

A philosophical refugee?

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A philosophical refugee? – A philosophical Interview

First Question:

Is it possible to provide a philosophical definition of the notion 'Refugee'? If yes: Could you define the notion 'Refugee'? If not: Why it is not possible to provide such a definition.

§ Definition of words and cognitive habita

Theory of definition distinguishes between several types of definition. Lexical definitions clarify the ordinary usage while precisising definitions aim at sharpening the usage in certain aspects. When such sharpening has taken place the precisising definition may end as a - revised - lexical definition. The aim of definitions is to determine what objects or phenomena the concept applies to, and what objects it does not apply to, so that the objects can be identified. This holds true for lexical definitions as well as precisising definitions. It holds true for ostensive definitions that work by pointing out good exemplars as well as extensional definitions that list the objects of a concept. It also holds for theoretical or conceptual definitions as Aristotelian definition by genus et differentiam, or definitions of the intensional definitions, i.e. definition of the conceptual 'content' or meaning of the concept. A definition enables the user to distinguish between what falls under the concept and what not. A definition of the notion of distinguish between refugees and other people.

Here we should distinguish between concepts and words: do we define concepts or words? Concepts are cognitive structures enabling people to understand and reflect. Words convey meaning between people. Defining words may serve the purpose of enabling common understanding. Our concepts - on the other hand - are cognitive skills that develop over time. They tend to become highly sophisticated structures, cognitive habita involving many layers of understanding. Such complexity defies any definition. Thus, highly skilled and professional concepts transcend any definition. Thus, a central social concept such as a refugee is not definable.

On the other hand there is the word refugee. Obviously, one can define it by precisising definitions. Such definitions do exist and play an important operative role in law and politics. According to them a refugee is [roughly] a person who has been forced to leave her country in order to escape war, persecution, or natural disaster. Such definition connects directly to our habitual cognition of refugees, which enables us to reflect, evaluate and revise operating precisising definitions. They may be social, legal, technical, theoretical, lexical or whatever definitions - but they are not philosophical definitions. What is a philosophical definition? It is unheard of. What is the point of such thing?

§ Re-structuration and the transient notions

The notion of a refugee involves by the definitions in use a transition between two countries. The notion and thus definition of a refugee should - presumably - also function across national / cultural / language borders - or whatever borders are at play. Luckily, such definitions exist. The operating legal definitions of a refugee are international and part of the 1951 UN Refugee Convention and later amendments.

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Although many 'Western' style democracies openly receive and accept many legal refugees there are other countries - as for instance the Gulf states or Japan - that do not or almost not receive and accept refugees although they are wealthy and part of the international community. The reason for this seems to be cultural. This demonstrates, that the international legal definition of a refugee and the legally attached right to asylum is not the real operating definition. There exist underlying cultural understandings of the notion of refugees that may differ from the legal definition and that determine the political practice.

Thus notion of a refugee is not confined to the legal definition. The legal definition positions the refugee as a legal person in the receiving society with the consequences of having the right to legal support and protection from the receiving country. This legal notion of a refugee, which implies legal right to asylum is an 'add-on' to a more the basic concept of a refugee in the cultural social practice. Such add-ons are always necessary in order to create a legal community, and especially in order to create and maintain a legal international order amongst states. In the international order people should belong to a state - and, since states have some degree of openness, people must be able to change state. If large groups do not belong to any state defy a law based social order.

It seems obvious, that the operating legal definitions of a refugee is challenged in the present situation of mass migration of refugees. The very scale of the present refugee emigrants unavoidably changes the social structure of the states involved and thereby also the legal notions of the states or cultures involved. The receiving states are very much aware of these changes but so are the delivering states or cultures - although we - in western societies - do not pay much attention to those changes. We see that the operating notion of a refugee is under pressure from various sides and changes accordingly. This means that the operating definitions of a refugee only function according to their intention under stable orderly national and international conditions. As soon as the conditions are unstable then the relevant concepts themselves start to change. And since things in principle always are in a process of change we must conclude that operative definitions are instable - they adapt to the situation. No matter which definition we produce, either it is somewhat abstract and thus operationally too imprecise or it is operationally precise but not generally applicable but restricted to certain countries and situations. This is unavoidable.

This reflection changes the perspective on definition of social concepts, i.e. concepts used to constitute the social structure. The legal definition of a refugee is - like any other legal definition - bound to a stable social structure. This applies to any social concept, even to concepts of change. The stability in case concerns basic international relations between the states in existence as well as the stability of the structure of the states themselves. Such stability is however relative and temporal. This means that operative definitions are temporal. They are bound in time and space to specific social conditions. This also points towards a need for concepts and definitions of social concepts that transcend and reach beyond these diachrone conditions of the present time. Such definitions are necessary tools for societies to think ahead and preconceive possible new social situations and conditions, and thus in order to think and act strategically. Without such reflection, society races into the future like a blind man driving a Ferrari.

