to Cuba ceased because of the debt owed to Venezuela (Erikson, 2005). Cuba's petroleum consumption is slowly creeping back up towards its historical peak, which the country reached just before the Soviet Union collapsed (Energy Information Administration, 2008). However, oil is of lesser consequence since the development of Cuba's alternative system during the Special Period. Many elements of that system are not dependent on oil to function – bicycles, animal-powered plows, and trees used as air conditioners, for instance.

4 The Netherlands, 1973

It was 1973 when the U.S. was first forced to confront the issue of energy dependence. When the Middle Eastern oil-exporting nations imposed an embargo on exports to the U.S., Americans were awakened with a shock to the reality of their dependence on oil imports. With 117 million cars running on gasoline, the effect on personal transportation was harsh and sudden. Because of the federal nature of the U.S., each state was affected differently by the crisis. As a result, they all reacted uniquely and the national reaction was highly disorganized. In some states, the number on a car's license plate determined whether its owner could buy gas that day, while in others, supplies continued unabated because of other sources, such as Canada and its oil sands. Americans had trouble adapting to the new circumstances. Long gas lines made for some unpleasant scenes between potential customers and between customers and gas station owners. Most drivers were committed to maintaining their previous habits despite the new restrictions on automobile travel (*Time*, 1974).

The reaction at the national level was slower and more comprehensive. Energy independence had been discussed before the embargo began, although not with much urgency (Wilson, 1973, Akins, 1973). In the spring of 1974,

President Nixon founded the aptly-named Project Independence to find comprehensive answers to the energy worries of the United States (Hogan, 1975). Throughout the decade, and particularly in the Carter administration, energy policy was a major national priority. On April 18, 1977, Carter gave a speech outlining his energy policy with rhetoric worthy of a national crisis that the United States would have to struggle with for generations (Carter, 1977). In 1978, the Energy Tax Act was passed, which imposed an excise tax on the sale of vehicles with low fuel efficiency and which is still in place (Lazzari, 2007). One year later, Carter put forth a plan for energy independence that would fund, among other things, research for solar energy, energy conservation efforts such as home insulation and expansion of mass transit (*Science News*, 1979).

After Carter, President Reagan's administration allowed tax credits for energy conservation to expire. Energy policy became much less interventionist, removing incentives and allowing market forces to regulate prices instead. While such a policy reduced incentives for both fossil fuels and alternative energy, the ultimate effect was to discourage alternative sources from developing. The years of Presidents George H.W. Bush and Bill Clinton saw a return to a more active government role in the energy industry (Lazzari, 2007).

Despite the changes in American energy policy over the past 30 years, the country's petroleum import deficit has doubled since 1980 (Energy Information Administration, 2008). That development serves as evidence that Carter's plan did not come to fruition. Perhaps more poignantly, the issues on which Carter's plan focused are the same ones that are debated today. The embargo of 1973 illustrated to Americans that their oil supply was fragile and subject to the whims of other countries. Some looked into the future and argued that the U.S. should end its dependence on oil generally, not just on imports. Despite significant federal efforts at energy policy reform since the 1970s, it cannot be said that the United States made any great steps towards energy independence during this period.

5 Energy Independence in Today's United States

The modern movement for energy independence in the United States has a considerable popular following. A wide variety of people support it for the same variety of reasons. The number of American advocacy groups and websites that one finds with a single Google search of "energy independence" is remarkable. All have a slightly different take on the issue, and therefore draw in different groups of supporters. For instance, the Set America Free Coalition is a group that emphasizes the injustice of oil companies' virtual monopoly on American transport. Its main concern is "fuel choice" – that is, giving the American public a choice of fuels to use in their cars (Set America Free Coalition, 2009). The Energy Independent is an online community of bloggers who see energy independence as a major issue, but for more far-reaching reasons. In their opinion, energy independence is an issue for all

humanity, not simply Americans. Rather than focus on specific new technologies, as the Set America Free Coalition does, The Energy Independent calls for "independence from fossil fuels and the old consciousness they fostered."(Maslow, 2008) Americanenergyindependence.com claims to be "the most popular search destination on the internet for information about energy independence." It is a much broader, more scientific website with links to many different academic and non-academic articles on the subject of energy and politics. While the Set America Free Coalition mentions the connection between oil imports and Islamic terrorism, Americanenergyindependence.com makes Islamic terrorism the central point in its argument, calling this "the most important challenge America has faced since World War II."(Bengston, 2009)

The wide variety of public interest groups devoted to energy independence naturally appeals to a similarly wide variety of supporters. Environmentalists, security experts, relatives of 9/11 victims, and peace activists can all find reasons to advocate energy independence. In response to the growth of popular interest in the subject, politicians in the United States have begun to discuss it as well. It was a significant campaign issue in the 2006 U.S. Congressional elections (Brumfiel et al., 2006). As mentioned previously, Senator John McCain mentioned in his speech at the Republican National Convention that the U.S. needed to stop sending money to the Middle East in the interest of national security (McCain, 2008). President Barack Obama made a hefty claim in his own acceptance speech: "In 10 years, we will finally end our dependence on oil from the Middle East." (Obama, 2008) More recently but less prominently, Congressman Eliot Engel of New York briefly addressed the U.S. House of Representatives decrying the country's energy dependence, saying, "I believe so strongly that our dependence on foreign oil is one of the greatest challenges that our Nation has ever faced." (Engel, 2009). Although the American oil import deficit remains, this increased interest from politicians does reflect a victory for public opinion. It remains to be seen whether it will be a victory for energy independence advocates.

6 Successes

In all of the above situations, some policies have failed miserably while others have succeeded. Obviously Cuba's new agricultural system has been a success. A system that was previously heavily dependent on imported energy is now the polar opposite: a localized, organic, and highly self-sufficient system. Cubans were able to take pride in the independence and sovereignty that comes from having such a system (Vandermeer et al., 1993). But the success of Cuba's agricultural renaissance reaches far beyond reducing the country's dependence on foreign energy supplies. The country's solutions to its energy problems made use of natural processes, which has helped increase Cuba's already strong respect for the environment. Although environmental protection was no more than a happy side effect of the changes, it has become entrenched in the Cuban mindset. For instance, although Cuba periodically

used wood as fuel during the Special Period, the project was so well-managed that the number of trees on the island actually increased (Kaufman, 1993).

Alternative agriculture in Cuba has also benefited Cubans financially. The new system includes a certain amount of privatization, a rarity in the country's command economy. Privatization was introduced in agriculture in order to encourage greater production. As a result, some Cuban families can now improve their quality of life by selling their excess produce or by making it into products with a higher value, such as wine (Morgan, 2006).

A highly beneficial, although unintended, effect of Cuba's move towards energy independence has been on public health. At the beginning of the Special Period, public nutrition understandably suffered. In the five years after the collapse of the Soviet Union, the average Cuban lost 20 pounds (Morgan, 2006).[1] However, as Cuba adapted to the changes and began to live without imported oil, its citizens grew healthier. The lack of motorized transport due to limited oil supply led to more biking and walking, which reduced the rates of diabetes, heart attacks, and strokes. With the new alternative agricultural system, Cubans ate more vegetables and their diets contained less fat, also improving public health (Morgan, 2006).

Cuba certainly suffered in the Special Period. However, the changes introduced in that same period ultimately improved the quality of life on several fronts. The environment, household income and public health have all benefited from the new system built around local energy sources.

The Dutch reaction to the oil embargo, although not as dramatic a change as Cuba's adaptation to near-complete oil starvation, still showed some successful ways to combat energy dependence. Simply by banning cars one day per week and requesting a voluntary speed reduction on highways, the Netherlands reduced its fuel consumption by 15%. In achieving that reduction, it also reduced its dependence on oil as a source of fuel. The ban on driving also encouraged alternate forms of transportation, such as the bicycle or walking, which could have similar health benefits as they did in Cuba if they were generally encouraged.

7 Lessons

Of the examples discussed in this paper, the United States is the one that has had the least success in reducing its energy dependency. Despite attempts at federal action in the 1970s and an active public debate on the subject today, the United States' ratio of imports to exports has doubled since 1980 (Energy Information Administration, 2008). It is possible to pinpoint certain trends that have kept Americans from reducing their energy dependence.

As a general rule, interventionist American energy policies since the 1970s have favored incentives for a broad range of alternative fuels and energy conservation in homes and businesses. Apart from limited regulations on vehicle

[1] 20 pounds ≈ 9 kg

emissions, little has been done to encourage changes in consumption habits (Lazzari, 2007). As mentioned previously, even during the gasoline rationing in 1973-1974, most Americans kept their habit of driving to work every day and demanded gasoline, even as store owners put up signs declaring that they had none. There was also never a national rationing program, which could have balanced gasoline supply throughout the country (*Time*, "Spotty Local Starts", 1974).

Individuals maintaining their previous habits and the failure to establish a national rationing system illustrate important elements of the U.S.'s failure to achieve energy independence. Firstly, in order to reduce energy dependence, individual habits must change. As the case of the Netherlands in 1973 demonstrated, by asking everybody in the country to change their routines in one small way, the country reduced its energy dependence significantly. In Cuba, individuals had to change large parts of their lives in order to adapt to the energy crisis. Some changes were the result of newly limited choices: people began bicycling to work or waiting three hours for buses simply because there was no other way to get around. Some changes were made out of desperate necessity: food shortages drove people to start growing their own food in vacant lots (Morgan, 2006). These individual changes gradually turned into national movements with government encouragement.

In both cases, individuals were forced to change their lifestyles, either by the circumstances or by the government. Those who advocate energy independence for the United States would do well to notice these changes. It seems that while many Americans have made the connection between gasoline and Islamic terrorism, fewer have made the connection between gasoline and the oil-dependent consumer lifestyle so common in the developed world.[2] As a result, the emphasis has been on developing new ways to power cars and homes while still allowing the public to maintain their old habits. However, less energy-dependent technologies have enjoyed some success in the United States. One reason the three major American automakers needed to seek a bailout package in late 2008 was their inability or unwillingness to produce more fuel-efficient cars (BBC, 2008). However, achieving energy independence will require much more than improved fuel efficiency – it will require changes in habits.

Another factor important in both the Cuban and the Dutch examples is community. Cuba is now built on local communities, as it is local farmers who supply the food and distribute it at farmers' markets. The disappearance of fossil-fuel-operated farm machinery has also increased the amount of manual labor involved in agriculture, helping to develop community through shared tasks (Vandermeer et al., 1993, Morgan, 2006). In the example of the Netherlands, community was not as evident. However, community spirit manifested itself in the public's understanding of the situation and the need

[2] The Energy Independent does mention lifestyle changes in its ten principles of energy independence.

for car-free Sunday (Hellema et al., 2004). The American reaction to gasoline rations were almost the opposite, with drivers getting into arguments and attempting to deceive gas station owners in order to fill up their tanks (*Time*, "Spotty Local Starts," "Gas Fever: Happiness is a Full Tank", 1974).

Another lesson from the examples of Cuba and the Netherlands is that of the technology necessary for reducing energy dependence. When the Netherlands instituted car-free Sunday, people rode their bikes or walked to get around. When Cuba needed to run farms without tractors or combines, it turned to animal traction. The lesson here is that while new technology may sound exciting and be useful in the future, populations already have the technology to reduce their energy dependence. Cuba's alternative, less oil-dependent system means that even if Venezuela halts imports to the island, Cubans will be able to continue their lives with a limited number of alterations. The ways humans used to travel and farm still work and require less energy than the way we do things now. While this is not a call to return to the 19^{th} century, many less-popular existing technologies are still relevant, particularly to the pursuit of energy independence. Nations wishing to be energy independent can begin by simply replacing oil-dependent technology with oil-free technology that already exists.

The United States has not emphasized the community and individual changes that would enable the country to pursue energy independence. It is difficult to do so in a country so large and diverse, of course. Relying on the federal government to create local initiatives in such a massive country is almost a contradiction in terms. As a result, initiatives like Cuba's neighborhood farming projects must begin at the community level. The federal government can only be expected to encourage such projects, not to dictate their creation.[3] However, the government's focus thus far has undeniably been on technological advances and federal initiatives, which has de-emphasized the role of individual responsibility in the pursuit of energy independence.

The USA's diversity also limits the effectiveness of federal schemes, firstly by ensuring that very little effective legislation passes the Congress and secondly by giving each region unique challenges. A rural Midwesterner has different energy requirements than a New Yorker. As a result, federal programs that go beyond basic energy independence measures (such as fuel efficiency standards) must allow state and local governments significant influence in the implementation process. Such legislation will not only be more effective, but it will also be more likely to pass the Congress because of the autonomy it would grant to each region.

It is well-known that the American lifestyle is built on private vehicles. It is evident in drivers' unwillingness to reduce their gasoline consumption in the face of the 1973 oil embargo (Time, 1974). This addiction to cars and

[3] Projects such as the vegetable garden being grown by the Obamas in the backyard of the White House are an example of such encouragement. See Burros (2009) for a story on this development.

trucks draws attention to the role it plays in the country's energy usage, thus highlighting it as an individual habit that must be changed if the United States is to reduce its energy dependence. It is in this area that the federal government could have the most influence, yet it is also an area it has ignored thus far. Although the Obama administration recently announced a plan to increase fuel efficiency standards in private vehicles, it has done nothing to encourage decreased usage of those vehicles (BBC, 20 May 2009). Fuel efficiency standards are a step along the road to energy independence, but their natural companion is decreased vehicle usage, a step that is being disregarded in public debate. The dependence of Americans on private vehicles only emphasizes the importance of changing individual habits in the country's pursuit of energy independence, and encouraging individuals to change their habits is something the federal government can easily do.

In sum, the United States must emphasize the capabilities and responsibilities of individuals and communities in its pursuit of energy independence. By encouraging local and regional programs, the federal government will be able to limit the legislative stagnation caused by the country's diversity of opinions and lifestyles. Such programs will also be more tailored to each unique region, increasing their effectiveness. The federal government must also emphasize the role of individuals in order to decrease the almost messianic expectations of new technology. Placing more importance on the individual and the community will also serve to encourage those groups to pursue the cause of energy independence without delay, rather than leaving all the responsibility on eventual government initiatives. The examples of Cuba and the Netherlands provide examples for the United States to examine and adapt to their purposes. New York City's recent move to ban cars in certain areas of the city also provides an example of a local initiative that does not require new technology and will encourage changes in individual habits (BBC, 25 May 2009). While the federal government certainly has a role to play, the move to energy independence must ultimately begin with individuals and local communities.

8 Conclusion

Energy independence has recently regained popularity as a subject of debate in the United States because of increased conflict in the Middle East. Now viewed as a national security issue, energy independence was first seen as necessary for national survival after the 1973 OPEC oil embargo on the United States. But after more than 35 years of trying, the United States is now even further away from energy independence than it was in 1973. This paper has attempted to show what the U.S. is missing in its search for energy independence by examining the reactions to energy crises of two other countries. In 1973, the Netherlands encouraged two small changes in routine that reduced the country's energy usage by 15%. In Cuba's Special Period, its energy needs were met in a series of innovative new combinations of existing technology and small communities. American energy policy has

failed to grasp the power of individual and community actions or the potential of existing technology to achieve energy independence. Harnessing the possibilities of such initiatives would enable the American federal government to overcome the unique and formidable challenges it faces due to the country's size and diversity.

References

Akins, J. E. (1973). The oil crisis: This time the wolf is here. *Foreign Affairs*, *51*(3), 462–490.

Bailey, R. (2004). *Energy independence: The ever-receding mirage.* (Retrieved January 16, 2009 from `http://www.reason.com/news/show/34845.html`)

BBC. (2009a). *Car-free times square in new york.* BBC, May 25, 2009. (Retrieved on May 25, 2009 from `http://news.bbc.co.uk/2/hi/americas/8066590.stm`)

BBC. (2009b). *Obama moves to curb car emissions.* BBC, May 20, 2009. (Retrieved on May 25, 2009 from `http://news.bbc.co.uk/2/hi/americas/8056908.stm`)

BBC. (2009c). *Q & A: US carmakers bailout.* BBC, January 12, 2009. (Retrieved on January 25, 2009 from `http://news.bbc.co.uk/2/hi/business/7738462.stm`)

Bengston, R. (2009). *Americanenergyindependence.com.* (Retrieved on January 16, 2009 from `http://americanenergyindependence.com`)

Brumfiel, G., Wadman, M., Marris, E., & Ledford, H. (2006). Showdown for capitol hill. *Nature*, *443*(7113), 740–745.

Burros, M. (2009). Obamas to plant vegetable garden at white house. *The New York Times.* (Retrieved on May 25, 2009 from http://www.nytimes.com/2009/03/20/dining/20garden.html)

Carter, J. (1977). The president's proposed energy policy. *Vital Speeches of the Day*, *43*(14), 418–420.

Corrales, J. (2005). The logic of extremism: How chávez gains by giving cuba so much. In *Cuba, venezuela, and the americas: A changing landscape [cuba forum discussion series].* Cuban Research Institute at Florida International University and Inter-American Dialogue.

Energy Information Administration. (2008a). *Cuba energy profile.* (Retrieved January 25, 2009 from `http://tonto.eia.doe.gov/country/country_energy_data.cfm?fips=CU`)

Energy Information Administration. (2008b). *Netherlands energy profile.* (Retrieved on January 28, 2009 from `http://tonto.eia.doe.gov/country/country_energy_data.cfm?fips=NL`)

Energy Information Administration. (2008c). *United states energy profile.* (Retrieved on January 16, 2009 from `http://tonto.eia.doe.gov/country/country_energy_data.cfm?fips=US`)

Engel, E. (2009). *Energy.* (Congressional Record, Vol. 155 No. 8, Retrieved on January 16, 2009 from LexisNexis Congressional)

Erikson, D. (2005). Castro's chávez strategy. In *Cuba, venezuela, and the americas: A changing landscape [cuba forum discussion series].* Cuban Research Institute at Florida International University and Inter-American Dialogue.

Hellema, D., Wiebes, C., Witte, T., & Witte, G. T. (2004). *The netherlands and the oil crisis: Business as usual.* Amsterdam: Amsterdam University Press.

Hogan, W. W. (1975). Energy policy models for project independence. *Computers and Operations Research*, *2*, 251–271.

Kaufman, H. (1993). From red to green: Cuba forced to conserve due to economic crisis. *Agriculture and Human Values*, *10*(3), 31–34.

Lazzari, S. (2007). *Energy tax policy: History and current issues.* Congressional Research Service.

Maslow, J. (2009). *10 principles of energy independence.* (Retrieved on January 16, 2009 from `http://www.theenergyindependent.com/mission/index//php`)

McCain, J. (2008). *Acceptance speech.* Republican National Convention. (Retrieved on January 16, 2009 from `http://www.politico.com/news/stories/0908/13179.html`)

Morgan, F. (2006). *The power of community: How cuba survived peak oil [motion picture].* (United States: The Community Solution)

Obama, B. (2008). *Acceptance speech.* Democratic National Convention, Denver, August 28, 2008. (Retrieved on January 16, 2009 from `http://www.nytimes.com/2008/08/28/us/politics/28text-obama.html?_r=2\&pagewanted=1`)

Set America Free Coalition. (2009). *setamericafree.org.* (Retrieved on January 16, 2009 from `http://setamericafree.org`)

Society for Science and the Public. (1979). Carter's strategy for energy independence. *Science News*, *116*(3).

Time. (1974a). *Gas fever: Happiness is a full tank.* Time, February 18, 1974. (Retrieved on January 16, 2009 from `http://www.time.com/time/magazine/article/0,9171,942763-1,00.html`)

Time. (1974b). *Spotty local starts.* Time, February 25, 1974. (Retrieved on January 16, 2009 from `http://www.time.com/time/magazine/article/0,9171,879272,00.html`)

Vandermeer, J., Carney, J., Gersper, P., Perfecto, I., & Rosset, P. (1993). Cuba and the dilemma of modern agriculture. *Agriculture and Human Values*, *10*(3), 3–8.

Wilson, C. L. (1973). A plan for energy independence. *Foreign Affairs*, *51*(4), 657–675.

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"Oyster Boy decided to go as a human"

The monster in Tim Burton's gothic-pataphysical *The Melancholy Death of Oyster Boy*

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Abstract This paper analyses three poems from Tim Burton's *The Melancholy Death of Oyster Boy*, after exposing the gothic and pataphysical properties of his oeuvre. It will be argued that monster technology is crucial to the workings of his poems, yet would be incomplete without the theory of the pataphysical genre. This combination of theories sheds more light on the way Burton addresses social issues with his trademark dark humour.