It is at this point the questioners calling for a *philosophical* definition gets momentum. So far we have been concerned with different types of operative and therefore short term

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pragmatic definitions, but not with philosophical definition that are necessary in order to formulate strategies that are pragmatic and not speculative and blind. This calls for working with analyzing concepts, which is a characteristic philosophic approach. It is needed in order to reach beyond the operative definitions that are defined under the present existing conditions. It then eventually becomes part of the social structure creating socially constructed causal events such as providing asylum, supporting integration, and indirectly influencing the intentionality of refugees including people that may not be refugees but still desire to migrate. So many of our socio-political concepts have started as philosophical reflection before becoming operational instruments or ordinary social practice.

§ Levels of abstraction

To loosen our mind from the pragmatics of everyday conceptual operations let us make formulate some thought-questions to widen our awareness of dimensions in the concept of a refugee. Consider the following imaginary cases:

1. Aliens arrive from outer space. They say that they are refugees from their planet and ask for asylum on Earth. They may have studied the English language before landing here. Nevertheless, our systems would wonder - philosophically - whether they can be considered as persons and thus obtain status as refugees in the legal sense. Also, the epistemological validity of any evidence that they are fleeing from something will be questioned.
2. Erik the Red and his Vikings - being condemned to live in exile by the Icelandic Viking Assembly - flee and arrive in Newfoundland where they asked the Indians for asylum. Here the Indians may concerns similar as those in case 1. In addition there is the problem of asking the Indians for asylum since they do not share the language. Nevertheless we can imagine that there is a form of negotiation taking place involving other means of communication.
3. Today North-American Indians mostly seem to be a kind of refugees living in protected reservations in what was once their land. They are refugees that have obtained this special asylum by the very 'thieves' who's ancestors took their land.
4. Imagine a soldier in a war storming ahead - killing 'enemies' right and left. He is captured and asks for asylum by his captures because, he says, he was in reality fleeing from his commanding officers, who would have had him shot as traitor unless he obeyed their orders and stormed, and killed the 'enemies' - and in addition they would also have killed him if he had not killed in self defense. As evidence he points out that many soldiers who tried to flee from the war and were killed as traitors.
5. Following case 5 nationalism is a form of prison that makes the soldiers believe that they fight in the national / cultural war in their own interest. In reality they are unknowingly prisoners, persecuted by operating national powers. Therefore they do not see themselves as refugees fleeing their commanders. However, they have a right to freedom, i.e. to un-imprisonment, and they should flee from the persecuting nationalities.
6. There is at present a legal case the court is asked to recognize two caged chimpanzees, Tommy and Kiko, as persons so that they can be freed and get protection in an

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adequate habitat. They do not speak English and cannot file the case themselves. Nevertheless lawyers for animal rights have filed the case on their behalf due to their understanding the inhumane treatment.

7. In this world of mass extinction of species due to human exploitation of the Earth an increasing number of species survive as a sort of refugees getting asylum in Zoo's around the world. Some species may only survive as protected DNA samples in DNA collections - with the possibility of revitalization, should scientists and authorities so desire.

However, a growing number of animal species are achieving protection in natural habitat - i.e. they are granted asylum in their own habitat. The protective concern even starts to expand to other parts of nature some of which have obtained status as living beings with same protection by the law as a legal person. The Whanganui river in New Zealand was until recently considered a dead thing as any other river and treated accordingly. Now it has obtained status as living being to receive the same legal protection as human persons. It has - seemingly - obtained asylum in its own riverbed.

§ Refugee – the role of the notion, phil def.

While general usage perceives a refugee as a person fleeing from threat or danger, the legal definition restricts the usage to a person fleeing due to some specific reason which then qualifies her for protection under the law and the hosting country. Thus the legal definition seems to be more exclusive than the general usage.

Considering such variation in definition it is decisive to clarify what the point of a definition is. A definition is produced in order to make a difference in social behavior. Why else should one produce a definition?

Unstable or changing conditions produce the need to re-define structuring social concepts through which practice organizes the construction of social and personal realities. A re-definition is necessary in order to adapt and reform the processes of structuration, which are based on operating conceptual structures. If adequate re-definition is impossible, then the legal structure loses reality, and practice becomes embedded in alternative symbolic conceptualizations.

Operative changes in definitions are basically produced by precisifying definitions. However structural and radical changes demand deeper changes in definitions. Such changes in structure are not adjustments based on operating social engineering but more changes that influence the basic aspects of the society. To enlighten such processes we need clarification of the abstract nature of the concepts such as: what is a subject of the law, what are legitimate reasons to fear (of course there is a relation between subject and reason to fear), what is the function of law, what is a state/culture, what is a de facto and a legal/unlegal transition from one society/culture to an other? Here is a conceptual-structural schema framing a cloud of possible notions of operating concepts of a refugee based on a connection between protecting power, persecuting power and lawful regulation. The basic schema of a concept of a refugee must be understood and the reasons for the one or the

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other operative specifications must be conceived if the concept of a refugee and not only the mass of refugees is to play role and enlighten the process of structural transition.