Movie director Tim Burton's *The Melancholy Death of Oyster Boy & Other Stories (Melancholy)*, published in 1997 between award-winning movie *Mars Attacks!* (1996) and Oscar-winning *Sleepy Hollow* (1999), contains twenty-three poems written and illustrated by Burton himself. Describing the poems as dark, tragic and grisly would be quite incomplete without mentioning the ever pervading humor Burton utilizes to lighten the heaviness of morbidity. As such, all the protagonists in *Melancholy* are tragic heroes doomed to meet their miserable fates, often directly or indirectly provoked by their deformities. Framed in a somewhat light-hearted account of their lives (or fragments thereof), the wretched heroes are spotlighted for their freakishness, which can range from the strange (like Staring Girl, who stares all day long) to the gruesome (see The Boy with Nails in His Eyes – his state is self-explanatory).

Due to the humorous tint exhibiting the creatures' corporeal, fantastical and morbid but in reality non-comic qualities, the narrative poems create a strong sense of unease and ambiguity in the reader – they are meant to stir inner feelings, and thus target themes that lie close to the heart. Filmmaker and scholar Alison McMahan proposes that Burton's works are essentially pataphysical, in which the monsters embody the genre's fundamental aim to criticize, through satire, present-day societal issues and the restrictiveness of

Figure 1. : For halloween, Oyster Boy decided to go as human

mainstream thought (2005).

Conversely, the monster's presence and the disquiet it produces points towards another, more established genre: the gothic. Though popularly associated with vampires, crucifixes and a melancholy attraction to death, the gothic genre has a long and varied history. Classic examples are the writings of Edgar Allan Poe (1809-1849), stories such as *The Strange Case of Dr. Jekyll and Mr. Hyde* (Robert Louis Stevenson, 1886), Bram Stoker's *Dracula* (1897) and, naturally, Mary Shelley's *Frankenstein* (1818). Boiled down to its essence, the gothic mainly addresses the ambiguities and anxieties of the grey area between rudimentary opposites – take life and death, good and evil, human and inhuman, familiar and alien. More particular themes within this tradition encompass:

> the legacies of the past and its burdens on the present; the radically provisional or divided nature of the self; the construction of peoples or individuals as monstrous or 'other'; the preoccupation with bodies that are modified, grotesque, or diseased (Spooner, 2006, p. 8).

Said ambiguities create tales and creatures that, as with the protagonists of Anne Rice's *Vampire Chronicles* (1976-2003), are both utterly despicable and fascinatingly desirable – they engage with the deepest fears and most secret desires of the reader (Spooner, 2006). The scholar of gothic literature and gothic literary criticism therefore pays particular attention to the nature of themes addressed, and the devices employed to incite the reader's emotional involvement.

In order to arrive at a possible reading of *Melancholy*, it is my premise that the gothic and the pataphysical modes need to be inspected in their combination to give a fuller account of the workings of the 'monster tech-

nology' employed in the poems. Besides, by employing a New Historicist framework[1], I will analyze the poem's contents (which are mediated through pataphysical and gothic devices) as fashioned by this time and age, including and possibly critiquing the cultural, societal and scientific values that are presently endorsed. Accordingly, *Melancholy* will be viewed as a work that embodies a critical stance towards contemporary society.

Starting with an outline of the pataphysical and the gothic, I will proceed by focusing solely on Burton's monsters as the result of the combination of the aforementioned modes. Finally, this discussion will serve as the foundation for an interpretation of the poems *Anchor Baby*, *The Melancholy Death of Oyster Boy* and *Robot Boy*[2].

1 The gothic meets the pataphysical

1.1 Gothic tales...

Nightmare before Christmas(1993), an animation by Burton featuring towns representing Halloween and Christmas as the central protagonists, drew Judith Halberstam's attention as "a brilliant postmodern example of what happens when a narrative is gothicised" (1995, p. 22). The movie's plot is set into motion when Halloween's star performer Jack Skellington sets his heart on organizing Christmas. The ensuing takeover of Christmas by Jack and his Halloween friends reveals Christmas as just another consumerist product of society and irreparably corrupts the festivity with horrific elements along the line of terror, monsters and cackling in-your-face death. So "what happens when a narrative is gothicised", Halberstam concludes, is that the contemporary use of the gothic creates a space for cultural resistance by "disrupt[ing] dominant culture's representations of family, heterosexuality, ethnicity and class politics" (1995, p. 23). In other words, the gothic highlights and questions, if not challenges, the notions incorporated into the 'value systems' that divide the world into what is considered by society as 'normal' and 'abnormal'. *Nightmare*, for instance, defies the innocent belief in Christmas as an uncomplicated celebration of joy and family love, unveiling its hidden commercial mechanism and its vulnerability to perversion (Halberstam, 1995).

This constant inherent questioning of the gothic is mainly achieved with the use of liminality. When one stands on the threshold of man-made categories, one is being liminal – it is the creation of a grey area 'in between',

[1] New Historicism approaches art as a cultural product typified by and symptomatic of its time and location. This framework thus encourages the recognition of cultural values as well as other societal and historical influences in order to write a complete and coherent interpretation of the artwork.

[2] These and other poems from *Melancholy* can be found at http://homepage.eircom.net/~sebulbac/burton/home.html. However, the poems are not presented in their original layout and some illustrations might be missing.

where values dictating the 'normal' are diminished in their power, entailing a destabilizing blurring of boundaries. The gothic endorses liminality as its standard and strips the audience off 'certainties' inculcated by culture and society. A new position –a standpoint– is fashioned in the gothic, one that allows for a critical outlook on the reader's world, but that also bathes in ambiguity and irony (Halberstam, 1995; Van Elferen, 2008).

Leslie Fiedler's assertion that the gothic is "a form of parody, assailing clichés by exaggerating them to the limit of grotesqueness" (cited in Sage & Smith, 1996, p. 141) particularly supports Burton's case, since he uses parodying and 'grotesquing' techniques to gothicize his tales. To focus on *Melancholy*, one indication of its parodying nature is its (poetry) genre. The verses are plainly constructed on a set rhythm and rhyme pattern. Their manner of speech and forwardness in language is greatly reminiscent of popular children's nursery rhymes (e.g. *Baa Baa Black Sheep; Mary, Mary, Quite Contrary*).

Oddly enough, the original meanings conveyed in rhymes have been lost in contemporary culture. At the time of the rhymes' composition, childhood did not exist as it is conceptualized nowadays. There was no reason, therefore, to censor adult themes such as sex and death from rhymes that could be overheard by children (Roberts, 2005). With the emergence of 'childhood', the true topics of the rhymes became secondary to the playfulness of the language, making it a popular genre to be taught to and associated with children. As such, a transference of rhymes from folk culture to children's culture occurred without a readjustment of its adult themes (Roberts, 2005). A double irony comes into play in *Melancholy*: not only is a genre usually reserved for children utilized to transmit rather dark and children-unfriendly imagery, it also sarcastically points to the rhyme's 'adults only' origins.

Beneath these two first discrepancies, there is even a third irony that winks at a children's culture that we may not acutely be aware of. As documented in Iona and Peter Opie's empirical research concerning children's lore and language, children approximately aged six to twelve tend to develop a counter-culture on the playground – a practice that is considered crucial for the child's development (see Hammersley & Woods, 1993). In order to be able to cope with powers that are beyond their control (e.g. teacher's authority and school rules), children use language in order to neutralize –if even for a little while– the threats. Rhymes in particular are rewritten to address direct aspects of their school lives, but also to explore taboos (death and sex) that they perceive in the culture they are exposed to (Hammersley & Woods, 1993). Burton makes use of rhymes in just such a way: he explores tabooed themes and cultural issues by reducing them to symbolic imagery reminiscent of children's play.

The introduction gave way to one particularity in Burton's writings: his incessant and rather dark humor. The humor is of great importance in the poems' reading, as they help create a particular atmosphere and simultaneously mediate the content – the hidden message. The pun is Burton's most

Figure 2. : Mummy Boy, Stick Boy and Robot Boy (Burton, 1997).

employed rhetorical device, a property which he shares with many other gothic oeuvres (Halberstam, 1995). As the poems are quite compact, the pun "involves a particular economy of meaning" (Halberstam, 1995, p. 178), which depends on the simultaneous recognition of an expression's divergent connotations, sometimes due to playful repetitiveness. It creates a dubious stance for the reader, who must accept the different meanings in order to fully grasp the poem. For example, take Mummy Boy, who instead of being a "bundle of joy / is just a bundle of gauze" (Burton, 1997, p. 77). Or Stick Boy, who "noticed that his Christmas tree looked healthier than he did" (Burton, 1997, p. 73) and Robot Boy, who is just "aluminum alloy"[3] (Burton, 1997, p. 7). To conclude with Halberstam: "The pun demands that the domestic, the Gothic, the sentimental and the horrific all exist upon the same surface and that they work through and alongside each other" (1995, p. 179).

Melancholy's genre is therefore central to the message it conveys, and the techniques employed equally so. The above-mentioned 'grotesque' is one of these, and most blatantly comes into expression in the monsters Burton places in the spotlight. Yet before plunging into an exploration of Burton's creatures, Burton's other generic characteristic, the pataphysical, must be addressed in order to sketch a complete picture of the devices and purposes by which Burton's freaks come into existence.

1.2 ... and pataphysical works

McMahan compiled a full study of Burton's cinematic works in *The films of Tim Burton: animating live action in contemporary Hollywood*, and in this quest, she judged that the retrospective invention of a new genre with a fresh set of characteristics was called for; she termed the result of her efforts the 'pataphysical' (McMahan, 2005). I will stretch the application of her

[3] Alloy both meaning "standard, quality, fineness" as well as "admixture, as of good with evil" and "anything added that serves to reduce quality or purity" (Random House Unabridged Dictionary, 2006).

definition to include *Melancholy* as well.

McMahan borrows the term pataphysical from the French "College for Pataphysicists" founded in 1948. This College advocated the search for alternative explanations of the universe, in opposition to the traditional accounts that "are [...] correlations of exceptions, albeit more frequent ones, but in any case accidental data which, reduced to the status of unexceptional exceptions, possess no longer even the virtue of originality" (Taylor, cited in McMahan, 2005, p. 1). In more common terms, the pataphysicist advocates for a worldview that diverges from well-established systems of scientific knowledge. McMahan translates this disposition in contemporary works by their dependence on visual effects, the presence of a satirical approach to science and the adoption of an "alternative narrative logic" that relies more on intertextuality[4] than on its own depth (McMahan, 2005, p. 3).

If translated from the cinematographic to the textual and inanimate visual, the pataphysical's partiality for special visual effects will ensure an "in-your-face" corporeality, a blatant and detailed visibility (Figure 2). The consequence for the narrative structure is a flattening of the characters and the plots, especially in their emotional aspects (McMahan, 2005). These two first properties are central to *Melancholy* and the illustrations that accompany the poems: the illustrations emphasize the protagonists' monstrous appearances even further, while the text leaves little space for the creatures' emotions or for the development of an elaborate plot. Burton centralizes his creatures' misfortunes and their grotesque quality makes the gist of the poems.

Additionally, the pataphysical does not attempt to render a realistic portrait or narrative – it is rather "tongue-in-cheek". In fact, the works "usually satirize or poke fun at scientific discourse" (McMahan, 2005, p. 16) as a way to undermine it, which constitutes of the third fundamental characteristic of the pataphysical and which also ties in with the gothic 'rebel' facet of the poems. One blatant example of this mocking element is the way several parents (as in *The Melancholy Death of Oyster Boy* and *Robot Boy*) recourse to their doctors for a rational, scientific explanation of their offspring's deformities. No doctor, however, is capable of giving them a sufficient explanation. Incidentally, one doctor speaks not only for himself, but for the medical fellowship as a whole by referring to a "we", when he - with an apparent belief that there is logic in his reasoning - quite "gently" explains:

> *The doctor said gently,*
> *"[...] but we think that [Robot Boy's] father*
> *is a microwave blender."*
>
> (Burton, 1997, p. 7)

[4] Intertextuality is the dependence of one text's reading on another: meaning is not only forged within a text, but also by reference to other texts. For example, reality TV show *Big Brother*'s title is only meaningful if the viewer is familiar with George Orwell's *Nineteen Eighty-Four* (1949), a novel in which a dictator ('Big Brother') keeps close and constant watch over his citizens.

Figure 3. : The Girl with Many Eyes (Burton, 1997).

Finally, due to its flattened narrative, the pataphysical relies heavily on intertextuality and non-diegetic references1, thus requiring from the reader a thorough acquaintance with the prevailing scientific, social and cultural discourses (McMahan, 2005). This property takes on two forms. First, the themes addressed will be disguised in allegory and draw on conventions such as clichés. One transparent example would be *Anchor Baby*, where an unstable relationship results in an 'accidental' pregnancy as a desperate effort by the woman to secure her lover. This scenario is common to contemporary love stories and rarely leads to a happy end. *Anchor Baby* only achieves a forceful impact with the reader's recognition of its typical plot.

Secondly, and more concretely, McMahan assesses the pataphysical work as one that does not stand alone, but that draws on many other contemporary works across the media. This means that the text's reading can only be completed through the viewing of related material. Shortly after *Melancholy*, Burton produced a series of online flash animations on Stain Boy's adventures[5] (one of the protagonists in *Melancholy*) with other *Melancholy* characters (Burton, 2000a). The exploration of these extra texts, however, is beyond the scope of this paper, but its presence is nevertheless indicative of *Melancholy*'s pataphysicality.

Insofar, *Melancholy* is thus gothic and pataphysical, the one mode complementing and drawing on the other to create a unique 'Burtonian' atmosphere. Now that the general characteristics have been delineated, I will proceed with

[5] The animations are available at http://www.timburtoncollective.com/multimedia.html

a more focused reading of *Melancholy* as a prime example of a fruitful interaction between the pataphysical and the gothic modes. This can be achieved by centering on the monster, which is a typically gothic technique and that through the pataphysical acquires, amongst others, its blatant visibility.

2 The freak and the human

Who I am is not important,
But what I am, is most certainly so.

- Tim Burton

Rosemary Garland Thomson suggests that "[b]y challenging the boundaries of the human, the coherence of what seemed to be the natural world, monstrous bodies [appear] as sublime, merging the terrible with the wonderful, equalizing repulsion with attraction" (2007, p. 218). It is in the monster's[6] nature to stand opposite to man without being too far removed from humanity; consequently, they inspire fear, awe and contemplation. They are liminal, in the way that they embody a boundary between humanness and inhumanness, without clearly residing in one category or the other.

This in-between space is created by the abjection, the 'throwing out', of a relevant worry of the human into the monster, who now serves as a "place of corruption" (Halberstam, 1995, p. 2; Thomson, 2007). Two mechanisms are set into motion through abjection. We undergo a process of alienation from the abject, precisely because we abjected it – we do not want to be what we abjected. Our sense of security of our own 'correctness' is reinforced, because we have a 'monstrous' standard to oppose to (Bronfen, 1998; Halberstam, 1995).

However, this feeling of alienation will never achieve a complete segregation between the human and the monster, since the monstrosity is "firmly rooted in human agency" (Stoddart, 1998, p. 44). We are faced with what we do not want to acknowledge as inherently ours, but inevitably is. The monster is therefore liminal in nature, as it is inhuman by our rejection of the characteristics termed as undesirable for humanness, but which are inherent to humanity after all. The monster is not the opposite of man, but rather an integral part of the human that took on a monstrous form during its attempted amputation from humanity. In consequence, both fascination and horror ensue at the experience, especially because the distinction between 'good' and 'bad' is subjective, fragile and unstable, pulling and taunting in its ambiguity. The monster is the perfect technical device to inspire fright as well as desire in the reader (Halberstam, 1995).

As Jeffrey Jerome Cohen lays out in the seven theses presented in *Monster Culture*, monsters are products of their time and era; they encapsulate values

[6] In accordance with Thomson's discussion of 'freakery', which she describes as being what we popularly term 'monstrosity', I will use the terms 'monsters' and 'freaks' interchangeably.

belonging to the culture wherein they were brought to life, as well as its corresponding uncertainties. They are the projection of all that the culture wants to separate itself from (Cohen, 1996), as seen above in the discussion on abjection. The freaks employed in Gothic narratives could therefore have characteristics that set them apart from other monsters. In *Skin Shows*, Halberstam sees a connection between modernity (as from the 19th century) and the monsters it produces:

> [The] Gothic [...] marks a peculiarly modern preoccupation with boundaries and their collapse. Gothic monsters, furthermore, differ from the monsters that come before the nineteenth century in that the monsters of modernity are characterised by their proximity to humans (1995, p. 23).

That very 'proximity to humans' is what I find most blatant in *Melancholy*. The protagonists are born out of human parents – they issue directly from their mother's wombs. The monster is consequently set as a medical abnormality and doctors (I am tempted to call them 'technicians of the human body' due to the common reliance on the medical sciences to 'fix' any deviation from 'normal humanness') are questioned on why the baby is not like all other babies: cute, soft and decidedly human. Furthermore, the proximity is played upon even further as no freak eventually goes into exile – all of them remain well within human society, in which their deformities are only emphasized time and again. Ironically, death seems to be their only escape, and all die murdered – an event that is in our culture extremely humanized due to its gruesomeness (in contrast to the animal kingdom, where the killing of one animal by another is hardly called murder at all), but that is passed off as an inevitable triviality in the poems.

Cohen's second thesis, "the monster always escapes", seems to contradict the statement above, but on the contrary, it reinforces the status of the monster within *Melancholy*. It underlines the monster's status as the projection of cultural unease, as the latter –and its monstrous offspring– is not easy to annihilate. No matter if one specific embodiment is killed in one narrative, another will pop up in another tale, reminiscent of its predecessors (Cohen, 1996). The peculiarity of Burton's *Melancholy* is that this property is used to deny the reader a feeling of closure. First, the same pattern is recycled throughout the poems: parents get a freak child, it is hated, and it dies. Second, one character does reappear later in the volume, and others reappear in other Burton creations[7], thus questioning the finality of their deaths. Re-

[7] As mentioned earlier, Burton made a series of flash-animations featuring Stain Boy as the superhero protagonist. Every episode, Stain Boy is called in by the police to deal with "deviant, sick no-good to society freak[s] of nature" (Burton, 2000a), i.e. many of the characters of *The Melancholy Death of Oyster Boy*. In the episodes that have appeared to date, Stain Boy deals with (kills) Roy, Staring Girl, Match Girl, and Robot Boy. Both Roy and Robot Boy also die in *The Melancholy Death of Oyster Boy*.

fusing to be categorized as 'dead' is not the only objection monsters make to classification. When an opposition between categories arises, the hybrid monster appears and threatens to pulverize the categories' boundaries, inducing a crisis questioning the nature of 'normality'. Whilst tackling this issue, the universality and authority of scientific inquiry and rationality are irreversibly put into doubt (Cohen, 1996), in fashion of the pataphysical.

Cohen identified that differences, whether cultural, political, economic, racial or sexual, are traditionally exaggerated in order to legitimize the destruction of the offending body and to "police the borders of the possible" by fashioning "monsters of prohibition [...] interdicting through its grotesque body some behaviors and actions" (Cohen, 1996, pp. 12-13). Burton's characters embody their difference to such a large extent it is difficult to oversee it; they die as victims of their own anomalies. Sam is killed by his father for the aphrodisiac he is said to be; Robot Boy is diminished as "aluminum alloy" (Burton, 1997, p. 7) and often mistaken for a garbage can; and Mummy Boy is clubbed to death because he was mistaken for a piñata.

What remains unclear, however, is the exact function of the monster of prohibition. Cohen asserts that the monster of prohibition exists to protect the links that keeps our society together; it polices the rules that shape our environment and highlight those that must not be broken lest a terrible fate ensues (Cohen, 1996). Nonetheless, this does not elucidate whether its presence "registers a conservative or progressive move" (Halberstam, 1995, p. 23). In fact, the reading of the monster relies heavily on the reader's standpoint within his or her own culture.

With these theses in mind, we can proceed to the interpretation of specific poems to attempt an extraction of the themes addressed by Burton, and an analysis of the techniques employed to express them. The discussed poems are similar in plot, which was the criterion for their selection. *Anchor Baby*, *Robot Boy* and *The Melancholy Death of Oyster Boy* chronicle the full life of the freak protagonists: from their births, passing by a mention of their lives –which stand under the sign of parental horror and disgust– to their deaths. The importance of this cyclicity has already been discussed – we now move to the identification of the societal unease that the poems convey.

3 Three Melancholy poems and their monsters

3.1 Anchor baby

Anchor Baby has been described above as the most blatant use of a clichéd plot, winking at the reader's recognition of familiar elements. It tells us the story of "a beautiful girl / who came from the sea" and who fell in love "[w]ith a man named Walker, / who played in a band" (Burton, 1997, p. 105). In the first verses, her love is described as incredibly overpowering, since she would willfully leave her home (her 'natural habitat', the ocean) to be with him – indeed, she would do anything to tie him to her. Nothing helps, though she tries by many means to entice him to love her:

Figure 4. : Anchor Baby (Burton, 1997).

She tried looking happy
she tried looking tragic,
she tried astral projecting,
sex and black magic.

(Burton, 1997, p. 106)

Hesitantly, the solution to "anchor their spirits" is presented (Burton, 1997, p. 107), but the birth of Anchor Baby destroys the relationship due to his abnormality: Walker decides to leave the girl.

Sad as the tale already is, the merit of Walker's character is soon ran down, irreparably dooming the couple's relationship from the start. He is referenced to as a 'ghost to be captured', and the outcome of the tale is foreboded in his name. He is the 'Walker' who will walk away, who needs to keep moving and refuses to be anchored by a baby. Moreover, the fact that Walker plays in a band places him in a vortex of cultural images reflecting unrealistic teenage crushes on desirable rock stars. More often than not, equally pervasive counterparts of these images label these men as shallow and undeserving – liable to leave a relationship for the sake of a new conquest or personal goal. These images warn young girls of the fleetness of teenage love and of the deceptions that can ensue if the love is pursued beyond its potency. Walker, being such a fleeting, uncaring and selfish figure, does not stick around to deal with his son and prefers to continue with his band.

The girl from the ocean is the one who decides to have the baby in the first place, in an effort to secure her lover. This widespread plot rarely ends positively and generally brings about a life of misery, whether the parents stay together or not. In *Anchor Baby*, not only is the couple destroyed, but so is the mother herself. She is a young woman, who is now chained to a baby that is "ugly and gloomy,/ and as hard as a kettle" (Burton, 1997, p. 109). Postnatal depression, the suspension of a career, and the claustrophobic

dependency of an infant are but some of the current negative associations with pregnancy and childrearing. In the ideological spirit of emancipation, women need to negotiate the conflict between the want for a professional career and the desire to have children. Childbearing has, to some, become an obstacle for the growth of the woman as a professional and as a free human being, especially when the mother is quite young. These ideas find their way into *Anchor Baby*, since Anchor Baby sinks his mother into the sea, where they live a life of quiet isolation:

> *And she was alone*
> *with her gray baby anchor,*
> *who got so oppressive*
> *that it eventually sank her.*
>
> *As she went to the bottom,*
> *not fulfilling her wish,*
> *it was her, and her baby...*
> *and a few scattered fish.*
>
> (Burton, 1997, p. 111)

Finally, Anchor Baby is monstrous because he is born for the wrong reasons. The message rings loud and clear: children should not be brought onto the world to serve another purpose than their own existence[8]. The girl wanted a child to anchor her lover, and that is literally what she got – complete with a chain as the umbilical cord. Made in desperation and without consideration for the future infant, Anchor Baby is cold and hard – devoid of love. The poem ends in isolation, where both the mother and the baby are neutralized in sadness and seclusion.

3.2 Robot Baby

Mr. and Mrs. Smith, a happy and normal (as their names underline) couple are elated at the news of Mrs. Smith's pregnancy. However, as is to be expected of Burton, the birth transforms the beautiful event into an appalling experience: their baby is not human, but rather resembles a robot. The robot, on top of this, does not show any signs of life unless "plugged into the wall" with an extension cord (Burton, 1997, p. 7). The parents, especially the father, complain to the doctor, who gives as sole explanation the fact that the real father of Robot Boy must be a kitchen blender (the satirical approach to the medical experts has been clarified above). The couple ends up hating each other.

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[8] Since Burton is Californian, it is interesting to note here that in the States, "anchor babies" designate children born to non-citizen parents (often illegal immigrants) in the US. These childrens' citizen status facilitates the parents' migration procedures. Albeit its popular use in newspapers, the term has now been condemned as dehumanising and stigmatizing (Zorn, 2006).

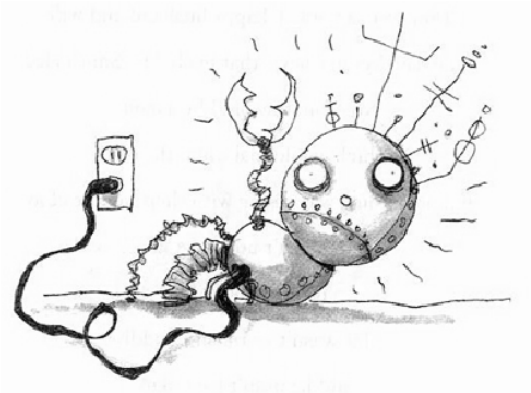


Figure 5. : Robot baby (Burton, 1997).

Robot Boy may be read as an accentuation of contemporary sexual culture and the liberation as well as commercialization of feminine sexuality. Robot Boy is the result of Mrs. Smith's "sexual encounter with a kitchen blender", which is regarded as an "unholy alliance" by Mr. Smith (Burton, 1997, p. 9). Masturbation and the use of (electronic) sex toys such as vibrators is still a taboo to many, unspeakable if not unacceptable. The roots of this taboo status is clarified with the fact that it is Mr. Smith who, in the poem, labels the practice as 'unholy' and does not 'forgive' her, giving the disapproval a patriarchal and religious character. Feminine sexuality goes against the Catholic Church's preachings against masturbation as sinful (Shea, 1992). By placing Mr. Smith as the character who should bestow redemption, this fortifies the practice as a sin that can only be absolved by a male character. Ironically, the offending sex toy is associated with the kitchen, which is traditionally considered as female territory. All in all, the difference embodied by Robot Boy's monstrosity points to his mother's sexuality, which *in its abjection* gave birth to Robot Boy.

Another possible reading of *Robot Boy*, and of course non-exclusive of the first, addresses an equally contemporary question: that of technology, and the boundaries humans should set to their creationist drives. Through the fusion of technology and human 'power', Robot Boy comes into existence but never quite reaches the status of a real human being. He reflects the ongoing discussions surrounding Artificial Intelligence, the fear of 'playing God', of generating creatures that will surpass the human being and of disrupting society by our own doing. However, in opposition to many science-fiction works addressing the same fears, Robot Boy remains under the thumb of the human, and thus allows the reader to ponder on the other aspect of robot-building, to consider the position of the emerging robot itself. Technology can therefore not only destroy us, but also destroy new forms of life before

they have been given the opportunity of truly becoming of existence.

This allowance for the monster to 'become' is kept from Robot Boy throughout the poem, as first he is dependent on an electric cord for life (and even then he only 'seems' alive). Second, Robot Boy is stripped from a full human status by his father's reference to him as "aluminum alloy" (Burton, 1997, p. 7) and by the likeminded closing lines:

> *And Robot Boy*
> *grew to be a young man.*
>
> *Though he was often mistaken*
> *for a garbage can.*
>
> (Burton, 1997, p. 9)

Note how 'grew up' was shortened to 'grew', adding the underlying meaning that Robot Boy grew *in order to be* a young man. Whether he truly was or not remains ambiguous and well within in the liminal spirit of the gothic.

3.3 The Melancholy Death of Oyster Boy

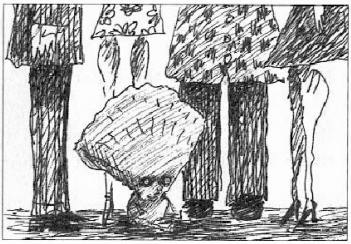


Figure 6. : Oyster Boy (Burton, 1997).

The central poem in *Melancholy* is without doubt its namesake. The reader meets Oyster Boy's parents on their honeymoon. While eating a "stew of mollusks and fish" (Burton, 1997, p. 31), the bride wishes for the birth of a baby. Oyster Boy, baptized as Sam, is born and sheds a shadow on the newly wedded's lives. The story concludes in unpunished infanticide.

Sam's monstrosity is, as in *Anchor Baby* and *Robot Boy*, determined by his parent's actions. His difference is of also sexual nature, but this time rather linked to greed – sexual cravings from the husband's part, and a great urge for 'normal' motherhood from the wife. When Sam is born, the mother rejects it as 'not mine' because of his deformity and eventually succumbs to "ever-rising grief, frustration, and pain" (Burton, 1997, p. 39). The difficulties of parenting, especially with 'difficult' or 'abnormal' children, are highlighted in Sam's mother's struggles. That Sam is more than 'just half a clam' may be proven by the following verse:

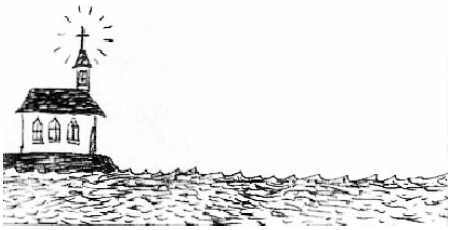


Figure 7. : Church with highlighted cross where Mr and Mrs Smith are wed (Burton, 1997, p. 28).

Everyone wondered, but no one could tell,
When would young Oyster Boy come out of his shell?
(Burton, 1997, p. 37)

'To come out of one's shell' is literally meant in Sam's case, but metaphorically signifies 'to overcome one's extreme shyness'. Shyness and physical deformity may be pointers to 'defects' that science and society do not understand as of yet or that are labeled as dysfunctions or diseases, making it extremely difficult for parents to deal with afflicted offspring.

Furthermore, the father seems more concerned with his sex life than with his son (and shoving, as is typical, parenthood difficulties on his wife). The presence of children being a damper on a couple's sexual activity is a pervading fear in society – especially in young fathers. His impotence –a difficulty in the couple's marriage– is thus blamed on Sam's presence and condition.

A strong element of cyclicity should foreshadow consequent happenings. Sam's mother wishes for a baby while she watches her husband "[savor]" the mollusks they order at their honeymoon (Burton, 1997, p. 31). Mollusks are known for their aphrodisiac qualities –matching the father's sexual urges– and will determine not only Sam's birth, but also, being half an oyster himself, his death. Beginning and end in this poem are strongly reminiscent of each other: Sam's parents are wed by the sea, Sam is buried in the sand. The parents ate a broth of sea fruits while wishing for Sam; they ate oyster Sam while wishing him and their sexual problems gone. After the two seafood-eating occasions, they wish for a baby, though after Sam's killing they simply wish for a girl. Finally, the cross sported by the church tower illustrating their marriage is highlighted (Figure 3), while the cross marking Sam's grave soon collapses. Sam is born in a never-ending story – one that will repeat itself endlessly as long as the vicious cycle is upheld.

The climax of the poem/cycle is the parent's solution to their problems: the infanticide that is meant to restore the couple's happiness by the newly

Figure 8. : Sam's father gulps Sam down (Burton, 1997, p. 44).

acquired benefits of sexual pleasure. To heighten the happening's horror, Sam's death is explicitly depicted, showing the father's mouth to be as big as Sam's head: he greedily gulps Sam down (Figure 4). A new monster is created in the parent's deeds, questioning who embodies the true monstrosity and confirming Sam's existence through the abject. In retrospection, Sam's birth announces the start, the end and the overall content of his parent's degradation:

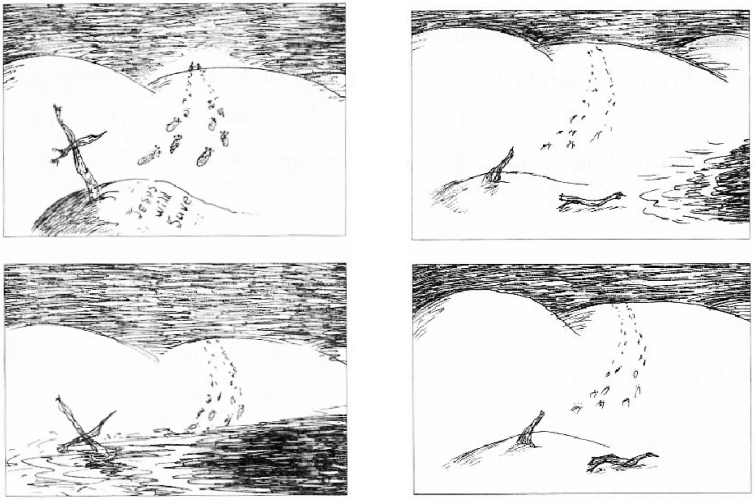
> *This unnatural birth, this canker, this blight,*
> *Was the start and the end and the sum of their plight*
>
> (Burton, 1997, p. 33).

Unnervingly so, the new monster –the father– does not meet an unpleasant end at all. His wife receives him in bed without a fuss, and they do not discuss Sam's death any further. Yet this insensibility to Sam allows for an astute employment of techniques impeding an easy dismissal of Sam's fate or a forgiving stance towards his parents. After Sam's death, the poem continues and concludes with:

> *Back home safe in bed,*
> *he kissed her and said,*
> *"Let's give it a whirl."*
>
> *"But this time," she whispered, "we'll wish for a girl."*
>
> (Burton, 1997, p. 49, illustrated with figure 6).

Yet the illustrations accompanying these words continue to depict the grave that is gradually being washed away (Figure 5; Figure 6). On a first glance, the 'washing away' metaphor can point to the fading of Sam's memory in his parent's minds and lives. This is supported by the poem itself, as:

> *They buried him quickly in the sand by the sea*
> *- sighed a prayer, wept a tear -*



(a) Sam's fresh grave (Burton, 1997, p. 46).

(b) Sam's fading grave, last page of the poem (Burton, 1997, p. 48).

Figure 9. : Sam's grave on the beach

and they were back home by three.

[...]

But his memory was lost with one high-tide wave.

(Burton, 1997, p. 47, illustrated with figure 5)

Not only 'were they home by three', indicating a relief at the quick resolution of an unpleasant business, but the fact that his *memory*, and not only his grave was lost with a 'high-tide wave' suggests not only the mourning's quick disappearance, but also the sexual encounter/release feeding the parents' ease to cope with Sam's death. Furthermore, the lines inscribed on his grave "promised Jesus will save" (Burton, 1997, p. 47) exculpates the murder by shoving the responsibility of redemption for the monstrosity's existence over to the all-powerful but ephemeral God (symbolized by the short-lived epitaph and cross).

So Sam, in the poem, has been forgotten. Yet as long as the grave is still in sight (as depicted on the last page, whereas the poem has moved on), Sam *is still there*. Sam haunts the parents even if they do not acknowledge it; Sam certainly haunts the reader – there is no true death in store for Oyster Boy or for his parent's atrocities, which are emphasized by Sam's lingering presence.

The ending impresses the reader to such a final extent that the presence

of *Melancholy*'s last poem (see the verse at the beginning of this essay), a one-liner named *Oyster Boy Steps Out*, creates a peculiar uncanniness since suddenly Sam is still alive. Is it this simply a matter of disrupted chronology, or is it a proof of the monster's immortality?

4 Conclusion

"Gothic [...] is a generic spin that transforms the lovely and the beautiful into the abhorrent and then frames this transformation within a humanist moral fable" (Halberstam, 1995, p. 22). In *Anchor Baby*, *Robot Boy* and *The Melancholy Death of Oyster Boy*, a joyous occasion –the birth of a baby– becomes the gruesome start of miserable lives: a freak is born out of the defaults of his parents, which reflect, in true resonance with the gothic and pataphysical modes, defaults and uncertainties that haunt present-day society. The monster is in every case the embodiment of an abjected human feature, whether it is the consequence of, to selectively present just some themes from the poems, suppressed female sexuality (Robot Boy), a product of pressuring emancipatory discourse (Anchor Baby) or difficulties of parenthood and sexual drive (Oyster Boy). As such, the monster stands closer to humans than we may want to admit – rendering the experience of their presence perturbing and confronting. Simultaneously, Burton places his characters in situations that beg us to rethink our repugnance of the monster and to redefine who the veritable culpable is: the abjected monster or the issues that give birth to it?

The negotiation of the gothic and the pataphysical produces the monster as Burton employs it. The gothic monster is liminal and abjected, on the border of humanity without completely trespassing into the segregated 'Other'. It serves in the pataphysical's agenda to scrutinize society through an alternative and satirical lens – producing poems such as analyzed above. The pataphysical, in turn, ensures the typically Burtonian corporeality of the freaks –the focus on their visibility and the inescapability of their deformities– and the flattened narrative that depends on intertextuality, allowing for the culturally saturated meaning-making the reader might attempt. The pataphysical thus questioning conventional cultural and scientific knowledge and the gothic placing us in the realm of the uncertain in-between, where no clearly delineated category subsists and therefore snatches the secure ground from under our feet, generate a work such as *Melancholy*, dubious in meaning and unnerving in feeling.

As a last remark, the aforementioned uncertainty of whether the gothic is employed for a progressive or a conservative agenda (Halberstam, 1995) is still unclear in *Melancholy*, even after this analysis. Analogically, the 'boundaries of the possible', as termed by Cohen, can not only be used as warnings not to transgress into questionable behavior, but can also serve as a technique of criticism of a culture's values. On itself, the monster of prohibition and difference only questions, while leaving the judgment up to the reader (Cohen,

1996). My personal reading of the selected poems is therefore largely guided by a personal standpoint, fashioning these texts as being a form of protest, if not simply a critical stand, towards common misconceptions on, to name a few, female sexuality, faulty parenting, black-and-white representations of the life choices women posses and the overall unthinking adoption of what is 'normal'. Nevertheless, I must add that the pataphysical elements largely support this view as its aim is to object to the conventional standard and highlight alternative ways to understand and face the world. All in all, it remains that "[g]othic [narratives] are technologies that produce the monster as a remarkably mobile, permeable and infinitely interpretable body" (Halberstam, 1995, p. 21).

References

Bronfen, E. (1998). Death. In M. Mulvey-Roberts (Ed.), *The handbook to gothic literature.* New York: New York University Press.

Burton, T. (1997). *The melancholy death of oyster boy & other stories.* England: Bath Press.

Burton, T. (2000a). *Stain boy: episode 1.*

Burton, T. (2000b). *Stain boy: episode 3.*

Cohen, J. J. (1996). Monster culture (seven theses). In J. J. Cohen (Ed.), *Monster theory: Reading culture.* Minneapolis: University of Minnesota Press.

Halberstam, J. (1995). *Skin shows: Gothic horror and the technology of monsters.* Durham and London: Duke University Press.

Hammersley, M., & Woods, P. (1993). *Gender and ethnicity in schools: Ethnographic accounts.* London: Routledge.

McMahan, A. (2005). *The films of tim burton: animating live action in contemporary hollywood.* New York: Continuum International Publishing Group.

Random House Unabridged Dictionary. (2006). *Alloy.* Dictionary.com Unabridged (v 1.1), Random House, Inc.

Roberts, C. (2005). *Reason behind the rhyme: The real meaning of nursery rhymes.* On *All Things Considered* [Radio Interview]: NPR.

Sage, V., & Smith, A. (Eds.). (1996). *Modern gothic: A reader.* Manchester and New York: Manchester University Press.

Shea, J. D. (1992). Religion and sexual adjustment. In J. F. Schumaker (Ed.), *Religion and mental health: The memoirs of david sloan stanley.* Oxford: Oxford University Press.

Spooner, C. (2006). *Contemporary gothic.* London: Reaktion Books.

Stoddart, H. (1998). The demonic. In M. Mulvey-Roberts (Ed.), *The handbook to gothic literature.* New York: New York University Press.

Thomson, R. G. (2007). Freakery. In C. Bloom (Ed.), *Gothic horror: A guide for students and readers.* London: Palgrave Macmillan.

Van Elferen, I. (2008). *"Let's rock": The gothic, the uncanny, and music in david lynch's twin peaks.* Maastricht.

Zorn, E. (2006). Sinking 'anchor babies'. *Chicaco Tribune Web Edition.*

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Restrictions on the right to movement of Palestinians living in the West Bank

To what extent does the Israeli occupation illegitimately infringe the right to movement of Palestinians living in the West Bank?

Felix Spira, Bastian Renner and Valentin Tappeser

Abstract Since the early 1990ies the Israeli administration began setting up movement restrictions for Palestinians living in the occupied territories of the West Bank and the Gaza Strip. This paper focuses on several important aspects of the Israeli system restricting and controlling the movement of Palestinians who want to travel in the West Bank. Furthermore, the paper analyses if the arguments for these infringements presented by the Israeli administration adhere to standards of international humanitarian law.

1 Introduction

"Everyone has the right to freedom of movement and residence within the borders of each State"

- Human Rights Declaration 1948

Palestine has been contested territory for decades. Egypt and Jordan controlled the Gaza Strip and the West Bank until 1967, when Israel seized these lands. The acceptance of Israel as the occupying power in those territories however was low, leading to tensions and prolonged violent conflicts. While at the beginning of the 1990s some progress towards peace in the region seemed to have been achieved as both peoples mutually recognized each other, the present situation seems unstable: Gaza is controlled by Hamas and recently suffered attacks by the Israeli Army. Quassam rockets were launched from the

Gaza Strip on villages in Southern Israel. Israeli settlements in the West Bank are constantly expanding. In parts of the West Bank, the state of Israel is erecting a wall which is officially proclaimed to secure Israeli citizens from terrorist attacks. However, covering a stretch of seven hundred kilometers when completed with concrete blocks and iron fences, the wall separates Palestinians from their families and needed agricultural land. Additionally, hundreds of checkpoints, trenches, ditches and roadblocks are hindering Palestinians to move freely, thereby denying them one of their basic human rights: The right to movement.