§ The function of concepts

Before making a definition one should ask what the function of a concept is. This is not simply asking for the usage in as it is explained in a lexical definition. Lexical definitions as all the standard types of definitions - extensional, ostensive, connotative, genus-et-differentiam etc. all in the end amount to differentiating between the things or phenomena that are exemplars of the concept and those who are not. Problem is: none of the definitions explain why we have the concept, or why we need it. What its role in our way of understanding and forming our concept of reality and our relations to our environment is. In short: they do not clarify the very meaning of the concept. So if we philosophically want to make a definition, it should not be one of the traditional types of definitions, because they *presuppose* that we understand what this is about. They aim at clarifying and adjusting the imaginary border, drawn by the concept in this world: between that which is an exemplar and that which is not.

§ Open – closed – change – restructuring – the purpose

A society may be more or less open or closed. Closed societies are typically stagnant and in a difficult situation. A decision to isolate and boycott a country is therefore a very aggressive, warlike political move. In absolute terms a closed society is impossible. Any society needs to observe and interact with its surroundings. But openness has many forms, and one of the forms is related to the concept of refugee and asylum. Refugee is by intention different from migration. A refugee presupposes the receiving country to be intact and able to provide protection. Mass migration from some countries to other countries on the other hand is one social structure moving into another structure, which causes conflicts and major changes. Mass migration of refugees thus causes a structural confusion which in the receiving country challenges the policy of giving refugees asylum only because there is no special policy for mass migration. Although it sociologically migration and refugees are different - although sometimes overlapping - phenomena, most states are constituted through settled populations.

The philosophy underlying post-modern legal and economic (Western) systems reject differentiating people based on culture and religion. The status of a protected person applies to everybody and does not depend on such traits. This is an inevitable cause of social inconsistencies between various elements of these cultures and between some cultures and dominating legal demands of the system. Cultures have different norms, laws and practices. They will be inconsistent and some of them in conflict with the laws - especially with the typically extremely elaborated law systems that unavoidably are inconsistent with almost any culture. However, the tolerance and power of the democratic systems is supposed to make these issues marginal and handling of such differences is supposed to strengthen and benefit the system in the end. On the other hand, if the emigrating refugees constitute a mass movement, then the inconsistencies will affect and change the structure of the system - which eventually may brake down or transform to a very different system in which the

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tolerance may be replaced by oppression. Migration processes have often resulted in the destruction of the pre-existing society. Thus an enlightened strategic handling of the mass refugee migration issues appears to be necessary.

Definitions determine the objects of the concept but they do not explain why we have the concept, what its function is. We have it for a reason but the definition does not tell which that reason is. Concepts are used in our personal as well as social reality construction. We have them because they are needed in our reality construction. The illumination of the function of concept is part of a philosophical analysis or definition of the concept. Thus to understand the concept of a refugee we need to understand what role it plays - in the legal social construction of society as well in the various reality constructs on lower aggregation levels. Here it concerns attitudes of tolerance, of handling the aliens, of personal as well as social and legal assertiveness as well as openness etc.

The refugee is a meeting with the unknown and that which we do not comprehend. It always challenges with a host of questions: can we cooperate and can we build trustworthy relations? The term refugee makes us confront a bridging between two worlds / cultures / countries. It makes us confront it is a special way: the refugee seeks our protection and shelter. Thus it has an appeal to be 'a part' of our humanity. As part of a refugee mass migration it has its own power with which may develop a split between citizens and the state so the state may use refugees to 'divide and rule', i.e. a states motives may differ from the legal legitimization - refugee-asylum - which it uses. Thus a state may use the legal concepts to restructure its power under the pretense - produced illusion - that it want to give asylum. It may even engage in waging wars that cause migration of refugees.

In countries based on non-Western cultures, it may be impossible to comprehend a bridging from living and belonging to one culture and set of rules to belonging to another culture and a very different set of rules. Thus the concept of a refugee seems essentially to be something it should not be: a one-sided concept, a concept looking towards the world from the one side only. When refugees come from a very different culture we do not and cannot really know whether they actually fit our notion of a refugee.

A refugee is not only a person fleeing it is also a person that aims at becoming part of a new society. This may separate the refugee from a migrant. And the country accepting her as refugee presumes that this is possible, i.e. that the refugee can and wants to adapt to the rules of the new society. But such assumptions may be wrong. Western societies are like all other types of societies very special. The process of socialization that enables people to function in a specific society is very complex and special. Nevertheless, to a person with a Confucian background, Western social customs may appear rude and uncivilized. A Confucian or a Western person might be unable to assimilate to a stone-age society. A nomad might be unable to assimilate to an agrarian / industrial society. Thus in the short run there are limits to the possible integration. Multi-culturality in and advanced Western society inevitably creates conflicts between the cultural traditions and the laws of society - otherwise the various cultures have no chance to function economically and socially. The receiving society may be forced to close its eyes to this reality pretending they don't exist. The only way to remove the conflicts with the state is to deconstruct the laws.

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Answer:

Although theoretically it is possible to define and also philosophically define the notion of a refugee, we have to recognize that are conditions for a philosophical definition to play a role in practice. It presupposes a scholarly mindset and culture. Diachronic, long term perspectives which a philosophical reflection and resulting definition may enable in order to support long-term development between seems however unlikely. The problem in creating philosophical definition is not theoretical but practical: any definition pointing beyond the present operational problems is likely to be rejected as irrelevant. The present evaluation systems in the West and the prevalent rhetoric of the media has distanced itself from focus on logos as the basic rhetoric means to persuasion and replaced it with authority and ongoing blind pathos - the spreading of paranoia has become dominant function of the media in which they cooperate with politicians.

Thus the answer to the question is basically: "No." A proper answer may definitively be produced. However the underlying reflection cannot not adequately worked out. And it will have little social pragmatic role. And since the function of a definition is to influence the social pragmatics - in casu specific aspects of the process of structuration - the answer to the question seems to be negative. The reason is, that the present Western society is in a state of undermining its logos thus reducing the rhetoric of power ethos and pathos based on provoking fear. Or in short: a definition is a modern phenomenon - not a multicultural postmodern phenomenon. Giving up modernity is also giving up meaningful up definition. What is left is muddling through and believe and hope the best and eventually produce some illusions that everything is planned and in control by our economist, politicians and military.

A relevant philosophical clarification is obviously theoretically possible. If a sufficient level of reflective energy is channeled in this direction it will no doubt produce results. Individual scholars or researchers may also produce valuable insight. However, although it is theoretically possible, it seems to be impossible to develop it sufficiently and to give it a pragmatic function under the present post truth like social conditions with its limited concern for logos and level of production of cognitive social paranoia especially in international politics. Thus such definitions probably will have limited if any pragmatic social meaning. Therefore, since the function is the purpose of a definition, we must doubt its possibility in the present situation. Adequate understanding presupposes different conditions.

A Refugee World

Second question:

You say "The only way to remove the conflicts with the state is to deconstruct the laws"... How would such a deconstruction look like?

How do you define the relation "Refugee-Ethics?" - maybe this question has some overlapping with the question above?

How would you understand the term 'Inner Refugee' and how this notion could conceptual distinguished from the term inner emigration?

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I interpret your question as a question about how to *understand* the refugee world. In this way I will try to clarify the notion of refugee but without producing a definition. My answer relates to your question 2 and 3. As to your question 1: the only real possibility I can see is a dismantling of the receiving state and to reshape the state on a simpler basis. However, the present day situation does not permit any solution because both the religious cultures as well as the secular culture are very strong and a compromise is not in sight.

Approach

The answer to the question about the definition of refugee was negative. Despite all the existing definitions of refugees, it seems not really possible to provide definitions that are trustworthy when in use. One of the reasons for this is that concepts in use are too complex to be defined by the simplistic types of definitions, provided in the teaching of definition. Therefore, the second approach - a choice between three questions - needs a different basis. We need an approach that is more philosophical. It must give us some understanding of the meaning, i.e. it needs to illuminate the impact and reason of the notion of a refugee. As a concept that addresses human existence it should at least to some degree illuminate, who we are, what kind of world we live in, and what matters to us if we are to be enlightened people with honesty and self-respect. This process will guide us beyond repeating again the correct the trivialities that are devastating to human dignity because they deny some of our most valuable qualities, reflection and love.

Our philosophical analysis is guided by a principle of ontological complementarity: to understand a concept one must understand the role it plays in our ways of understanding and constructing our reality (Nørreklit 2008). A concept is not something standing alone - its meaning is the role it plays in its context, especially the conceptual context. Thus it is part of a greater complexity of concepts, which it complements in order to produce a whole. The whole in question is the reality construct of the users, the world in which they live as they understand it - i.e. it is their practice ontology and epistemology. The whole frames a network of structures - external as operating social relational structures and internally in the various actors as their internalized models. The process of structuration operates from social whole to inspire an internalized model as well as from actors' models to development of the social whole.