Travelling and movement are fundamental to the satisfaction of human needs and development of human skills. Without being able to travel, trade and the establishment of a viable economy face severe constraints. The maintenance of social bonds between families and friends, a whole society is endangered. Movement is an integral part of life and states face legal boundaries if they want to restrict the right to movement of people under their control, especially when they are occupied. However, states must also guarantee the security of their citizens, by infringing the movement of those that constitute a risk to society. The Israeli occupation of the West Bank has erected a complex system of control within the West Bank. At this point, the question arises to what extent the Israeli government may maintain this system of control over the Palestinians, as exchange for the security of its own citizens.

At the beginning, the essay defines the right of movement and briefly explains its origin and validity. This section is followed by a short historical background of the Israeli-Palestinian conflict. Subsequently, the extent of the present Israeli control of the West Bank is assessed. The essay looks specifically upon the scope of areas and roads which are prohibited for Palestinians, the amount of checkpoints and roadblocks, the pass system and the separation barrier which additionally constraint the freedom of Palestinian movement. This paragraph is followed by an attempt to grasp the impact of these movement infringements on the Palestinian fabric of life. Hereafter, the Israeli arguments are presented which attempt to justify this system of control. Next, the legal background of the Israeli presence in the West Bank is analyzed to shed light upon the validity of the Israeli arguments. Based on the findings of this discussion, recommendations to reduce the movement restrictions are expressed.

2 Background

2.1 Right to Movement

The human right on the 'freedom of movement' has a long history. The first known recognition of this right can be found in the Persian human rights charter in 539 BC, the Cyrus Cylinder (A. H. Robertson, 1996). Ever since, this right appears throughout history. In the Roman Empire for instance this right first came up under Augustus in 27 BC (Cassio Dio, 2^{nd} Century) or in England in 1215 under King John of England (J.C. Holt, 1992). Since 1948

the freedom of movement is enshrined in the Universal Declaration on Human Rights. Article 13 states that "Everyone has the right to freedom of movement and residence within the borders of each State" and that "Everyone has the right to leave any country, including his own, and to return to his country" (Universal Declaration on Human Rights, 1948). Therefore, the citizen of a state has the right to leave her state whenever she wants. Furthermore, she is allowed to return at any time as long as she is in possession of valid legal documents (e.g. passport). In addition to that, the citizen has the right to travel to, reside in, and work in any part of the country. Even though in first line this was meant for people like refugees, asylum seekers, immigrants, economic migrants and internally displaced people, the International Covenant on Civil and Political Rights (1966) also recognizes the freedom of movement for students and every other citizen who wants to travel within his own country or to other countries. Moreover, the covenant stresses that the state is not allowed to interfere with the movement of its citizens, except "to protect national security" (Article 12(3)).

2.2 Historical Appraisal

Following mounting tensions between Israel and its Arab neighbors, the Israeli army waged war against Egypt, Syria and Jordan in June 1967 (Herz, 2003: 46). Israel justified its attack as a preemptive strike, as the Israeli cabinet considered Egypt's closure of the Strait of Tiran for Israeli ship as a "declaration of war" (Steininger, 2003: 91), and Israeli intelligence perceived a joint Egyptian and Syrian attack as imminent. Within 6 days, the victorious Israeli forces conquered the Golan Heights from Syria, the West Bank and East Jerusalem from Jordan, as well as the Gaza Strip and the Sinai Peninsula from Egypt (Herz, 2003: 46). After this so called 6-Days-War, the Israeli government started to erect military bases in the newly conquered territories. Additionally, subsequent Israeli governments started building settlements on the Golan Heights, in the West Bank, East Jerusalem and the Gaza Strip (Zertal & Eldar, 2005). Following the peace agreement with Egypt in 1979, Israel evacuated the settlers from Sinai and returned the Peninsula to Egypt (Reynolds, 2000: 378). In 2005 Israel withdrew its settlers and military from the Gaza Strip. According to figures of the Israeli *Central Bureau of Statistics* 443 703 Israeli civilians were living in settlements in East Jerusalem and the West Bank in December 2006 (B'tselem, 2009).

In 1987, Palestinians started to revolt against Israel's military occupation and continued building of settlements within the West Bank and the Gaza Strip (Herz, 2003: 78). Lasting until 1993, the first Intifada (Arabic: shaking off), also known as the "war of stones" (Heenen-Wolff, 1990: 227) included peaceful demonstrations as well as acts of violence. In September 2000, the far more violent Second Intifada erupted, following the failure of the peace process, the continued expansion of Israeli settlements and a visit by Ariel Sharon to the Temple Mount (Herz, 2003). Since the start of the Second Intifada, the Israeli army installed a control system restricting the movement

of Palestinian within the West Bank that is "unprecedented in the history of the Israeli occupation" (B'tselem, 2007: 8). The following paragraph illustrates the means employed by the Israeli army to restrict and control the free movement of Palestinians within the West Bank and explains the effects of these movement restrictions on the Palestinian fabric of life.

3 Infringements on Palestinian Movement in the West Bank

3.1 Prohibited Areas

The infringements on Palestinian movement result from closed military zones and Israeli infrastructure in the West Bank, including settlements, settler roads, military bases and training areas, checkpoints, physical obstructions and the separation barrier. Since the 1993 Oslo accords, the West Bank is divided into Area A, B and C: In Area A, the Palestinian Authority (PA) is fully responsible for administrative and security matters. This area also comprises most of the Palestinian population in the West Bank. In Area B, the PA was granted administrative authority and shares security control with the Israeli army. In Area C, Israel maintains the full control of security, building and construction issues. Area C comprises most of Israeli infrastructure and accounts for "approximately 61% of the West Bank territory" (UN-Secretary General, 2008: 9). Palestinians are generally prevented from entering and crossing Area C freely, in order to travel between the "dozens of islands" (B'tselem, 2004: 4) of Palestinian towns and villages located in Area A and B.

Israeli settlements and army bases infringe the right to movement of Palestinians. Military orders prevent Palestinians without permit from entering the municipal boundary of Israeli settlements and industrial areas, which comprised 5.1% of the West Bank land in 2002 (B'tselem, 2002). Usually these permits are "reserved for laborers [working] in the settlements themselves" (Worldbank, 2007: 6). Moreover, a report by B'tselem (2008b) indicates that settlements are surrounded by "special security areas" (p.3), constituting "a ring of land that prohibits or restricts Palestinians from entering" (p. 6). Additionally, the report found that settlers and security forces employ violence and harassment to "expel Palestinians from areas close to settlements" (p. 1). Furthermore, the *United Nations Office for the Coordination of Humanitarian Affairs* (UNOCHA, 2008a) remarks that the Israeli army declared 21% of the West Bank as "closed military zones, [which are] mostly used for Israeli Defense Forces (IDF) training" (p. 5). Palestinians are totally prohibited from entering either these training areas or military bases, most of which are located in the Jordan Valley. Though it is difficult to assess the total area Palestinians are prohibited from accessing, the Worldbank (2007) estimates that "it appears to be in excess of 50%" (p. 6) of the West Bank and East Jerusalem.

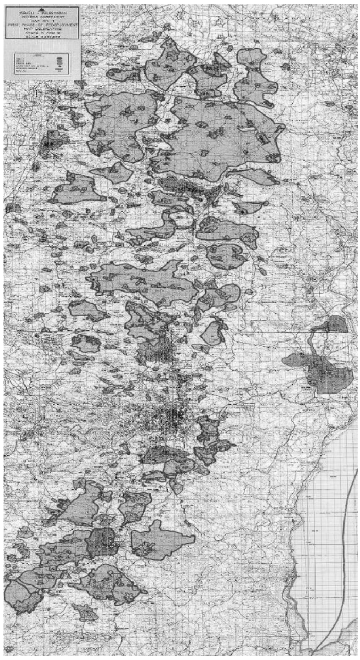

Figure 1. : West Bank after the Israeli-Palestinian Interim Agreement in 1995. The darker fields indicate the authority of Area A

3.2 Forbidden Roads

The army completely and partly restricts Palestinian movement on roads in Area C. In August 2004, a *B'tselem* report (2004) counted 17 roads and sections of roads on which "Palestinian travel is forbidden, without exception" (p. 17). At that time, the total length of these roads and sections constituted about 124km. Additionally, the report enlists "10 roads and sections of roads" (p. 21), totaling 224km, on which Palestinians require "special movement permits" (p. 20) to drive upon. Finally, *B'tselem* displays 364km of roads Palestinians are only able to reach "via an intersection at which the IDF maintains a checkpoint" (p. 22). Having blocked the other access roads by means of physical obstructions, Palestinians drivers are left with no other choice than to enter and leave the main road via a checkpoint controlled by the Israeli army. The report emphasizes that Israel's "forbidden road regime" operates under the principle of "separation through discrimination" on grounds of "national origin" (p.3): Israeli civilians are free to move, whereas the Palestinians' right is restricted. Therefore, *B'tselem* is concerned that Israel's "forbidden road regime" in the West Bank, "bears clear similarities to the racist apartheid regime that existed in South Africa until 1994" (p.3). The

Figure 2. : Road Blocks. Picture taken by Felix Spira, 2008

UN Special Rapporteur John Dugard speaks of "a system of 'road apartheid', which was unknown in apartheid South Africa" (Dugard, 2008: 14).

3.3 Checkpoints and Physical Barriers

The Israeli army maintains checkpoints and physical barriers to control Palestinian access to roads, around settlements and army bases. These means represent an important component of Israel's "complex system of movement restrictions" (UNOCHA, 2008a: 8) in the West Bank and East Jerusalem. In September 2008, the Israeli army maintained "699 obstacles" (p. 4), including "staffed checkpoints" and "unstaffed obstacles" (p.3). The latter comprise in particular "dirt mounds, concrete blocks, boulders, trenches, fences and iron gates" (B'tselem, 2007: 12). The unstaffed obstructions block "main and secondary routes" (UNOCHA, 2008a: 4) into Palestinian towns and villages, in order to direct Palestinians to staffed checkpoints (B'tselem, 2007: 12). *B'tselem* distinguishes between "permanent" and "flying checkpoints" (p. 13ff.) In November 2008, *B'tselem* counted 63 permanent checkpoints within the West Bank and 40 checkpoints operating as last control points between the West Bank and Israel. Flying checkpoints are established by soldiers and army vehicles stopping Palestinian travelers, "between two permanent checkpoints" (p. 14). In October 2008, 209 flying checkpoints were recorded in the West Bank (UNOCHA, 2008b: 17). According to UNOCHA (2008a), flying checkpoints cause more stresses for Palestinians than permanent ones, because they are "unpredictable" and include "more intensive search procedures and delays" (p. 5). Checkpoints are designed to stop Palestinians so that Israeli soldiers are able to control their "identity card and crossing permit" (p. 14). People without identification cards or the necessary permit are prevented from crossing.

Figure 3. : Israeli Military Checkpoint. Picture taken by Felix Spira, 2008

3.4 Permits Regime

Since the First Intifada, residents of the Occupied Palestinian Territories require a permit to enter East Jerusalem or Israeli sovereign territory. The outbreak of the Second Intifada led the Israeli authorities to introduce "permits [for Palestinians] to enter and remain in, or leave, large areas inside the West Bank" (B'tselem, 2007: 24). Besides the permits needed to enter Israel or the Gaza Strip from the West Bank, *B'tselem* (2007) was aware of nine different permits that Palestinians must obtain in addition to their individual permits for their "passenger vehicles, [...] commercial vehicles, [or] taxis and busses" (p. 24). Also sick or injured people "who want to leave an area under siege" must obtain a special "humanitarian permit" (p. 24). Palestinians are able to apply for permits at the District Civil Liaison offices of the Israeli Civil Administration, which is "under the direct of the commanding officer of the Central Command" (B'tselem, 2004: 31). As Palestinians do not hold these movement permits in the first place, but must apply for them, *B'tselem* (2007) emphasizes that this procedure "flagrantly discriminates on grounds of national origin" (p. 31). It is not the Israeli Civil Administration who must prove that a Palestinian constitutes a security risk in order to deny a permit, but rather the Palestinian must show "to the satisfaction of the security forces" (p. 31) that he represents no security risk. Besides this discrimination, the requirements for permits are "rarely published and are highly changeable" (Worldbank, 2007: 4), thus making the issuing of permits an arbitrary procedure.

3.5 Separation Barrier

Following mounting suicide attacks, the Israeli government decided to establish a "temporary 723-kilometer-long Barrier", in order to prevent "Palestinian suicide bombers from entering Israel" (UNOCHA, 2008d: 4) in summer 2002. The separation barrier consists of a six to eight meters high concrete

barrier or a fence. In September 2008, the United Nations reported that already "57% of its overall route has been completed" (UNOCHA, 2008a: 4). Since the route of the barrier does not correspond to the Green Line – the 1949 Armistice Line -, "79% (329km)" of the barrier runs "inside the West Bank" (p. 4). Therefore, the barrier creates a land strip of approximately 9% of the West Bank, which lies between the Green Line and the barrier. This so called 'seam zone' is inhabited by "60 000 West Bank Palestinians living in 42 villages and towns" (Dugard, 2008: 16), including fertile farm land, grazing grounds and water resources. Residents of the villages and towns in the 'seam zone' are prevented from free access of work places, family members, "schools, universities and specialized medical care" (p. 16) located east of the barrier. A "restrictive permit and gate regime" (UNOCHA, 2008d: 4) controls the access of Palestinian workers and farmers living East of the barrier, to their land in the 'seam zone'. However, as the 'seam zone' is considered as a closed military zone, these "permits are not easily granted" and "only about 18%" (Dugard, 2008: 16) of the Palestinians who used to work in the 'seam zone' are able to receive permits today. In addition, the "irregular placement" of the 64 gates controlling transport and "restrictive opening hours" (UNOCHA, 2008d: 6), do not provide Palestinian farmers with sufficient time to cultivate their lands. As an economic consequence, villages and towns in the 'seam zone' and those affected East of the barrier report dropping productivity rates, closure of greenhouses and rise in unemployment (UNOCHA, 2008d). The Israeli settlements, the separation barrier and the control system split

Figure 4. : Separation Barrier in East Jerusalem. Picture taken by Felix Spira, 2008

the West Bank into different "enclaves" (B'tselem, 2007: 32). As a result, the West Bank's territorial continuity is destroyed by Israeli infrastructure and the remaining transportational continuity is controlled by the Israeli army.

3.6 Impacts of Movement Restrictions

These numerous infringements of the right to movement cause severe effects on individual Palestinians and the Palestinian society as a whole. *Human*

Rights Watch (2009) points out that for many Palestinians it became "difficult or impossible [...] to access jobs, education, and health services, as well as to visit family and friends"(p. 472). As a result, children are restricted from reaching their schools, labourers their work and patients their clinics. This lack of "freedom of movement and sharing of resources" makes it impossible to "maintain a logical and reasonable medical system, [...] an economic system, an educational system and family life" (Physicians for Human Rights-Israel, 2003: 6). The existing military zones and prohibitions to enter the municipal area of settlements without a permit are "especially grave", because these areas "include much privately-owned farm land that provided a source of livelihood for many Palestinian families" (B'tselem, 2008: 7). The forbidden roads regime forces Palestinians to "use alternate long and winding routes" (B'tselem, 2004: 24), thus increasing the uncertainty, cost and time of travel, "wear-and-tear on vehicles" (p. 25) and the extent of personal exhaustion. Since, the movement restrictions make the transport of goods and travel of people "expensive, inefficient and unpredictable "it causes "particularly chilling effect[s] on economic activity"(Worldbank, 2007: 4). Therefore, Amnesty International stresses that the "restrictions and blockades imposed by Israel"- representing the "primary cause for the virtual collapse of the Palestinian economy"- lead to "growing poverty and food insecurity"(Amnesty, 2007) in the West Bank. The OCHA (2008c) reports that the unemployment rate of the West Bank increased "from 16.9% in 2000 to 25.2%"(p. 8). Furthermore, the gross domestic product of the West Bank dropped 10% in 2006 and 2007.

Palestinians are severely restricted in their right to movement, with harmful impacts on individual Palestinians and the Palestinian society as a whole. However, a state may legitimately infringe the right to movement of individuals, if they constitute a security risk (International Covenant on Civil and Political Rights, 1966). The following paragraph touches upon the arguments the Israeli authorities provide, in order to justify these sweeping, harsh restrictions.

4 Discussion of the Israeli arguments

4.1 Israeli arguments

The Israeli Ministry of Defense (2009) states that the only reason for this Security Fence is national security. It argues that every state has the main responsibility to protect its citizen. Due to the fact that between the State of Israel and the areas of the Palestine Authority in the West Bank there is no border everyone has the unhindered ability to enter Israel. In addition to that, this leads to the situation that no border control can regulate the entrance of terrorists or prevent smuggling of weapons and explosives. This situation makes it impossible for the Israeli government to provide sufficient security to its citizens. Therefore, the Israeli government sees an unconditional necessity to build a Security Fence. It concludes that the national security of Israel outweigh the negative aspects of the Wall (Ministry of Defense, 2009).

The Israeli Supreme Court (ISC) supported this conclusion with a legal statement in June 2004. The court ruled that the Security Fence does not violate international law, because Article 51 of the UN Charta guarantees the right to self-defense. Furthermore, the judges decided that according to Article 12(3) of the International Covenant of Civil and Political Rights, the right to movement can be infringed to maintain national security (Israeli Ministry of Defense, 2009).

Nonetheless, this does not mean that national security can justify the undermining of human rights in each case. The court pointed out that Israel will apply international and humanitarian law and that there is no incentive to violate these laws. Only such behavior will legitimize the wall and show that Israel acts as a democracy fighting against terrorism. However, the court also argued that human rights are "not a stage for national destruction" (Judge Barak, Supreme Court, 2004). Therefore, the court came to the conclusion that the wall is necessary even if it probably will violate human rights in small parts. However, with regard to the special situation, these violations are minor compared to the positive aspects of the wall and hence can be ignored as long as there is a balance between security on the one hand and the negative impact on the Palestinians on the other hand. To achieve this, the Court adjusted the planned route of the fence to minimize the impact on locals (Supreme Court, 2004). Today, the Ministry of Defense affirms that every effort has been made to avoid encircling any Palestinian villages by the fence. It points out that the fence does not annex any territory and only surrounds farmland. Finally, the fence is regarded solely as a temporary solution to the current threats to national security (Ministry of Defense, 2009).

4.2 Advisory opinion of the International Court of Justice

Parallel to the ISC, the International Court of Justice (ICJ) decided upon the legitimacy of wall's route. In response to a request of the United Nation General Assembly the ICJ ruled that "the wall and its associated regime are contrary to international law" (ICJ, July 2004). This implies that the finding of the ISC is invalid.

The ICJ (2004) argues that according to the United Nations Charta "all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State" (p. 7) and that "no territorial acquisition resulting from the threat or use of force shall be recognized as legal" (p. 4). This means that every part of the wall constructed within occupied Palestinian territory violates international law. The ICJ emphasizes that the wall is "an attempt to annex the territory", because it interferes with the territorial sovereignty and with the right to self-determination of the Palestinian people (ICJ, 2004).

Furthermore, the court's ruling contradicted the Israeli argument that the wall is necessary to protect Israeli citizens living in the West bank. The judges came to the conclusion that according to the Fourth Geneva Conven-

tion the Israeli settlements in the West Bank have been established in breach of international law. The convention states that "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies" (p. 10) and such policies have no "legal validity" (ICJ, 2004: 10). Therefore, Israel must not restrict the Palestinian's right to movement in order to protect the settlers, because the latter's presence in the West Bank contradicts international humanitarian law. Additionally, Israel's argument that the wall is a temporary solution and does not annex territory is declared invalid as well. The Israeli government created a "fait accompli" (p. 10) and this situation seems to be a permanent one. Furthermore, the Court states that the wall restricts the freedom to choose residence and the right to movement of a significant number of Palestinians (ICJ, 2004).

Hence, the wall also violates humanitarian law. Israel justifies the wall with the argument that Article 51 of the UN Charta guarantees the right to self-defense. The ICJ counters that even though this is correct, Article 51 does not apply because the terrorist attacks are not necessarily the work of the Palestinian authorities. Rather, these attacks are done by individuals or small-scale sub-groups. Article 51 only applies if there is a conflict between two states, and this is not the case because Palestine is not a recognized state (ICJ, 2004).