Our method will be neither analytic nor phenomenological but rather a dialectic in which analytical as well as phenomenological reflections are used to illuminate the dynamics of the whole. The whole is never perfect. Internal models may diverge from external structures and groups may operate according to conflicting structures. The struggle of creating complementary completeness challenges the process of structuration and produces continuous change.¹

¹ The whole is incomplete and incomprehensible if some of the complementary elements are missing. The notions of a whole as consisting of complementary aspects can be traced back at least to Plato (*Symposion*). G. Frege introduces a modern version of incompleteness or unsaturatedness of a whole (1892). The modern discussion of scientific research is especially inspired by N. Bohr's notion of complementarity (1934). The complementary principle is a principle in a holistic approach to limit the whole under investigation. It

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Refugee

§ *The notion*

There is a great number of conceptual opposites needed to understand the notion of refugee. We will use most these concepts in our outline of the world of the refugee. Here is a list of some obvious and necessary concepts: fleeing (from persecution) and applying (for help and protection), legitimate versus illegitimate power, power versus helplessness, good (refugee) versus evil (persecutor), violence (of persecutor) versus ethics (of refugee), threat (of persecutor) versus persuasion (of legitimate civilized power), resistance (of refugee) versus submission (of passive opportunist), fear (of the submissive) versus courage (of the resisting refugee), existence (of refugee) versus destruction and death (of those not fleeing), actors (of power and resistance) versus passive opportunist and spectators. Etc. Let us start with the actors concept. Refugees are actors. They are not passive spectators. They do not simply adapt. They do things. Therefore they came in conflict and became persecuted. Again they react - by fleeing. All these things and more are needed to understand the notion of a refugee. And these issues immediately raise a string of serious questions not only as to the nature of the very world we live in but also who we really are and whether we really want to be that.

The notion of a refugee envisions a world where social power uses violence to persecute and destroy certain opposing individuals or groups. Refugees flee from the destruction caused by this violence. The idea of giving asylum to refugees is based on the perception that they are persecuted by a violent tyrannical force that is unethical and not legitimate based on human rights. Violence as a means of rule is opposed to ethics as a basis for power and rule. Ethics is the basis of a civilized society. Thus, by hypothesis, the refugee tries to escape from an uncivilized and unethical rule in order to obtain asylum as protection by an ethical and civilized social power.

The idea of fleeing is basically the idea to escape the range of persecution and replace it by a world where rule is based on ethical principles and not on violent persecution of opposition. The condition for asylum is that the persecution is unfair or unlawful from a human rights perspective. It is a problem that it needs to be documented that the refugee is fleeing from a violent persecution that is unfair and violates human rights. It will not do if she is fleeing from the police because she is a criminal. Although a criminal person may flee persecution, this does not give her the right to asylum. In order to obtain asylum the persecution must be unethical or unfair. The unfairness may be the severity of the threat of violence and death and it may be the type of crime such as speaking out to criticize the government. This is a very characteristic issue in political refugees, that they are persecuted because they try to tell the truth. This gives the refugee a heroic status. They are soldiers of truth. The persecutor has something to hide and is therefore illegitimate. Thus it is the lie that persecutes the truth. Therefore, persecuting states mostly claim that the refugee is a criminal. They do not like to accept that they should be using unethical and illegitimate

appears that an analytical approach as in J. Wilson (xx), or a phenomenological, as in Deleuze & Quattari (xx) or a grounded theory approach as by Corbin & Strauss (xx). They all miss the important issue of incompleteness of specific concepts and thus the need for understanding as well as practice to outline the whole guided by a principle of complementarity.

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violence. There are many cases, where this is an issue as for instance the Australian J. Assange, founder of WikiLeaks and the American whistleblower E. Snowden that are considered criminals by the USA but have achieved asylum in Ecuador and Russia respectively.

Fleeing is a very dramatic event with deep implications for the refugee. The experiences of fear and insecurity and the giving up ones life world in order to survive is traumatic and has lasting effects on state of mind of the refugee. A refugee needs support in order to control the effects of these experiences. If she cannot come out of this state of mind she will be an eternal refugee from a mental point of view. The person will become a refugee in mind although she is not in reality persecuted by the ruling power of the host society. This easily happens. It may even become a culture in which refugees continue to feel like refugees in the state they fled to and which protects them.

The point of fleeing is to come out of the state of fear of violence and of and escaping persecution and replace this state of mind with a living in a social world based on ethical conditions without persecution but based on mutual respect and support. The asylum may be temporary or permanent. In the later case it is presumed that the refugee assimilates to peaceful ethical and productive principles of the host society so that the fighting actor transforms to a productive one. - The presupposition is, of course, that the receiving society fits this characteristic. If not, the very point of fleeing is basically lost.²