All in all the ICJ ruled that the wall violates international and humanitarian law in several ways: It restricts the right of movement and the freedom to choose residence. Additionally, the ICJ sees the wall as an attempt to annex parts of the occupied territory rather than as a temporary solution. The ICJ (2004) concluded that Israel must "cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory" (p. 15) and that "Israel is under an obligation to make reparation for all damage caused by the construction of the wall in the Occupied Palestinian Territory" (p. 15).

4.3 Recommendations to Ease Movement Restrictions

The 2004 ruling of the ICJ as well as the majority of the international community quite unanimously suggest what has to be done: Israel has to retreat from the occupied territories, abandon all illegal settlements, stop the construction of the wall in the West Bank, dismantle all parts that are within Palestinian territory according to the pre-war borders in 1967 and make reparations for damages caused by the construction of the wall. UN Resolution 242, passed shortly after the war in 67, already stated the illegitimacy of the occupation of the West Bank and the Gaza Strip, which obviously implies the illegitimacy of the construction of a wall within occupied territory (UN Security Council, 1967). The International Court of Justice, Amnesty International, High Contracting Parties to the Fourth Geneva Convention, *Human Rights Watch*, the UN General Assembly, as well as the UN Security council, with the exception of the United States, clearly stated this. (ICJ advisory opinion, 2004; Amnesty International, 2003; High Contracting Parties to the

Fourth Geneva Convention, 2001; Human Rights Watch, 2009; UN Secretary General, 2008). However, Israel is still occupying the West Bank, constructing the wall and expanding its settlements in the area. Backed by the financial and diplomatic support of the United States (US Department of State, 2007), at the moment, Israel has power enough to continue committing human rights violations without being held responsible (Mearsheimer & Walt, 2007). The question is then, how to practically achieve an amelioration of the situation and so peace in the long-term that incorporates standards of international law.

Negotiated mainly between Yossi Beilin, former Minister of Justice of the State of Israel and Yasser Abed Rabbo, former Minister of the Palestinian National Authority, the Geneva Accord of 2003 is an unofficial peace proposal trying to compromise between the two parties' interests and thus opening a way to resolve the conflict (Herz, 2004). The main aim of the agreement is the immediate end of violence and the creation of an independent Palestinian State in the West Bank and the Gaza Strip on basis of a final status agreement that solves the issues of refugees, territory and Israeli settlements as follows: Israel would have control over the influx of refugees into the state of Israel, based on recommendations by the international community. The newly created Palestinian State would get the Gaza Strip and most of the West Bank, with the exception of some areas adjacent to the Green Line of 1949 that are densely populated by Jewish settlers. In return, an equivalent area adjacent to the Gaza Strip would be given to the Palestinian State. This land swap would protect part of the Israeli settlements in the West Bank while compensating Palestinians for their loss of land (Geneva Accord, 2003).

With rising international pressure as a condition, this agreement could serve as a basis for a sustainable two state resolution, giving Palestinians most of the land claimed by the Palestinian Liberation Organization in 1988 (Chomsky, 1989) and compensation for territories lost in the West Bank. This suggestion equally presents an acceptable compromise for Israel, protecting its most established settlements in the West Bank. The success of such an undertaking however is subject to a complicated process of rapprochement between the two parties that might need the engagement of a third party negotiator (Carter, 2006). In the meantime and in addition to the long-term efforts to achieve a final status agreement, immediate short-term action has to be taken by the Israeli government to ameliorate the human rights situation of Palestinians living in the West Bank: Checkpoints have to be opened 24/7 and permits to pass checkpoints need to be issued in a more comprehensible and just manner. The verbal military orders administering the permit regime must be enshrined in written regulations, thus alleviating their arbitrary character. Physical obstructions infringing the right of movement within the West Bank have to be removed or reduced to a minimum in order to make viable economic activity possible again (B'tselem, 2007).

5 Conclusion

The Israeli army is controlling and restricting the rights to movement of Palestinians living in the West Bank in numerous ways. Reports of human rights organizations, the Worldbank and bodies of the United Nations stress multiple means employed by the Israeli control system and their effects on the Palestinian fabric of life: 699 physical obstructions, such as earth mounts, iron gates, concrete blocks, boulders, trenches and fences, prevent Palestinians to move freely. Moreover, Palestinians are not allowed to drive or walk freely on 712km of roads, which are exclusively reserved for Israeli civilians. Next, 103 permanent and hundreds of flying checkpoints demand Palestinians to wait until their ID and permit is controlled by a soldier. The Israeli settlements and military bases in the West Bank do not allow Palestinians to move within 50 % of the West Bank, including East Jerusalem. If Palestinian orchards, fields or grazing grounds for cattle lie within the jurisdiction area of settlements, Palestinians are prevented from using them. Currently, Israel is building a separation barrier consisting of concrete elements or fences, trenches and barbed wire. As the route of this wall does not correspond with the armistice line of 1949, 80% of it is planned – or already constructed – on Palestinian land. Therefore, the wall prevents Palestinian farmers from freely accessing their land, which now lies on the 'Israeli side'. Palestinians living between the wall and the armistice line are required to obtain a permit to continue living in their homes. The physical obstructions, checkpoints, sieges, closures, the bypass road system, the settlements, the permit system and the separation barrier force split the West Bank into enclaves. Palestinians are forced to drive detours in order to reach their homes, relatives, hospitals or places of work. As a consequence of the movement restrictions, the travel time of people and transportation of goods lengthens; often it is uncertain if they reach their destination. Therefore costs of goods produced in the West Bank increase sharply, thus causing disastrous impacts on the Palestinian economy. Additionally, the means of restriction aggravate the work of ambulances, fire fighters and the Palestinian police forces, consequently making it difficult to maintain adequate public services.

Israel claims that it is legitimately restricting the movement of Palestinians in order to protect Israeli citizens from attacks. The state of Israel is obliged to protect the lives of its citizens; however it must precede so within the boundaries set by international law and human rights covenants. There is unanimous agreement between human rights organizations, the General Assembly of the UN and the signers of the Hague Conventions that the occupation and settlement policy of the Israeli government gravely violates international law. 2004 in its advisory ruling on the route of the Israeli wall the 14 judges of the ICJ did illustrate the illegality of the wall's route and affirmed again the illegal status of the Israeli settlements. As the presence of the Israeli settlers in the West Bank is illegal, the Israeli government must not hamper the Palestinian's right to movement in order to protect the settlers, but rather evacuate the settlers themselves. Additionally, the Court recog-

nized Israel's right to build a separation barrier to protect Israeli citizens living within Israel's border. Nevertheless, the court ruled out the route of the wall, because it does not correspond with the Green Line, but cuts deep into Palestinian territory. Hence, the ICJ demands Israel to locate the route of the wall within Israeli territory and to dismantle parts already constructed behind the Green Line. Until the settlers are evacuated, this essay argues that the state of Israel must take immediate steps to ease the plight of Palestinians, caused by the infringements on movement. First, checkpoints must open 24/7. The security personal operating the checkpoints must be increased to allow a faster checking of Palestinians. Second, the Israeli army must draft written directives indicating the grounds on which a permit is refused. So far, the Israeli army governs the permit system by verbal orders. Thirdly, the number of physical obstructions must be reduced, because they constitute a form of collective punishment. However, these three steps indicate only short term goals, intended to ease the plight of Palestinians. Besides these goals, steps must be undertaken to fulfill the long term goal: Evacuating the settlements, ending the occupation and negotiating a final status agreement to establish a viable and secure Palestinian state in the West Bank and Gaza Strip.

References

Amnesty International. (2003). *Enduring occupation. palestinians under siege in the west bank.* (Retrieved on January 06, 2009 from `http://www.amnesty.org/en/library/asset/MDE15/033/2007/en/dom-MDE150332007iw.html`)

B'tselem.(2004). *Forbidden roads: The discriminatory west bank road regime.* Jerusalem: B'tselem. (Retrieved on January 12, 2009 from `http://www.btselem.org/download/200408_Forbidden_Roads_Eng.pdf`)

B'tselem. (2007). *Ground to a halt: Denial of palestinian' freedom of movement in the west bank.* Jerusalem: B'tselem. (Retrieved on January 05, 2009 from `http://www.btselem.org/Download/200708_Ground_to_a_Halt_Eng.pdf`)

B'tselem. (2008a). *Access denied: Israeli measures to deny palestinians access to land around settlements.* Jerusalem: B'tselem. (Retrieved on January 17, 2009 from `http://www.btselem.org/Download/200809_Access_Denied_introduction_and_Conclusions.pdf`)

B'tselem. (2008b). *Restrictions on movement: Information on checkpoints and roadblocks.* (Retrieved January 12, 2009 from `http://www.btselem.org/english/Freedom_of_Movement/Statistics.asp`)

B'tselem.(2009). *Population by year in west bank settlements.* (Retrieved January 09, 2009 from `http://www.btselem.org/English/Settlements/Settlement_population.xls`)

Carter, J.(2006). *Palestine, peace not apartheid.* New York: Simon & Schuster.

Casio, D.(1980). *Dio's roman history in nine volumen.* Cambridge (Mass.)

& Londres.

Chomsky, N. (1989). *Necessary illusions.* Cambridge: South End Press.

Dugard, J. (2008). *Human rights situation in palestine and other occupied arab territories. report of the special rapporteur on the situation of human rights in the palestinian territories occupied since 1967.* (Retrieved on January 06, 2009 from http://daccessdds.un.org/doc/UNDOC/GEN/G08/402/29/PDF/G0840229.pdf?OpenElement)

Fourth Geneva Convention. (1949). (Retrieved January 16, 2009 from www.unhchr.ch/html/menu3/b/92.html)

Geneva Accord. (2003). (Retrieved January 12, 2009 from http://www.supportsanity.org/user/Geneva%20Accord.pdf)

Heenen-Wolff, S. (1990). *Juden und palästinenser im konflikt um ein land.* Frankfurt am Main: Sammlung Luchterhand.

Herz, D. (2003). *Palästina – gaza und westbank – geschichte politik kultur.* München: Beck.

High Contracting Parties to the Fourth Geneva Convention. (2001). *Conference of high contracting parties to the fourth geneva convention: Declaration.* (Retrieved on January 15, 2009 from http://www.globalpolicy.org/security/issues/israel-palestine/2001/1205geneva.htm)

Holt, J. C. (1992). *Magna carta.* Cambridge: Cambridge University Press.

Human Rights Watch. (2009). *World report 2009: Israel/occupied palestinian territories (opt).* (Retrieved on January 12, 2009 from http://www.hrw.org/sites/default/files/reports/wr2009_web.pdf)

International Court of Justice. (2004). *Legal consequences of a wall in the occupied palestinian territory (request for advisory opinion).* (Retrieved on January 16, 2009 from http://www.icj-cij.org/docket/files/131/1677.pdf)

International Covenant on Civil and Political Rights. (1966). (Retrieved January 16, 2009 from http://www.unhchr.ch/html/menu3/b/a_ccpr.htm)

Israel Ministry of Defense. (2009). (Retrieved 16.01.09 from www.mfa.gov.il/mfa/go.asp?MFAH00h20)

Israeli Ministry of Foreign Affairs. (1995). *Israeli-palestinian interim agreement maps. map no. 1 - first phase of redeployment (areas a&b).* (Retrieved on January 16, 2009 from http://www.mfa.gov.il/NR/rdonlyres/479C928A-E9B3-498A-BE2C-22101CEEFF29/0/MFAJ01v30.jpg)

Mearsheimer, J., & Walt, S. (2007). *The israel lobby and u.s. foreign policy.* New York: Farrar, Straus and Giroux.

Physicians for Human Rights-Israel. (2003). *At israel's will: The permit policy in the west bank.* (Retrieved 06.01.09 from http://www.phr.org.il/Phr/downloads/dl_160.doc)

Reynolds, D. (2000). *One world divisible – a global history since 1945.* New York: W.W. Norton & Company Ltd.

Robertson, A. H., & Merrills, J. (1996). *Human rights in the world: An introduction to the study of the international protection of human rights.* Manchester: Manchester University Press.

Steininger, R. (2003). *Der nahostkonflikt.* Frankfurt am Main: S. Fischer Verlag.

UN-Secretary General. (2008). *Israeli practices affecting the human rights of the palestinian people in the occupied palestinian territory, including east jerusalem.* (Retrieved on January 06, 2009 from http://www.unhcr.org/refworld/country,,UNGA,,PSE,4562d8cf2,4917ee8b2,0.html)

UN Security Council Resolution 242. (1967). (Retrieved January 15, 2009 from http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/240/94/IMG/NR024094.pdf?OpenElement)

United Nations Office for the Coordination of Humanitarian Aid. (2008). *OCHA closure update occupied palestinian territory.* East Jerusalem: OCHA. (Retrieved January 12, 2009 from http://www.ochaopt.org/documents/ocha_opt_closure_update_2008_09_english.pdf)

Universal Declaration of Human Rights. (1948). (Retrieved 16.01.09 from http://www.un.org/Overview/rights.html)

UNOCHA. (2008a). *The humanitarian impact of the barrier.* East Jerusalem: OCHA. (Retrieved on January 12, 2009 from www.ochaopt.org/documents/Barrier_Report_July_2008.pdf)

UNOCHA. (2008b). *Monthly tables october 2008.* East Jerusalem: OCHA. (Retrieved January 12, 2009 from http://www.ochaopt.org/documents/POC_Monthly_Tables_October_2008.pdf)

UNOCHA. (2008c). *Special focus: Increasing need, decreasing access: Tightening control on economic movement.* East Jerusalem. (Retrieved January 12, 2009 from www.ochaopt.org/documents/Commercial%20Crossings%20V5.pdf)

US Department of State. (2007). *Background notes israel.* (Retrieved January 18, 2009 from http://www.state.gov/r/pa/ei/bgn/3581.htm)

Worldbank. (2007). *Movement and access restrictions in the west bank: Uncertainty and inefficiency in the palestinian economy.* (Retrieved January 12, 2009 from http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/WestBankrestrictions9Mayfinal.pdf)

Zertal, I., & Eldar, A. (2005). *Lords of the land: The settlers and the state of israel, 1967-2004.* Zmora-Bitan Dvir Publishing House.

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On the Possibility of Metaphysics

The Kantian Victory over Humean Scepticism

Jakob D. Banki

Abstract The essay analyses the epistemological contention of traditional metaphysical assumptions as pursued by both Hume and Kant. Having outlined their fundamental notions, it compares and evaluates their respective positions. In that respect, the fundamental goal of the essay is to reassert the Kantian victory over scepticism by presenting a novel perspective on 'being' and 'reality' entailing that the certainty philosophers are looking for is not to be found in the relationship between the human mind and extra-mental reality, but in the fundamental structure of human reason alone, which enables us to make sense of the world.

> *We do not deny that the Kantian solution is extremely subtle and is perhaps balanced on the point of a needle, but who would believe that a solution to this problem could be found which was not alarmingly subtle?*
>
> - Gottfried Martin

Among the most challenging questions a philosopher may attempt to resolve is the question of knowledge – its nature, origins and limits. Throughout the history of Western philosophy two essentially incompatible theories prevailed. The *empiricists*[1] believed that sensory experience forms the basis of all knowledge; the opposite view was held by the *rationalists*[2] claiming that it is the inner light of reason that enables us to acquire knowledge that is independent of experience.[3]

[1] From the Greek, empeiria, "experience".

[2] From the Latin, ratio, "reason".

[3] John Cottingham (edt.), *Western philosophy – An Anthology*, (1996), pp. 41-43.

In the 18th century the Scottish philosopher David Hume (1711-1776) – a declared empiricist and sceptic – engaged in the debate aiming to challenge orthodox religious conceptions of human nature.[4] Hume, perceived as a radical in his time, fought against all claims of knowledge that transcend the empirically observable world. Revealing the "manifold contradictions and imperfections in human reason"[5] Hume eventually concludes that metaphysics *per se* is impossible and is consequently "ready to reject all belief and reasoning".[6]

The German philosopher Immanuel Kant (1724-1804) arguably succeeded in resolving the impasse by providing for a genuine metaphysics immune to Humean scepticism. The "paradigmatic philosopher of the European Enlightenment"[7] eliminated the last traces of the medieval worldview from modern philosophy. Kant aimed to surmount the devastating scepticism proposed by Hume and merged the key ideas of earlier rationalism and empiricism.

This essay aims to analyse the epistemological contention of traditional metaphysical assumptions as pursued by both Hume and Kant. Having outlined their fundamental notions, it compares and evaluates their respective positions. It concludes by reappraising the validity of the Kantian solution with regard to the critique of Hume. In that respect, the fundamental goal of the essay is to reassert the Kantian victory over scepticism by presenting a novel perspective on 'being' and 'reality' entailing that the certainty philosophers are looking for is not to be found in the relationship between the human mind and extra-mental reality, but in the fundamental structure of human reason alone, which enables us to make sense of the world.

In his *Enquiry concerning Human Understanding*,[8] Hume comments on the sources of knowledge, a debate that exerted strong influence on the philosophy of the eighteenth century.[9] Its main players, prior to Hume, were John Locke (1632-1704) and Gottfried Leibniz (1646-1716). Locke alleged that sense perception is the ultimate source of knowledge and employs the image of the mind as an "empty cabinet"[10] until the data from the senses enters it. The mind then begins to work on these materials, abstracting from the particular and

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[4] *Routledge Encyclopedia of Philosophy*, Vol. 4, p.543.

[5] David Hume, *An Enquiry concerning Human Understanding* (1748), Section XII in John Cottingham (edt.), *Western philosophy – An Anthology*, (1996), p. 39.

[6] Ibid., p.42.

[7] *Routledge Encyclopedia of Philosophy*, Vol. 5, p.177.

[8] David Hume, An Enquiry concerning Human Understanding (1748), Section XII in John Cottingham (edt.), Western philosophy – An Anthology, (1996), p. 38.

[9] Wilhelm Weischedel, Die philosophische Hintertreppe,(1975), p.14.

[10] John Locke, An Essay concerning Human Understanding (1690), Book I, ch. 2, § 2 in John Cottingham (edt.), Western philosophy – An Anthology, (1996), p. 26.

learning the use of "general names".[11] Although Leibniz agreed with Locke that sensory stimulation is indispensable for the acquisition of knowledge, he nevertheless viewed sensory data as insufficient since the senses merely activate what is already in a certain way present within us: "living fires of flashes of light hidden inside us but made visible by the stimulation of the senses, as sparks can be struck from a steel".[12] Against Locke's image of the mind as a *tabula rasa* or empty cabinet, Leibniz postulates the notion of a mind already constructed in a distinct pattern.

David Hume placed himself firmly on the side of Locke. Sense experience, according to Hume, must be the source of all knowledge concerning matters of fact or existence. However, he did not forget about the work of René Descartes (1596-1650), which revealed that any attempt to base knowledge on sensory experience was arguably wrong-headed since a number of sceptical arguments could be put forward challenging the reliability of the senses.[13]

Nonetheless, it is, Hume argues, impossible to consistently consider this sort of universal doubt,[14] and even if we could do so the doubts raised would be utterly incurable. Hume promotes a "mitigated"[15] scepticism, warning us instead not to simply accept wild and extravagant ideas or concepts – as for instance religion – without any doubts. Yet, the implications are immense: by defying any concept which surmounts our own actual experience, Hume in effect defies the feasibility of *metaphysics* and thus challenges what had been the main area of philosophy for centuries.

What then is the role of philosophy? A short answer might be to illustrate how to avoid dogmatism and think sensibly. We can only do this by "limiting our enquiries to such subjects as are best adapted to the narrow capacity of human understanding"[16]; we must realize that all our beliefs about matters of fact and existence must be founded entirely on experience.[17] Hume thus set up what was to become a highly influential conception of knowledge as something that can operate only within the bounds determined by our nature as human beings.[18]

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[11] Ibid.

[12] G.W. Leibniz, New Essays on Human Understanding (1765) in John Cottingham (edt.), Western philosophy – An Anthology, (1996), p. 30.

[13] To present this arguments would, although be fascinating, lead us too far away from our initial topic.

[14] First introduced by the Greek philosopher Pyrrho of Elis (c.365-275 BCE) who argued that knowledge of the nature of things is utterly unattainable and advocated total suspension of belief.

[15] David Hume, An Enquiry concerning Human Understanding (1748), Section XII in John Cottingham (edt.), Western philosophy – An Anthology, (1996), p. 39.

[16] Ibid., p.40

[17] This thesis, and Hume's rejection of speculative philosophy which goes beyond these limits, is discussed later on.

[18] Metaphysics also restricted knowledge by human nature, as does indeed religion.