The basic instrument of the refugee to persuade the receiving state is her *appeal* to the goodness and humanity of the receiver. For a fighting actor this may be difficult, but the appeal shows an important respect for the receiving country. A secondary instrument may be valuable skills, status, valuable connections etc. that may benefit the receiving state. A third type of instrument may be - implicit - threats. The receiving state basically acts based on ethical, political or legal motives. It may be dangerous to receive or give asylum to a refugee from a powerful country. To a modern state the legal issue is often decisive because the state has signed international conventions on the human rights of refugees. The problem in relation to the legal reason is that reliable documentation of persecution of the refugee often is impossible. Thus the logos of demonstrating the status of being a refugee may be replaced by the use of pathos in that the refugee hopes to persuade the receiver through pathos - since obviously, it is utterly impossible to prove it by logos. The resort to substitute pathos for logos in attempt to persuade is however problematic. Pathos may be genuine, but it may also be a game - it is a game children learn to play at a very early age: when they discover that their parents can hear them, then they start to cry in order to enforce their will. This is a practice problem that is especially problematic in two ways in this world of post truth in asylum issues: it may be used to deceive the receiver, and it may be used as a threat of and legitimization of violence in case one should not achieve one's will. Let it be clear, that the loss of logos and consequential resort to combinations of pathos and quasi-logos in rhetoric is not resorting to full fledged violence, but nevertheless to forms of micro-violence.

² A case: A young Marxist flees from Iran after the Islamic revolution. He settles in Yugoslavia, marries a Serbian woman and they get children. The civil war in Yugoslavia brakes out: Serb's consider him a Muslim and therefore an enemy. The Muslims consider him a Marxist infidel and his wife a Serb and therefore enemies. The protecting state disappeared. He had to flee again to find protection - this time he and his family fled to Denmark.

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It is a deterioration of communicative rhetoric from an instrument of creating conviction by reason to an instrument of using subtle/micro-violence.³ Thus it is important for the asylum judgment process that it is able to eliminate the influence of pathos in the process and maintain reasonable judgment to avoid legitimizing pathos as a means to overrule the laws of the receiving society.

§ *Refugees and other Migrants*

Many people migrate from one country or area to another. Political refugees flee from political persecution of a tyranny or from the horrors and death of war. Others flee from natural disasters that destroy their livelihood and threaten their life. Some flee from poor living conditions - poverty, chaos and violence - in their native country. They *are* all of them refugees. They flee from something that is threatening their life - although it is not a dominant power that is threatening them.

Other migrants are employees working in other countries than their native country. They are not refugees - they do not flee from anything nor are they threatened or persecuted. Some may be adventurers looking for exiting experiences - they flee from boredom.

The difference between refugees and other migrants is not only the external difference that a refugee is threatened by persecution or war. The difference is very much in the intention and the mind-set.

People that are neither persecuted or otherwise threatened but still want to migrate but know that they cannot do so successfully because they have no knowledge and skill that is needed may pretend to be threatened and persecuted and therefore use pathos to underscore a fictive narrative believing this method works - after all they may believe that the receiving authorities have no real alternative option.

The migration of presumed refugees is a great business run by networks of traffickers of which very little is publicly known. They influence the narratives of the refugees by providing them some instructions how to play the refugee role and for instance make it difficult for the receiving authorities to check the narratives by getting rid of papers of identification. Thus the receiving authorities and especially the public have very limited trustworthy knowledge of what the presumed refugee is claiming. Conscious attempts to make it difficult to check narratives supports distrust and makes it difficult for the presumed refugee to assimilate in the receiving country - thus artificially making her an 'eternal' inner refugee that only can trust others in similar exile situation.

The present refugee migration from Middle East countries and North African countries is, to a high degree, the product of violent ethnic conflicts and warfare, which in turn was caused by destabilization due to Western aggression and destruction of existing states. The lust to destroy countries is clearly not satisfied yet, thus more refugees are to be expected in the future. However, ongoing climate change is a source of yet greater mass migration in the making. The cause of the climate change is under discussion - whether the change is purely natural or whether human activity influences the change. It is nevertheless likely that climate change will cause problems that necessitate major migrations around the globe.

³ Micro-violence has always existed, but its role seems to have increased so much that the present time is sometimes considered an age of 'post-truth.'

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Modern capitalism causes employees to live in a precarious state of insecurity. Let us compare this with the insecurity of the refugee. The refugee knows what he has given up: her home and life world. She knows what is threatening her and from what she is fleeing. She is looking for a new place to live and make a new home. The precarious employee also feels threatened, and although she has a home and a place to live she cannot trust that it is really hers - she may lose it any time. Although she is not a refugee, she is not safe - she is not threatened on her life as physical existence, she is threatened on her life as a member of the society. She has no solution to this state of mental persecution and mental exile. She has been socialized to live with these conditions. People - including refugees - not socialized to such conditions would find them ridiculous and impossible to live with. While the refugee is fleeing she somehow is postponing her life until she can obtain a new home and a place in a new society. An unemployed precarious person also has a postponed existence - postponed until she obtains a job and a place and a productive role to play in the society. However, the precarization gets even worse when she has a job. Now her existence is postponed until the struggle for survival in the job is over - which it never is. Thus this is a society of struggle and mental exile - the refugee may overcome being a refugee living in exile after obtaining asylum. To avoid becoming pushed into perpetual exile through precarization, the refugee may stay in a state of being a refugee.

§ Mind set

Being a refugee is not an external social condition only. It is also something internal that determines the perception, feelings and intentions of the person and thus the way the activities of the asylant influences her environment. As a person of integrity an asylant naturally possess a mind-set, values and beliefs that she is unwilling to give up by submission to the more or less arbitrary power of her new protector. She displayed integrity, courage and will-power when she came into distress and needed to flee because she stood up for her values. Thus it is to be expected that she maintains these qualities in her new life. This makes it especially important for her to be able to appreciate the conditions of the host country and feel that the host country can accept her as person of integrity. If not, then the condition of her being in conflict with social power will continue or reappear. Sadly, these conditions are not or cannot really be met in modern mass refugees. The effects of this problem may for instance explode in the second generation of emigrants as anger against the asylum giving country.

Thus to be a refugee is not something external only, it is also something internal. Let us ask, what is this? Let us abstract from the external situation and try to imagine the internal mind-set of being refugee. It is about imagination. The fear, the fleeing, the persecution, the violence is all about one's imagination. It is all about oneself. In the mind, one is fleeing from a 'demonized' power, that one has produced oneself, i.e. one is in a sense fleeing from oneself. The persecutor here is a mental construct one made oneself. One is fleeing from oneself. One is - somehow - fearing oneself. The escape is intentional. This is a model, which the refugee projects on the surrounding world looking to identify the threats and the possible ways to resist and escape. The only thing, which we internally can 'fear' and 'flee' from is ourselves or parts of ourselves, i.e. our imagination of the danger. Our imagined world of

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dangers initiates imaginations of fleeing, escaping and finding protection.

Such imaginations are models which we may project on the environment. These imaginations may actually be part of ones culture rather than just individual experiences. Fleeing from this internal imagination by an external escape is, of course, impossible. Although one did escape externally, in real life, the internal reality still exists. Thus there is no real escape - unless one finds ways to change the internal setup, the mind-set and the imagination.

To *be* a refugee is not only to escape something threatening in the external world. Such escaping is simply rational behavior. All people move out of way to escape danger - that is part of ordinary life. That does not make one become a refugee. To *be* a refugee involves imagination and mind-set. To *be* a refugee is to *be* motivated by the fear connected to imagined threats (real or not), feeling the urge to escape persecution looking for protection by a receiving social power, wherever it may be found.

Thus the problem for a refugee is in the first place to survive by finding a receiving protecting power, but secondly to get rid of the internalized imagination of being a refugee which always is in danger of being projected and thus create havoc in the social environment. Although the external situation has changed, the internal situation may not have changed. The idea of being persecuted may be cultural or internalized as a personal trauma - in both cases one continues to be a refugee despite having escaped external persecution and found protecting. A refugee in this sense is a paranoia - personal or cultural. There is no escape - there is no escape - the refugee carries the threat with her wherever she goes. The paranoiac refugee does not want to stop being a refugee. She does not trust herself enough to believe that she can exist in other ways - thus she persecutes herself.

The being treated and persecuted unfairly, which legitimizes fight and resistance as well as appeal for support and protection/asylum, means that this is also a much broader type of mind-set. It directly fits the real refugee, but besides that it is a wide spread mind-set that is used in all kinds of cultures and encounters. It is a mind-set that somehow has obtained cultural acceptance. Almost everyone seems to use it. Employees are treated unfairly and being 'persecuted' by evil managers, managers feel they are treated unfairly by all kinds of people and groups. Women are treated unfairly by the men, men are treated unfairly by people from other cultures etc. It appears to be a culturally-installed legitimization which outlines a paranoia. It is in reality a means not to solve any problems because it supplants the use of logos needed to work out satisfying solutions. Thus there is not only the perpetual refugee, there is the culture of being a form of refugee. It is an 'easy' culture that does not need knowledge and skills - although this makes it a low-performing culture. Dismissing logos, it dismisses the use of law and thus needs to install dictatorship - i.e. tyranny - to establish a functioning rule. The worst thing is that due its systematic use of 'micro violence', due to its using pathos as a replacement of reason, it provides a direct road to macro violence.

A real - in contradistinction to a pretended - refugee might want to come out of the refugee situation, including the paranoia of the internal refugee. Therefore, a 'real' refugee tries to find a different type of existence - *ein Anderssein* - than the one she is fleeing from. She is not only fleeing from something in her environment but also from something that is within herself, that she carries with her wherever she flees to.

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She is part of a system that she carries in herself - that is why she is part of it - and this system which controls the social power has turned against her, or maybe she has turned herself against the system, and therefore the system has aimed her power against her.

Refugee Dialectics

§ Structuration

We use the notion "action" to signify activities with which the actor produces social realities by making her intention become part of social reality, i.e. the action relates to the social structure. The internal-external dialectics, which is an important aspect in social structuration is based on action. However, the human activity does not only work inside-out so to speak. Recognition and processes of socialization are themselves forms of actions and thereby produce and influence internalized structures (cf. Rob Stones 2005).