In his monumental work the *Critique of Pure Reason*,[19] Immanuel Kant attempted to resolve all of the tensions that had arisen, for instance between Leibniz and Locke, aiming for a solution to the problems immanent in both empiricism and rationalism. The *Critique* constitutes a radical departure in the sense that it not merely offers a "synthesis", but indeed an "overcoming" - from empiricism one will never derive laws (the "universal"), from rationalism never the facts (the "particular").[20]

Kant's attitude towards knowledge was strongly influenced by David Hume who allegedly awoke him from his "dogmatic slumbers".[21] Concordant with his predecessor Kant is indeed severely suspicious of the claims of *rationalist* philosophers of knowledge to postulate an absolute reality ascending beyond the empirically observable world. Yet, he is equally critical of Locke's thesis that knowledge originates from the "empty cabinet" being furnished with sense impressions.[22] So although sharing the empiricists' scepticism of the immanently dogmatic metaphysics, he rejects the naturalism of healthy common sense[23] as "mere misology reduced to principle".[24] However, in opposition to the radical sceptics he maintains that certain knowledge about the world is possible: if one regards the accomplishments of the empirical sciences it is misleading to assume that the postulation of causality (which in turn underlie empirical science) is merely the outcome of habit[25] as his predecessor would have alleged. According to Kant, the mind, in experiencing the world, necessarily interprets or processes it in terms of a certain structure: it comes to the world already equipped with "concepts of the understanding".[26]

These concepts are defined by Kant as *a priori*, meaning independent of experience. This seemingly rationalist approach, however, is not pursued further by Kant, who instead takes an essentially different course, rejecting the conception of previous *rational* philosophers (such as Descartes) who suggested that the mind was simply endowed (for instance by God) with

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For much of Christian philosophy, it is the very limitation of human knowledge that makes revelation necessary (as for instance in William of Ockham).

[19] Immanuel Kant, Critique of Pure Reason (Kritik der reinen Venunft), (1781) in John John Cottingham (edt.), Western philosophy – An Anthology, (1996), p. 334.

[20] As Kant puts it: "Thoughts without content are empty, intuitions without concepts are blind" (Immanuel Kant, Critique of Pure Reason, p.45).

[21] Wilhelm Weischedel, Die philosophische Hintertreppe, 1975, pp.173-175.

[22] As Kant states: "Although all our knowledge begins with experience, it does not follow that it all arises out of experience" (Critique of Pure Reason, p.335).

[23] Lewis White Beck, Essays on Kant and Hume, (1978), p.7.

[24] Immanuel Kant, Critique of Pure Reason, p.335.

[25] Regarding Quantum Physics (which can only predict according to statistics, not causality), this might, allegedly, no longer be true in a sense.

[26] Immanuel Kant, Critique of Pure Reason (Kritik der reinen Venunft), (1781) in John Cottingham (edt.), Western philosophy – An Anthology, (1996), p. 45.

non-empirical concepts. Instead, Kant asserts that all the concepts of understanding are derived from certain fundamental categories which are *presupposed* by experience. *Categories*, as for instance the category of causality, constitute essential preconditions for our ability to experience the world at all. Kant thus presents a radical turn *en face* empiricist and rationalist answers to the possibility of knowledge by essentially changing the *nature* of the question. Kantian transcendentalism does not ask: What is an object? Instead the question is phrased: What are the *conditions for the possibility of the cognition* of an object? Transcendental enquiry is thus enquiry into the cognitive constitution of the subject to which objects must conform; its result, transcendental knowledge, is at one remove from objects, and considers solely what makes objects, and *a priori* knowledge of these objects feasible.[27] He consequently reaches the conclusion that the condition for the possibility of the object of the cognition is in fact equivalent to the condition for the possibility of cognition itself.[28] Knowledge involves a sort of fusion of "intuitions"[29] (sensory representations) on the one hand, and the concepts of the understanding on the other.

In postulating that the sole possible objects of human knowledge are phenomena, meaning the objects of experience[30] of the exterior world[31], Kant is concordant with Hume concerning his scepticism towards the prevailing nature of traditional metaphysics. Yet, their respective approaches as well as ultimate goals appear distinctly different: whereas Hume reveals the excessively narrow scope of human knowledge, consequently forcing us to embrace a seemingly untenable scepticism, Kant arguably surmounts the arisen impasse in succeeding to reveal the potential for genuine metaphysics, namely by separating "reason" and "understanding".[32] What the dissimilarity of their mindsets ultimately reveals is their radically different outlooks on what knowl-

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[27] Kant writes: "I entitle transcendental all knowledge which is occupied not so much with objects as with the mode of our knowledge of objects in so far as this mode of knowledge is to be possible a priori"In Immanuel Kant, Critique of Pure Reason (Kritik der reinen Venunft), (1781) in John Cottingham (edt.), Western philosophy – An Anthology, (1996), p. 41.

[28] Die Bedingung der Möglichkeit der Erkenntnis ist die gleiche, wie die Bedingung der Möglichkeit der Erkenntnis selbst.

[29] Ibid., p.8.

[30] Experience is in turn something that includes – within transcendental philosophy, the question of the conditions of possibility of that experience. The postulation of "observable facts" or those that claim them have normally a non-problematical relation to what an "observable fact" is.

[31] "Nothing is really given us," he writes, "except perception and the empirical advance form this to other possible perceptions". In Immanuel Kant, Critique of Pure Reason, p. 42.

[32] Vernunft und Verstand, Erkenntnis und Denken.

edge actually is, and the role of reality in the process of acquiring knowledge. Kant and Hume alike postulate that metaphysics and cognition are essentially interdependent. Metaphysical enquiry utilizes cognitive power similarly to common sense or scientific judgements about the external world of experience. However, if precisely the same faculty of reason is utilized in metaphysical and empirical judgement, and we presuppose that the empirical employment of reason is rightful, then so should its metaphysical employment be; and if metaphysics winds up contradicting itself, then reason contradicts itself altogether. To permit the contradiction of metaphysics to prevail is consequently synonymous with permitting reason to perform a *reductio ad absurdum* upon itself and to renounce cognition as a rational phenomenon. Prior to comprehending how Kant overcomes this predicament, we have to examine in more depth Hume's approach.

In his *Treatise of Human Nature*,[33] Hume asserted that our knowledge cannot transcend our experience, and that "our ideas of bodies are nothing but collections formed by the mind of the ideas of the several distinct sensible qualities of which objects are composed".[34] He divides all the objects of legitimate human examination into two classes, which he terms *Relations of Ideas* and *Matters of Fact*. The former, exemplified by the truths of mathematics, are established *a priori* "by the mere operation of thought".[35] But they constitute a closed system, arising purely from how our ideas or conceptions are defined: they do not provide any information about what really exists in the world. Matters of fact, by contrast, concern what really exists, although no propositions of this kind can be conclusively demonstrated. There is no contradiction in denying them (that the sun will not rise tomorrow "is no less intelligible and implies no more contradiction than that it will rise"[36]). Instead, such truths are solely derived from experience; yet all that experience reveals is what has actually been observed to happen up until now.[37] Hume argues that the scientists' manner to generalize from their narrow experience of phenomena to universal assertions about all phenomena, past, present and future is not based on a solid foundation, as this process assumes that future occurrences will resemble the past. Our predictions may have turned out to be right before but that is no conclusive argument that they will continue to do so: "it is impossible that any arguments from experience can prove the

[33] David Hume, Treatise on Human Nature, (1739-40) in John Cottingham (edt.), Western philosophy – An Anthology, (1996), p. 99.

[34] Treatise on Human Nature, (1739-40), Book I, Part IV, Section 3, Para. 7 in Ibid. p.100.

[35] David Hume, An Enquiry concerning Human Understanding (1748), Section IV in Ibid. p.38.

[36] Ibid.

[37] Hume's argument that our tendency to generalize on the basis of limited experience is based more on custom and habit than on any reasoning is treated in more detail later on.

resemblance of the past to the future, since all these arguments are founded on the supposition of that resemblance".[38]

Hume continues to emphasize our inability to predict, in advance of experience, how even the most well-known objects will behave: for all we know *a priori*, when one billiard ball hits another, both balls "may remain absolutely at rest".[39] Consequently, he defies the commonsense notion of cause, according to which event A *makes* event B happen, and that this connection is a necessary one. Where do we derive this notion of power from? It is neither drawn from observation nor can it be verified by it. What we witness is the sequence of events, the moving billiard ball hitting the other, which then starts to move; we do not witness some occult *power* acting between them. As for the *necessity* of this event, we surely do not observe this either. We observe its sequence but not its necessity. Where then do we get the notion of necessity from? We derive it from the *habit* we develop of expecting event B to occur whenever event A happened. We have observed such sequences many times before and in each case event B followed event A – they are constantly conjoined.[40] It is due to this that our mind automatically anticipates event B whenever we witness event A; we cannot help but anticipate it. This, however, is a psychological necessity in us, not an objective necessity in things. We project this psychologically inevitable expectation into the objective sequence and treat it as an inevitable connection in events.[41] While understandable, there is no *rational* justification for this projection[42] as "all events seem entirely loose and separate. One event follows another; but we never can observe any tie between them."[43] The two observed events are physically distinct, and there is nothing inconceivable about the consequence being different from what it normally is.[44] Moreover, though the scientist may seek to compress all observed phenomena to a limited number of simple laws or generalized principles, any attempt to speculate about the ultimate reality (that exists independently of the mind) is fruitless: "[t]he ultimate springs and principles" of reality are "totally shut up from human curiosity and enquiry".[45]

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[38] David Hume, An Enquiry concerning Human Understanding (1748), Section IV, p.39. This is in fact the "problem of induction": there is no rational way to proceed from limited data to general conclusions about the behavior of natural phenomena.

[39] Ibid.

[40] David Hume, An Enquiry concerning Human Understanding (1748), Section IV, p.39.

[41] Kenneth T. Callagher, The Philosophy of Knowledge, (1982), p.142.

[42] Chris Horner and Emrys Westacott, Thinking through philosophy, (2000), p.100.

[43] David Hume, An Enquiry concerning Human Understanding (1748), Section VII, part 1 in John Cottingham (edt.), Western philosophy – An Anthology, (1996), p. 99.

[44] Kenneth T. Callagher, The Philosophy of Knowledge, (1982), p.142.

In accordance with this notion, Hume presents his position on the two classes of truths we can know, and firmly dismisses any kind of metaphysical inquiry ascending beyond these limits. Relations between ideas may be investigated by the "abstract reasoning"[46] in mathematics; this excluded, all allegations to advance our knowledge about what exists must be founded on experience – yet, this can tell us merely about actually observed phenomena, and is "entirely silent"[47] about any supposedly ultimate extra-mental reality underlying them. The closed, *a priori* reasoning of mathematics on the one hand, and the limited results of actual observation on the other, exhaust the proper sphere of human inquiry. Any metaphysical speculation which attempts to surmount these boundaries should be, as Hume provocatively demands, committed "to the flames: for it can contain nothing but sophistry and illusion".[48]

Hume's challenge to speculative metaphysics exerted a strong influence on subsequent philosophy and Kant, being no exception in the matter, took up Hume's criticism in a systematic way; first in his *Critique of Pure Reason* and then in the *Prolegomena*,[49] in which Kant addresses the question whether such a thing as knowledge is even possible at all.[50] Recapitulating the interdependence of cognition and metaphysics, we are not *allowed* to repudiate metaphysics – otherwise the "moral welfare of humanity"[51] is at stake. The contradiction of metaphysics must be solved in another way than by its rejection. In some sense, in some form, metaphysics must be possible.

Following Hume, Kant was convinced that previous attempts to go beyond the observable world of experience and describe the supposedly absolute nature of reality (as proposed by the rationalists) were unable to ever succeed. Kant denounced such idle attempts in the following metaphor: "the light dove, cleaving the air in her free flight, might imagine that flight would be easier still in empty space."[52] It is consequently not possible to describe the world while ignoring any reference to experience. This is precisely the assumption that causes Kant to ultimately diverge from Hume. In stark contrast to

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[45] David Hume, An Enquiry concerning Human Understanding (1748), Section XII, part 3 in John Cottingham (edt.), Western philosophy – An Anthology, (1996), p. 100.

[46] Ibid., p.100.

[47] Ibid., p.98.

[48] Ibid., p.100.

[49] Immanuel Kant, Prolegomena, (1783) in John Cottingham (edt.), Western philosophy – An Anthology, (1996), p. 106.

[50] Wilhelm Weischedel, Die philosophische Hintertreppe, 1975, p.174.

[51] Chris Horner and Emrys Westacott, Thinking through philosophy, (2000), p.24.

[52] Critique of Pure Reason, in John Cottingham (edt.), Western philosophy – An Anthology, (1996), p. 109.

the radical sceptic, Kant asserts that in experiencing the world, the mind is *a priori* equipped with certain basic concepts of understanding. However, *a priori* in that respect does not mean entirely abstract and autonomous of experience. Instead these categories are to be understood as preconditions for all possible experience. Kant hence asserts that we already posses knowledge that is both *a priori* and also *synthetic*.[53] And it is precisely by asking how synthetic judgements may be a priori possible[54] that Kant essentially changes the nature of the question of the possibilities of knowledge.

The first crucial aspect in which Kant's philosophy diverges from Hume's is his entirely different assessment of mathematical truths. As we saw earlier, Hume claimed that mathematical knowledge is *relations of ideas*, or indeed tautologies. Kant in turn alleges that *a priori* mathematical judgements (for instance 2+3=5) are synthetic since we cannot arrive at the concept of five by the mere reflection on the notions of two and three.[55]

Besides providing a fundamentally different outlook on mathematics, Kant – in emphasizing that it is due to the creativity of the transcendental subject that mathematical concepts can even be developed – departs from Hume in another, even more important respect. Reacting to Hume's challenge that we cannot know any causal relations *a priori*, Kant attempted to show that the concept of cause *must*[56] be applicable to objective reality as it is only because of the applicability of such concepts as "cause" that we can even distinguish between objective and *subjective* reality.[57] At this point he manages to reveal a logical inconsistency within Humean scepticism. Hume, in asking whether this concept is really only subjective has distinguished himself as a subject from *objects*; if he could not do this without using the concept of cause, he then obviously could not turn around and question the validity of this concept.

Initially Kant holds that experience arises with "the raw material of sensations".[58] Yet the senses alone do not give us "objects". For this, the raw

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[53] "Coal burns" are synthetic propositions, since their truth cannot be established merely by analyzing the meaning of subject terms ("coal"). In contrast to the ultimately informative analytical propositions, such as "bachelors are unmarried", where the predicate ("'unmarried") is contained within the subject (contained within the concept of "bachelor"). Hume argues that no synthetic propositions can be known a priori.

[54] This is indeed the transcendental question.

[55] His argument here seems questionable, since the relevant proposition is clearly analytic if we define "analytic" (as Kant himself does) as that which cannot be denied without contradiction.

[56] One should note that this "must"focuses on the question: How is knowledge possible? It does not focus on an ontological 'it must be so'.

[57] Kenneth T. Callagher, The Philosophy of Knowledge, (1982), p.143

[58] Ibid.

material of sensations must be moulded by the formal categories of understanding. Of these categories "cause" is especially important. All our sensations are given in temporal sequence; but what we notice is that some of our sensation are in a necessary order and that the sequences in which we experience them cannot be arbitrarily ordered: the ship flowing down the river cannot be experienced in any succession whatever, but must be experienced in a regularly and orderly way.[59] One might also describe Kant's differentiation as our perception of *objects* (as for instance a house) as compared to *events* (the above described boat). In the former case, the order of my perceptions is reversible: I can easily observe the basement first and then move up to the roof, but equally well could I start at the top and move downwards. Returning to the boat example (the *event*), the order here is not subjective (up to me) – it begins objectively with the sequence of appearances themselves. In view of that, Kant alleges that "in the perception of an event there is always a rule which makes the order of the appearances necessary".[60] This reveals yet another flaw in the empiricist approach of Hume, which challenges us to show how our ideas of causation can be derived from the mere observation of data.

For Kant then, the concept of causality (necessary connection of events) is thus the *precondition* for the experience of objects which we possess *a priori*, in advance of particular observations, and which has a certain kind of objective validity.[61] We ultimately require this kind of instrument to be able to organise our experience which would otherwise be – to use William James' phrase – "a blooming, buzzing confusion".[62] However, if its validity solely consists in being an instrument for actual experience it would be absurd to ask whether it applies to something apart from experience. Therefore we cannot try to make use of this concept of cause when trying to prove the existence of God. To do so would be to seek to extend beyond experience a notion whose entire meaning consists in structuring experience. Kant thus denies all metaphysical value to the principle of causal relations, thereby separating "understanding" and "reason" – it is possible to think of something of which there is no concrete understanding, but it is impossible that this fictitious object be an object of cognition.

What can we deduce from this comparison? It appears that Hume was incorrect when stating that we do not perceive causes but instead merely sequences and that the notion of cause is formed by a psychological necessity, meaning that the mind demands experience as such to be intelligible. To assert that the notion of cause appears with psychological necessity is false as transcendental categories are not psychological categories – psychology is

[59] Wilhelm Weischedel, Die philosophische Hintertreppe, 1975, p. 176.

[60] Critique of Pure Reason in John Cottingham (edt.), Western philosophy – An Anthology, (1996), p. 109.

[61] i.e. it is a category.

[62] Chris Horner and Emrys Westacott, Thinking through philosophy, (2000), p.25.

empirical, transcendental categories are *a priori*. Indeed, one might argue that Hume's whole effort can be construed as a quest for the causes of our belief in respect to the notion of cause – giving a clear enough indication that he thinks there must be causes for it and thus jeopardizing his own conclusions.[63] Kant is thus on arguably more steady ground when he contends that the categories alone do not give us an "object" or "thing" and that their metaphysical use does therefore not provide knowledge in the same sense as sensual knowledge. So with Kant there is, after all, room for genuine metaphysics – not one which fruitlessly attempts to speculate about what lies beyond experience, but one which instead analyses and systematically lays out all the *a priori* concepts of the understanding, which the mind necessarily employs in processing and interpreting the data of experience. However, Kant talks about a concealed world beyond the empirically observable – the world of the "Things in themselves".[64] The "thing in itself" is however not an entirely incomprehensible concealed world beyond. It is a necessary transcendental assertion, because, if experience is necessarily and *a priori* structured by transcendental categories, then the mere sensible "thing" is not accessible, but a *transcendental* assumption. Kant asserts that there cannot be a fruitful speculation about the nature of such an independent reality; human reason is essentially restrained to *phenomena*, that is the world as experienced. The perplexities and confusions of traditional metaphysics were caused by its attempt to depict the supposed nature of reality "in itself"[65]; the new "critical" metaphysics, in defining the vital preconditions for human experience, can hope to provide instead "definite and perfect knowledge".[66] It has, as Kant convincingly concludes, a similar validity and authority "which modern astronomy has when compared to the pretensions of fortune-telling or astrology".[67]

In conclusion, Kant's "Copernican revolution in metaphysics"[68] was thus twofold. Firstly, it intended finally to lay to rest the aspirations of philosophers to depict the ultimate nature of reality as it is in itself. Secondly, it aimed to provide genuine metaphysics immune to the scepticist challenges introduced by Hume. This devastating attack on rationality – meaning the human ability to gain ultimate knowledge – comprises two main elements. Firstly, our tendency to move from isolated data to general laws is not supported by any rational process of argument or reasoning. Secondly, our belief

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[63] David Fate Norton (Edt.), The Cambridge Companion to Hume, (1993), p.80.

[64] „Das Ding an sich"in Critique of Pure Reason, in David Fate Norton (Edt.), The Cambridge Companion to Hume, (1993), p.110.

[65] Critique of Pure Reason i, p.110.

[66] Ibid.

[67] John Cottingham (edt.), Western philosophy – An Anthology, (1996), p. 104.

[68] Chris Horner and Emrys Westacott, Thinking through philosophy, (2000), p.25.

in real causal connections in nature is founded solely on subjective habit or custom, not reason.

How to react to these challenges? It may well be argued that the question of how we can move from a limited amount of data to general laws is in fact inappropriate from the outset since the notion of causality as the necessary and objective order of phenomena is actually included in the framework with regard to our experience of the world. The objective necessity of cause and effect may be solidified via the aforementioned distinction between cause and event, but arguably fails to refute Hume's sceptical worries completely. With regard to the basic laws of physics, nothing Kant postulated seems to eliminate Hume's doubt about how we are to make sense of the idea that there are actual necessary connections underlying the regular sequences of events that prevail in the natural world as "we have no idea of such a connection, nor any distinct notion of what it is we desire to know".[69] Evidently, one may claim that it appears necessary to postulate "categories" utilized by our mind to organize experience thereby making it intelligible.[70] Nonetheless, the question is not whether these relations are necessary but whether they possess a rational foundation. One may refute Hume by alleging that in searching for the causes of our belief in causation he is inevitably trapped in a self-refuting paradox – he denies any causes while simultaneously postulating the existence of causes –, indeed the ultimate problem of any sceptical endeavour. Consequently, the scope of *a priori* knowledge Hume allows for appears too limited to be sustained – W.H. Walsh, by saying about the Humean imagination that it is "simply the Kantian understanding in disguise"[71] therefore seems to miss the point.

Finally, the Kantian quasi-dissolution of rationalism and empiricism succeeded in overcoming the impasse of Humean scepticism. Prior to the Kantian solution, philosophy had been caught up in the conflict of Newtonian science with Leibnizian metaphysics, of the scientific world-view with morality and religion, of rationalist dogmatism with sceptical empiricism, conflicts which Kant succeeded in abrogating. The verdict of his tribunal is, simply, that reason is competent to know things lying *within* the bounds of experience, but *not* to know anything lying *outside* them.[72] The metaphysics that Kant

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[69] David Hume, An Enquiry concerning Human Understanding (1748), Section VII, part 1 in John Cottingham (edt.), Western philosophy – An Anthology, (1996), p. 103.

[70] An admittebly trivial example may illustrate this point: Every object is never perceived as being merely a collection of sensible properties (tastes, colours, etc.); we automatically presuppose that there is something underlying these that binds them together, something that persists over time and cannot cease to exist in any absolute sense.

[71] W.H. Walsh, Hume's Concept of Truth, in Reason and Reality, (1970), in Lewis White Beck, Essays on Kant and Hume, (1978), p.27.

[72] However, the verdict is, allegedly, not as simple. Reason necessarily postulates things outside of knowledge. For instance the "world", the "immortality of the

attacked, typical of rationalism, is speculative or *transcendent* (transcendending experience), and that which he preserves is immanent (internal to experience), or the *metaphysics of experience*. Via its self-examination, reason has simultaneously been released from its contradictions and sheltered in its empirical employment: the aspirations of transcendent metaphysics are restricted, yet Humean scepticism is crushed, and we are released from the see-saw of scepticism and dogmatism. The security of empirical knowledge, however, is at the expense of transcendent metaphysical knowledge. There was no alternative to this cognitive bargain: the contradictions of metaphysics had to be solved; its solution required the "Copernican revolution"; and the implications thereof for metaphysics are those illustrated above. They are indeed immense: not only saved from the sceptical impasse of Humean reasoning but also provided with the metaphysical support it so urgently needed, the domain of epistemology and metaphysics[73] has been conclusively rescued from collapse.[74]

References

Beck, L. W. (1978). *Essays on kant and hume*. New Haven and London: Yale University Press.

Callagher, K. T. (1982). *The philosohy of knowledge*. Fordham University Press.

Cottingham, J. (Ed.). (1996). *Western philosophy – an anthology*. Oxford: Blackwell Publishers.

Craig, E. (1998). *Routledge encyclopedia of philosophy*. London and New York: Routledge.

Gardner, S. (1999). *Kant and the critique of pure reason*. London and New York: Routledge.

Horner, C., & Westacott, E. (2000). *Thinking through philosophy – an introduction*. Cambridge: Cambridge University Press.

Norton, D. F. (1993). *The cambridge companion to hume*. Cambridge: Cambridge University Press.

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the sould" or "God", for the transcendental subject (as subject of freedom), is otherwise not thinkable.

[73] One may perhaps wonder whether the question of epistemology (how do we attain knowledge of reality?) and the question of metaphysics (what is the constitution of reality?) may righteously be intertwined in such a brute manner. This is indeed a subtle consequence of the 'Copernican revolution' resulting from the conceptual transformation of an object. From the pre-Kantian point of view these questions may remain separated due to the detachability of knowability from objecthood – a perception clearly suspended by Kant.

[74] Consequently enabling Kant to conclusively demonstrate the unity of cognition (Critique of Pure Reason), morals (Critique of Practical Reason) and judgement (Critique of Judgement).

Weischedel, W. (1975). *Die philosophische hintertreppe*. München: Deutscher Taschenbuch Verlag.

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Whose Water is it anyway?

A Social Psychological Approach to Effective Public Protesting in Plachimada

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Abstract This paper analyzes the successful struggle of Indian villagers to regain access to their groundwater, which had been depleted by deep bore wells of a large scale Coca Cola bottling plant. To many, the victory of a farmers' community against a multinational corporation appeared to be out of reach, but it turned out to be a fight of 'David vs. Goliath'. Different factors contributed to the fact that the local dispute evolved into a matter of national concern, and eventually resulted in the withdrawal of the bottling plant's operating license. The question at hand is: What is it that made this movement succeed?

1 The Plachimada Protests – Introduction to the Issue

In 1997 the Cabinet Committee of Foreign Investments of the Indian government allowed Coca-Cola to set up entirely owned holding companies, which in turn were permitted to build downstream bottling plants. Hindustan Coca-Cola Holdings Private Limited[1] set up one of their bottling plants by Plachimada in Kerala state. The plant had a 1.500.000 liters capacity for water-based products and drew from about 60 bore wells and two open ponds daily. Regulation of the plant's use of these facilities was limited. The Central Ground Water Board and the Central Ground Water Authority, both under the Union Ministry of Water Resources, predominantly have advisory functions. While they reserve the right to ban the extraction of groundwater where there are low levels, this right is very rarely used and Coca-Cola is

[1] In 2000 Hindustan Coca-Cola Holdings Pvt Limited was permitted to merge with the other Coca Cola holding company into Hindustan Coca-Cola Beverages Pvt Ltd

merely obliged to specify the amount of water intended to be drawn in order to be charged accordingly by authorities. Kerala state, the only tropical region of India, thus seems to be a welcoming, laissez-faire location for beverage producers to settle (Wramner, 2004).

Cheap and effortless access to ground water undermined any incentive for economic restraint in withdrawal, resulting in the suffering of the community. This has become obvious in the drastic depletion and pollution caused by the plant's means of production. There had been less water as it was, due to a lasting drought. The inhabitants of Plachimada soon noticed the reduction and deterioration in the quality of the water they drew from wells. The water, which had turned a different color, caused a significant part of Plachimada's population to get sick and lowered their crop yields (Wramner, 2004). The plant also supplied local farmer's with a sludge-like waste product, claiming it to be usable as fertilizer. This was not the case and it was soon shown to contain high levels of toxic substances such as the liver-damaging metal cadmium. There was an outrage in the local community causing a prolonged series of demonstrations of various nature and intensity. Health problems, economic impacts and public pressure abounded. Hence the protests intensified and attracted increasingly more communities, raising awareness to the situation (BBC, 2003).

During the demonstrations roads had been blocked, preventing the transport of water to the plant. The company made attempts to assuage the local community's anger by offering daily truckloads of water, which had no effect on their determination. On a national scale, the company also made attempts at allaying anger by releasing new advertisements after publication of the toxic reports. Nevertheless, the local uproar soon sparked demonstrations in all of India and became an international example of exploitative production methods. Indian's attitude towards the multinational company had turned negative. Coca Cola had resisted court orders to provide toxicology reports as well as orders to install water meters. It had effectively resisted compliance with local authorities. A number of rallies and hunger strikes took place all over India until 2004 when the plant was shut down (Wramner, 2004). Initially, the local authorities refused to renew the plant's license because it failed to comply with municipal orders to halt ground water use, provide reports of product safety and non-toxicity of the 'sludge-fertilizer' but the company resisted these demands until the state government became involved. The local Panchayat[2] had been striving for self-governance and only reluctantly allowed state involvement in exercising constitutional and statutory powers. Also, the High Court initially merely ordered temporary halting of the plant's production for drought relief, which did not satisfy the Panchayat. It therefore continued to refuse renewal of the plant's license until Coca Cola reluctantly engaged in legal proceedings (Surendranath, 2004).

The small-scale dilemma, involving only municipal government, had

[2] A Panchayat is a local council, which literally means 'council of five [villages]'

evolved into a national concern, ultimately leading the state Pollution Board to order the plant to close and the High Court to remind the company that groundwater belongs to the whole society, forcing them to close down their bore wells (Wramner, 2004). The Plachimada-Coca Cola conflict is a prime example of failure to manage common property resources and of successful collective action thereupon. The case drew the attention of the international community as a case of 'David vs. Goliath'. The success of an Indian community of 1000 families in regaining management of their ground water from the multinational giant Coca Cola demonstrates how such dilemmas where disproportionate use of common resources by large companies is the problem can be resolved.

A large part of what forced a decision by higher authorities was the organized and efficient fashion in which large groups of protesters peacefully blocked streets to the bottling plant and prolonged 'dharnas' in front of the gates of the plant (Surendranath, 2004). The *dharna* is one of many forms of culturally established and proven civil disobedience. In particular it is a sit-down strike, which may include fasting. The *dharna* in front of the plant in Plachimada lasted for an incredible period of over two years. Numerous peaceful protesters, even children, were arrested and treated in a violent fashion by the police. The individual's costs for participation were obviously high. Still, the movement did not decline but rather gathered momentum. Non-governmental organizations became involved and people from different countries joined the Plachimada people in their endeavor to reclaim their groundwater. These peaceful protests sparked others all over India and public esteem for Coca Cola hit a new low. The authorities were pressured intensely to shut down the bottling plant. While the state government of Kerala was pro Coca-Cola, probably for economic reasons, the Supreme Court eventually provided Constitutional provisions that respected the human rights of Plachimada's residents. Thus, while the local panchayat had quite soon ordered the plant to close, effective government action seemingly required or was at least hastened by widespread, resilient and enduring public protesting (Wramner, 2004; Priya Sangameswaran, 2007).

1.1 Plachimada Resources in a Common's Dilemma

The situation in Plachimada is readily described as a commons dilemma, which provides an interesting perspective on the nature of the problem. This dilemma is characterized by the fact that every individual is rationally motivated to use the commons as much as possible, in order to get the most benefit out of it (Kollock, 1998). In this case, the ground water constitutes the commons and Coca-Cola acts according to this individual rationality. However, if everyone acts in this way, the commons will soon be destroyed and everyone is off worse than before. This tragedy is due to the nature of commons, which is non-excludable and substractable (Kollock, 1998). This means that everyone can make use of the commons in an unlimited fashion if

unmanaged, but using it decreases its availability for the rest of the community. Thus, heavy use of the ground water by the Coca-Cola bottling plant caused its depletion and contamination, eventually causing harm to the whole of the community.

Hardin, who made the theory of commons dilemmas famous, rejected that education and conscience can be a way of dealing with this problem. He proposed that commons could only be managed and their use be maintained at a sustainable level through socialization or privatization (Wramner, 2004). The people of Plachimada were also fighting for a responsible management of their ground water, though *not through privatization.* Moreover, Wilke claimed that one major motive for acting selfishly concerning common goods is *greed* (Van Hiel, Vanneste, & De Cremer, 2008). Since Coca-Cola is a capitalist company, it is conceivable that their policies in managing commons are motivated by *greed* to a great extent. This was also the common view in the Indian populace, which had experienced its share of conflict with the Coca-Cola.

2 Discussion of Relevant Factors and Concepts

The activities of the Coca-Cola bottling plant caused depletion and contamination of the ground water in Plachimada, which had already experienced droughts for consecutive years. Since ground water can be considered as a commons, accessible to everyone yet not infinitely available, the problem can be conceived of as a commons dilemma and the resulting situation can be ascribed to a bad and irresponsible management of the commons. The only truly viable solution to this is legislative or judiciary intervention. Especially when the defector is a multinational company in a small agricultural community. Nevertheless, first sufficient attention had to be drawn to the issue and its negative consequences. Especially in Plachimada's case this was helpful since an earlier provision by the Supreme Court, which granted the plant a license, needed to be overruled. Thus, significant public pressure had to be built before government action became unavoidable. All eyes were set on India's national government and everyone was aware of demands made by the afflicted.

Therefore, we aim to uncover and explain those factors, which explain the formation and cohesiveness of such protests as the initial dharna of 2000 people in Plachimada. The question central to this process is what prevented there from being a free-rider problem. The individual cost was significant and yet the collective effort was enduring. In explaining what allowed for such an efficient social movement, valuable knowledge could be uncovered to help in similar situations where cohesiveness is crucial and free-riding to be avoided.

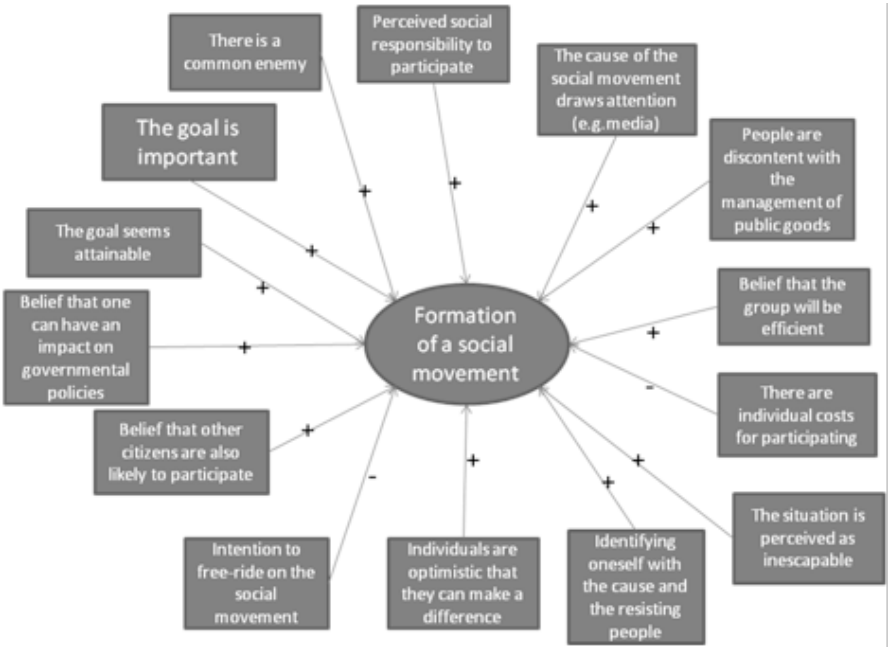

Figure 1. : Mediating factor

2.1 Social Movements

The people of Plachimada did not want to accept their situation. According to Simon, Loewy, Stürmer et al. (1998) there are two ways to improve your condition in a society. One is on an individual level by changing one's social position. The other is collective, namely changing the conditions as a group. In Plachimada, people collectively resisted, as shown for example by the fact that more than 2000 demonstrators formed a blockade outside the plant (Wramner, 2004). Moreover, several organizations were involved in the strikes and demonstrations. Thus, it is important to ask how resistance on an individual level can lead to organized resistance, which was an important step for success of the Plachimada resistance.

There are various factors that play a role in the formation of and participation in social movements, which are defined as "efforts by a large number of people to solve collectively a problem that they feel they have in common" (Simon, et al., 1998, p. 646). One theory is Klandermans' model of social movement participation. His theory explains how a person becomes motivated to participate in a social movement and it works as a function of benefit and cost. That is, people participate in a social movement if the benefits are greater than the costs. The goal of the collective movement can

be seen as a collective good, which means that everybody who sympathizes with the movement's cause will benefit if the goal is achieved (Simon, et al., 1998). In the case of Plachimada, this collective good is the restoration of the ground water. If the movement is successful, the bottling plant will close down and everybody will profit from the reconstituted ground water. One problem of this is that there is an incentive to free ride. This means that also people who did not contribute to the movement in any way will profit from the collective good. Now, if the collective good itself is not enough motivation to participate in the movement, then what is?

2.2 Risk Salience

In our model, there are four motives motives which determine whether an individual participates in a social movement or not. The first factor is the *collective motive*. More specifically, an individual's decision to join a social movement depends on how valuable the goal is to him or her and how likely it is that this goal will be achieved. Thus, there are two factors involved in determining the motivating relevance of the *collective motive*: the goal value and the outcome expection. These two factors in turn are related with each other by a multiplicative function. This means that both factors influence each other and have to be taken together in order to determine the motivation to participate in resistance. Since clean and usable ground water is a necessity for survival in such a dry area and many people of Plachimada do not have the means to get water from non-contaminated wells, achieving the goal is very valuable (Wramner, 2004). This might even compensate for the fact that the expectation of achieving the goal is initially rather low when one considers that Coca-Cola is a very powerful multinational company. Studies have found that Klandermans' *collective motive* is a valid predictor for participation in a social movement (Simon, et al., 1998).

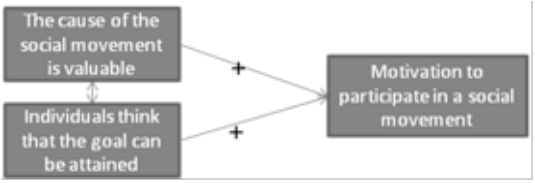

Figure 2. : Collective motive

2.3 Social motive in individualistic vs. collectivistic societies

Social motive explains individual likelihood to participate in a social movement, referring to expected positive reactions in the social environment for contribution and the value ascribed to these reactions (Simon, et al., 1998). Getting admiration or respect from other people and ascribing importance to

those judgments is thus another motivation for participation. This motive, too, consists of two factors, the first one being the expectancy of positive or negative reactions of one's social environment, and the second being the ascribed importance to those reactions. Again, these two factors influence each other and determine the motivation to participate only if taken together.

One study found that the relevance of the social motive in predicting participation in a social movement is not as high as that of the collective motive (Simon, et al., 1998). However, this study was conducted in Germany and Western societies are considered more individualistic[3]. By contrast, India has a very collectivistic society and therefore we can assume that the social motive plays a more important role concerning the participation in the social movement of Plachimada. In fact, in collectivistic societies, people tend to think in more global and social terms. Thus, it is conceivable that people are going to participate in resistance if this will benefit their society as a whole. Moreover, if they do not participate, they are more likely to encounter negative reactions from their social environment and also take these seriously. E.g. While the community was rallied behind the common goal of securing access to their ground-water, it is reasonable to assume that peer pressure was also active here so that members of the community feared to be ostracized in future for openly declaring to be in favor of the bottling plant.

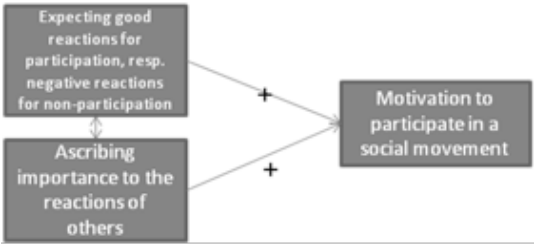

Figure 3. : Social motive

2.4 Collective identification

Klandermans' approach has been criticized for being too reductionist and for emphasizing individual rationality too much. It has been proposed that

[3] In a study on the Theatre of the Oppressed and Environmental Justice Communities conducted by Sullivan et al. (2008), they found that it 'builds a network of shared support and solidarity within the group'. The Theatre of the Oppressed developed by Augusto Boal is already practiced in more than 180 countries (Boal, 1998) These successes suggest that collective identification and effective mobilisation is also achievable in other contexts, which lack favorable cultural factors for contribution such as India's tradition of civil protest or a collectivistic background.

collective identification is another very important factor for the emergence of and participation in social movements. In fact, people participating in a social movement see themselves as a group and the disadvantages they experience (i.e. ground water depletion and contamination) arose from their relations with another group (i.e. Coca-Cola company) (Simon, et al., 1998). Simon et al. claim that the more an individual perceives himself as being part of a social group, that is the more he identifies himself with the resisting community, the more likely he is to actively participate in the social movement.

They supported their theory with a study, which found that participation strongly correlated with how much an individual identifies with the collectivity (Simon, et al., 1998). Moreover, Simon et al. proposed that collective identification can be divided into two levels: one general level (e.g. identification with the cause of fighting for clean and usable ground water) and a more specific level (e.g. identification with a specific organization and agreeing with their demands, or means and methods to resist). The results of the study suggest that both levels are predictors of participation, with the more specific level being the better predictor (Simon, et al., 1998). This is also congruent with Ajzen & Fishbein's principle of compatibility for predicting in how far people's attitudes coincide with their behavior. There is evidence that collective identification was very strong and played an important role in the success of the resistance in Plachimada. First of all, more than 20 Indian and international organizations supported the cause of the Plachimada people. Furthermore, the people of Plachimada saw themselves as victims of a new kind of corporal colonization by a transnational company taking their birthright to clean water (Simon, et al., 1998). Of course, this is a powerful mechanism for reinforcing identification with the victims and activists, as exemplified by the fact that protesters from neighboring provinces joined the social movement and that demonstrations against Coca-Cola's policies could be observed all over India (Simon, et al., 1998). Plachimada became an international symbol for successful resistance against exploitative companies.

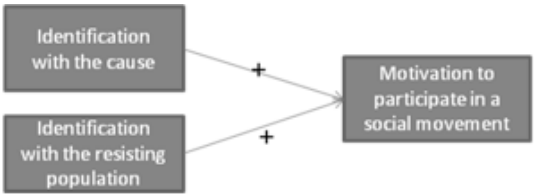

Figure 4. : Collective identification

2.5 A Dual Process Model of group participation

Prof. Dr. Lubell attempts to link individual decision-making and belief with the logic of collective action. While the fields of sociology and po-

litical science have taken various successful approaches to social movement participation, there is a certain lack of supported theory concerning the individual's role in group formation and cohesion. One of the most prominent models of sociology and the political sciences is the collective interest model, which Lubell adapted for his purpose of including certain individual factors in examining participation in protest and environmental activism movements The following thus applies the collective interest model and relevant concepts from other works to explain the individual's participation in the Plachimada protests. The logic of free-riding is also respected by accepting that the individuals' contribution to the success of the group effort is minute. Thus, in explaining participation, the individual's perceived *personal influence* is the critical value. Also, *group efficacy* is considered by individuals as well as the *value of the public*. Studies of participation have centered on examination of the relevance of such factors (Lubell, 2002).

The collective interest model claims that individual participation in a movement is likely when the perceived value of doing so is positive. Several factors determine the perceived benefit of participation in an environmental protest, as Plachimada represents. The first factor is the existing level of *discontent with the management of public goods*, in our case a subtractable common-pool resource. Thus, if the individual perceives the government's provision of a shared good to be unjust or as having negative effects, the likelihood of joining a movement, which aims to reconcile such a situation, is significantly higher (Finkel & Muller, 1998). In the case of Plachimada the level of discontent with management or provision of the common good (the groundwater) was quite high since the negative effects of groundwater depletion and pollution were direct and drastic. The community of Plachimada consists of around 1000 families and the lack of water for domestic use and increasing numbers of sick individuals rapidly became salient (Wramner, 2004).

The second factor of importance in determining individual participation are beliefs that the collective effort may be successful in providing the desired public good, or in the case of Plachimada closingof the bottling plant. Thus, *group efficacy beliefs* are of central importance (Lubell, 2002). India has a long and complex historical development of civil disobedience methods, sparked by Gandhi in the 1930's. Since then various means of peaceful protesting have proven effective in achieving social or political change and have become a central aspect of Indian culture. Many particular forms of protest are recognized and accepted by the Indian government.[4] The initial large-scale protest of Plachimada citizens in front of the bottling plant on April 22, 2002, occurred in the form of a *dharna*, which requires official notice and permission by the local government. A group of about 2000 inhabitants took part in the

[4] There are also several groups that resort to violence, such as the Naxalites that aim to redistribute Land by means of armed insurgency since 1967. Of course these are not accepted by the govt.

picketing. The *dharna* outside the factory lasted for a period over two years and included fasting as a means of drawing attention to this specific problem. National and foreign activists soon joined the Plachimada people. It may be said that Indian communities are eminently familiar with organized and instrumental protesting and hold a cultural conviction in the efficiency of such methods. Also, even if there had been relatively little hope for success in the *dharnas* and demonstrations against Coca-Cola, the villagers had few other means of achieving their goal. Sole reliance on the effects of the municipal's initiative and the supreme court's ruling would have produced much less pressure than public strikes and demonstrations (Pradarshan)(Wramner, 2004).

Participation is also supported and explained by the collective interest model's claim that people strongly tend to overestimate their influence or *personal efficacy* concerning a group effort. In weighing the relative benefits and costs of participation versus abstention, the perceived individual influence on the likelihood of group success is important. Thus, the individual is more likely to join the movement if he/she is convinced that doing so will significantly increase likelihood of success, if *personal efficacy beliefs* are high (Finkel & Muller, 1998). Finkel et al. found personal efficacy to be a strong predictor of protest behavior/participation. In light of the prior factor, it is reasonable to assume that the people of Plachimada had sufficiently positive self-efficacy beliefs concerning their influences on group efficacy. Also, Lubell claims that the expected group efficacy and value of group action increase personal efficacy beliefs. The collective action, as explained, was highly valued due to it being the best and perhaps only tool available to Plachimada's people, since the authorities could not directly be influenced. And, India's prevalent culture of strikes and demonstrations has fostered popular trust which is included in civil disobedience methods such as the *dharna*. It follows that personal efficacy was sufficiently present due to other factors (Lubell, 2002).

Beliefs that the group effort will be effective are also influenced by *internal and external political efficacy beliefs* as well as *citizen efficacy beliefs*. Internal political efficacy beliefs refer to the individual's competence to effectively take part in political endeavors and external political efficacy refers to *the responsiveness of the government*, which one is attempting to influence. Internal and external efficacy perceptions were sufficient to allow for participation in Plachimada because of the framework in which it occurred (Lubell, 2002). The *dharna* and other Indian means of social protest have been around for some time and have proven their effectiveness in achieving a government response. The individual focuses on joining the movement because he believes it to have the capability of rectifying the situation, which also must include the belief that relevant governments will respond. As Plachimada was affected as a whole, its inhabitants were collectively aware of the situation and of their improved chances of achieving the common goal of closing down the bottling plant (Wramner, 2004). *Citizen efficacy beliefs* were quite high since

Plachimada is quite small and agricultural. It refers to the belief that other citizens are trustworthy and that they are likely to partake in a collective effort. The people know each other and if not personally, they at least have shared the burdens of drought and contamination. Also, the people of Plachimada have been part of a movement fighting for the right of self-government. Thus, there is reason to assume that *norms of reciprocity and trust* in peers were quite strong, also since fighting a common enemy like Coca-Cola fosters cohesiveness and cooperation in fellow-participators (Myers, 2008). According to Lubell, environmental activism movements are significantly depleted by a lack of trust in reciprocation by others. This stance is understandable in our case, especially since fasting and idly sitting while arrests are being made and police brutality is occurring are sufficient reasons to abstain from participation. The culturally pre-existing trust in such methods, previous observance of successful movements as well as strong solidarity and cohesiveness prevented any notions of potential defections.

Also, the value and *importance of the public good* itself is important as can be seen in Plachimada. Participation in a protest movement is greater if the public good is especially valued and groundwater is such an example. The inhabitants of Plachimada require groundwater not only for irrigation and thus for producing food but also for cooking, washing and drinking. Dependence on this resource has been accentuated by the low monsoon rains and drought which had been experienced by the region in consecutive years. In fact, the effects of groundwater depletion were marked by suicides of farmers in the region,[5] incapable of coping with debts and other problems caused by failing crops. All the while, the Coca-Cola plant continued to draw between 350000 and 1.5 million liters of groundwater daily (Inet SOURCE coke vs. people). Thus, the lack of groundwater could not be ignored.

Since Lubell aims to focus more on individual incentives, *selective benefit and cost* are also discussed. The Plachimada villagers were all affected by the plant's means of production and there was no other option present that would have been more instrumental to the individual's cause. Non-contribution to the cause was unlikely because each individual was strongly affected by depletion and pollution of the water and sought exclusion of Coca-Cola. The rational individual was faced with two options: join the movement or free ride. However, because each individual did not only aim to gain a benefit most likely to be achieved by collective effort but also aimed to remove the present costs of low and polluted groundwater, free-riding was not necessarily the most rational choice (Wramner, 2004). Free-riding is most likely in situations where non-contribution is likely to lead to more individual benefit and where costs of potential collective failure are not salient to the individual. However, for the free-rider in the Plachimada case, non-contribution presented a very

[5] In fact, not only in the region but all over India a large number of farmers commit suicide due to insufficient income to feed their families and pay back their debts.

salient potential cost, which affected everyone; failure to remove Coca-Cola. The separate individual would have had but little influence on the exclusion of Coca-Cola from the good and low hopes of restoring his share of water. Therefore participation was also on the individual level the most beneficial option; the most effective path of behavior in achieving the personal goal, which coincided with the collective aim (Lubell, 2002).

3 A Process Model for the Plachimada Protests

3.1 Explanation of the model

The variable of interest is defined as 'the formation of a social movement that is resilient and persistent'. Of course there are obstacles for getting there, that is, the free rider problem and the fact that it is always costly to participate in a social movement. In Plachimada, these costs were even more relevant, since the authorities were rather rough with the demonstrators and because there was high likelihood of being arrested. One reason not to free ride is if the individual perceives the collective goal as more important than the individual costs he experiences for participating. Thus, the model aims at explaining how these obstacles can be overcome if there remains incentive to free ride and what social psychological factors are necessary for forming a social movement. *Motivation to participate* is assumed to be the most significant mediator on the end variable, a persistent and resilient movement. Hence, motivating factors which provide negative or positive incentives at the individual level are essential.

First of all, people are only motivated to engage in a social movement if they think that its goal is valuable to them specifically and that it is realistically attainable. Those two factors influence each other according to Klandermans' concept of *collective motive*. Stronger *collective motive* entails stronger individual motivation to participate in resistance. Whether individuals think that the goal can be attained is, in turn, determined by their *citizen efficacy beliefs* and by their *internal and external political efficacy beliefs*. That means that individuals should have high expectations as to the likelihood of a fellow citizen's contribution in the social movement. Also, individuals must perceive their political knowledge and influence on/relevance to the matter to be sufficient as to assume the possibility of change..

Then, in a collectivistic society such as India's, the people should also be socially motivated to participate in a social movement. That is, they should not only expect significant negative consequences for their reputation and social standing if they freeride. Potential members of the movement must also expect social rewards such as admiration and respect as reciprocation for their active participation. Of course, the average person naturally sees others' opinions as relevant but in this case socio-cultural and other contextual factors are assumed to be central making such expectations more likely. In other words, the chances that a person will expect negative consequences for defection and rewards for contribution are also strongly determined by

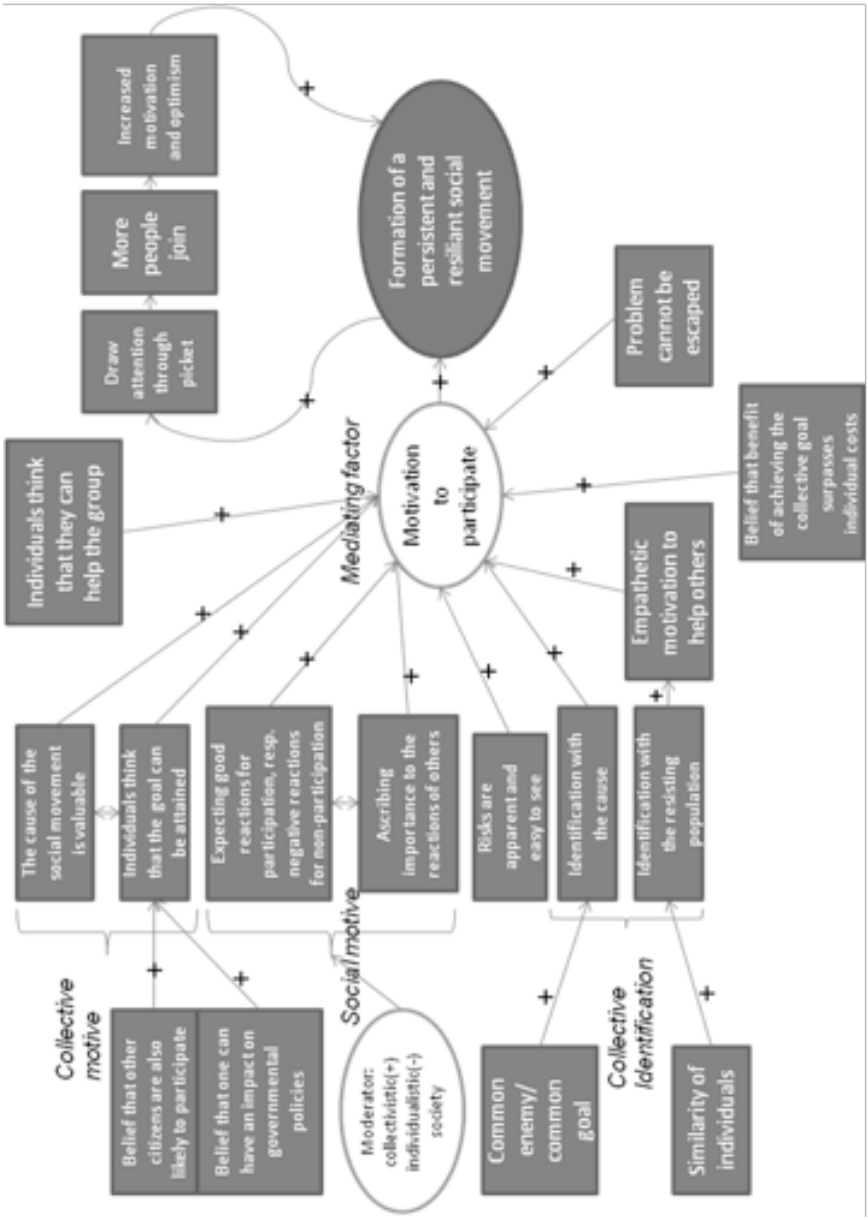

Figure 5. : Model

culture, ideology, religion, societal structure, status of family and community.

People are also more motivated to participate in a social movement, if they are highly aware of the risks or the problem, and know what the cause of this problem is. In the case of Plachimada, this was true since the problem of pollution and its source were both blatantly obvious.

Moreover, one of the most important factors for being motivated for participation is collective identification, which has two levels. The more general level is the identification with the resisting group, which is in turn determined by the similarity of the people; be it in cultural, national, political or other terms. The more specific level is the identification with the movement's cause or the goal of a specific group (e.g. organization), which is determined by a common goal or common enemy of the people. Higher levels of collective identification entail higher motivation to participate. Moreover, if one is able to identify with the plight of others, then empathetic concern is likely, which also increases the motivation to help others.

Further motivation to participate also results from the inability to escape by displacement or changing one's own social position. In fact, the great majority of the people in Plachimada did not possess means to move to a different place and had no alternative water source. Thus there were significant efforts to actively correct the problem. Then, a high *self-efficacy* also increases individual motivation to participate in resistance. People should value their own actions generally, and believe that they can aid group efforts. This is to be considered next to specific efficacy beliefs mentioned earlier but all efficacy beliefs vary individually and culturally.

Among the factors that contribute to the formation of a persistent and resilient social movement we also identified the role of individual and collective awareness of the issue. More specifically, perceived ability of the group to influence the situation and possibly tackle the problem is enhanced once the individual is 'backed up' by the group and becomes an active part of it, which fosters cohesiveness and brings more people together who have nothing to lose, but only to gain. Thus, individuals recognize the inescapability of a situation and take advantage of a presented opportunity for making change by contributing to the existing movement.

Inside the group an increased motivation and optimism toward the attainment of their goal exists, because it facilitates empathetic concern, understanding and social support amongst fellow protestors. This optimism and motivation, in turn attracts the attention of even more participants (as was the case e.g. with the national and international solidarity for the people of Plachimada), which again spurts the group's size and mobility even more.

In the process of group sensitization, the attention that is drawn through the pickets, the number of participants who join the movement, and the motivation and optimism toward the goal-attainment undergo a circular interaction. Ideally, it is a positive circle that contributes not solely but significantly to the success of the collective movement.

3.2 Alterability of Available Target Factors

We set out to explain the Plachimada movement's success in order to provide an understanding of underlying social mechanisms and to identify principal target factors to manipulate the efficiency of a social movement. We will conclude on this aim by considering the mutability of our independent factors.

Risk salience is a crucial factor for the individual's motivation to join a collective group effort, aimed at tackling a common problem. This is supported by findings of the previously described experiment on willingness to join movements aginst the arms race (Gilbert et al. 1988). The salience of risks, such as those presented by the Coca-Cola bottling plant, can be readily influenced. Public awareness campaigns using various media devices could form the opinions of a populace in such a way that risks and thus responsibility are undeniable.

Collective identification is also central in motivating individuals to join a group effort, as evidence put forth by experiments, described earlier by Simon et al. (1998) have shown. The theory comprises a general and a specific level. The latter has been proven to significantly correlate with willingness to partake. Thus, identification with the cause and nature of an organization is influenced by a common external 'enemy' or a common goal. These factors are not in themselves changeable but specific-level identification may be increased by other means (Simon et al., 1998). For instance, non-governmental help organizations can adapt their methods, stance and aims in ways, which foster increased identification with their cause. Therefore, if the published statements of an organization reflect popular belief and their methods and specific aims are congruent with the afflicted individual's desires, participation is more likely.

Efficacy beliefs are fundamental to processes, which lead to individual willingness to participate in several ways but most pathways are not particularly influencable. Beliefs that the group effort will be successful and that one's single contribution is significant are, in turn, influenced by political efficacy beliefs. Such beliefs are socio-demographically moderated but also culturally determined. Group efficacy beliefs in Indian 'dharnas' are certainly more positive than would be expected in western countries, since India has a collectivist society. Beliefs concerning responsiveness of governmental institutions are also not readily influenced.

It is contestable whether social motive is important since this is also a matter of culture. Simon et al. found that social motive is rather irrelevant but since India is a collectivist culture where social ties are stronger and social approval is regarded more highly, this claim may well not apply.

4 Conclusion

From a Social Psychological perspective, the different factors discussed here explain the success of the Plachimada movement. Still, it is worthwhile to

bear in mind that some of the models discussed here are based on conjectures about individual decision making (e.g. utility-maximization) which need not necessarily reflect the ways in which the actual villagers of Plachimada apprehended their decision to launch or join the movement. Therefore these conjectures are to be understood as tools to problematize and explain the formation of a social movement in a manner that is familiar and convenient to the social psychologist.

The manageability of a common ressource dilemma which involves a multinational corporation has been exemplified in the case of Plachimada. Successful judiciary intervention was required to remedy the acute water shortage and pollution of their environment. This was brought about by a group of citizen who, in spite of their preposterous situation, did not loose faith in the democratic character of their Indian legal system. Still identifying themselves as citizens that are subject to the law of this country, they reclaimed their fundamental rights in the ways foreseen in their constitution. A serious reciprocation from the government was needed to maintain a high 'citizen efficacy belief ' among them. This is to say that they had to see that their constitution is not a mere ridicule.

The achievement of this movement stands as a symbol for the possibilities of fruitful public protesting. The fact that the Indian govt. claims to be democratically accountable makes room for such interventions and the dynamics of public checks and balances to take place. But as more and more citizens are deprived of their basic constitutional rights in the name of privatization and economic growth, the very basis of this democratic accountability threatens to erode.

References

BBC. (2003). *Coca-cola's 'toxic' india fertilizer.* (Retrieved on December 23, 2008 from `http://news.bbc.co.uk/2/hi/south_asia/3096893.stm`)

Boal, A. (1998). *Legislative theatre: using performance to make politics.* London/New York: Routledge.

Brehm, S., Fein, S., & Kassin, M. (2002). *Social psychology 5th ed.* Boston: Houghton Mifflin Company.

Finkel, S. (1998). Rational choice and the dynamics of collective political action: evaluating alternative models with panel data. *American Political Science Review*, *92*(1).

Gilbert, R. K. (1988). The dynamics of inaction – psychological factors inhibiting arms control activism. *American Psychologist*, *43*(10), 755–764.

Kollock, P. (1998). Social dilemmas: the anatomy of cooperation. *Annual Sociology Review*, *24*, 183–214.

Lubell, M. (2002). Environmental activism as collective action. *Environment and behavior*, *34*(4), 431–454.

Myers, G. D. (2008). *Social psychology 9th ed.* New York: McGraw Hill.

Sangameswaran, P. (2007). *Review of right to water: human rights, state legislation, and civil society initiatives in india.* Bangalore: Center for interdisciplinary studies in environment and development.

Simon, B., Loewy, M., Stürmer, S., Weber, U., Freytag, P., & Habig, C. K. (1998). Collective identification and social movement participation. *Journal of Personality and Social Psychology*, *74*(3), 646–658.

Sullivan, J., Petronella, S., Brooks, E., Murillo, M., Primeau, L., & Ward, J. (2008). Theatre of the oppressed and environmental justice communities – a transformantional therapy for the body politic. *Journal of Health Psychology*, *13*(2), 166–179.

Surendranath, C. (2004). *Coke vs. people: the heat is on in plachimada.* (Retrieved on December 22, 2008 from `http://www.indiaresource.org/campaigns/coke/2004/heatison.html`)

Tyler, T., & McGraw, K. (1983). The threat of nuclear war: risk interpretation and behavioral response. *Journal of Social Issues*, *39*, 25–40.

Van Hiel, A., Vanneste, S., & De Cremer, D. (2008). Why did they claim too much? the role of causal attributions in explaining level of cooperation in commons and anticommons dilemmas. *Journal of Applied Social Psychology*, *38*(1), 173–197.

Wrammer, E. (2004). *Fighting cocacolanization in plachimada: Water, soft drinks and a tragedy of the commons in an indian village.* Human ecology division, Lund University.