The social structure defines roles and positions and the power at their disposal. The logic of the social structure of a dynamic and open society is - to a certain extent - to be able to absorb conflicting values and opinions and transform the diversity into productivity while maintaining the power structure. A closed society seems able to do that only under static conditions. Its social power needs to dictate its solutions and may consider it necessary to persecute and destroy groups with deviant logic and opinions. This produces refugees. The reason and logos of the dictating power and that of the refugees deviate and are unable to meet and mediate a solution. Thus the solution must be one sided and the persecution and violence against deviating people inevitable. They need to flee in order to survive. The refugee is a person, which acts based on a deviant stand, which makes her subject to persecution. She intended to influence and change the social conditions. That is why she was persecuted - whether she is an individual or a group.

The society producing the refugee behaves as in a natural state: the rule by the will of the 'strong' is right - not the rule of law. The idea that might is right is old, already asserted by the Greek sophist Trasymachus. (cf. Plato: *The Republic*. Book I.) This is however dictatorship and can easily become tyranny where people are slaves of the ruler. Thus our notion of a refugee is a notion of a person fleeing from the archaic tyrannical state to a more civilized state, i.e. a state in which power is controlled differently, in a way that allows divergent states of mind that are mediated and become part of the public. For this to be possible, it seems necessary in a civilized state to distinguish between the distribution of power as related to the roles and positions of the actor while at the same time providing the actor as a person with certain rights, human rights, which she has independently of role and position. This differentiation must be embedded and protected in the social structure. - Otherwise the point of appealing for protection and asylum has little real value but will only make the refugee a slave of a different power.

This perception of a non savage state, a state not based on persecution and violence but on law and protection of human rights, replaces structures that are able to determine peoples behavior by their class or cast with a society that is less static in which people can act and influence their position and role in society. It is the transition from the 'savage' to

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the 'civilized' state that is the hope of the notion of refugee. The problem of this notion is, however, that it takes the both states for granted, and presumes that the good society can be reached by fleeing and appeal for protection. While the courage of opposition demonstrated by the refugee against the persecutor points towards an actor of social importance, the resulting achievement of the good state is not produced by the refugee – she is only asking for their mercy. While this is fully understandable and gets to the heart of the matter of the refugees' situation, it is a problem in the long run because it misses the point that the refugee shall become an actor that takes part in producing the good and civilized state – leaving the savage world of violence behind. The missing of this point is the basis for the unsolvable issues of integration. With this point missing the receiving state is at the mercy of the – more or less ethical or violence-oriented ,civilized or fanatic – prior socialization of the refugee.

Thus the notion of refugee dynamically relates the external and the internal as kinds of 'developmental' stages, which are ultimately based on stages in cognitive or reflective ability of the social structure. Resorting to violence as a problem-solving method is due to insufficient cognitive skills. However, the transition from a social model based on violence to a model based on reflection and ethics is difficult. The refugee's world model is a form of cognitive dissonance of violence and fear and on the other side ethics and hope, where - sadly - the negative state is the one that is realized. Thus it is a form of paranoia. The refugee has been forced to internalize the violence-based model and carries it with her into the new world, although it is precisely that which she wants to escape. The violence-based model is a powerful model of control that operates as a form of paranoia. And the paranoia wants to come out and find its confirmation in the external. The problem of dismantling the paranoia is especially difficult in larger groups where the paranoia constantly reinforces itself. The integration in a new world is easier as an individual refugee than for refugee groups.

This leads to the hypothesis that the notion 'refugee' is about the very process of structuration. It concerns the endeavor to change life from being in a world where you are victim of violence to being in a world where this is not the case - i.e. in a world where ethical principles are in use. Thus we address a notion that is about the structure of the structuration and more specifically about a restructuring of the structuration process. Let us illustrate this by considering the target: a world without violence, a world of ethics.

§ Power and Violence

Different types of power is involved in the different 'stages' of the refugee social model: there is the threat of physical violence and there is the alternative of, say, fairness and persuasion.

The social structure distributes various types of power to the various roles and positions. and enacts it via the means legitimized in the social structure. Power can be classified in several ways. One way is the means it uses as for instance: direct physical violence, threat of various forms of violence, distributive power based on the authority to control access to means of action and life (indirect violence), or rhetoric power based on communicative persuasion. Structure organizes social layers - classes or castes - that operate according to different logic. The ruling class is more or less able to exert power across class separations.

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With the creation of dynamic societies with class movement, human rights, and democratic controls, it appears necessary to develop a common logos - ethics, economics, law and politics - for the society.

All power presupposes communication in order to function. However, there are many forms of communicative power. Rhetorically we may distinguish between the persuasive power of authority (ethos), the persuasive power of pathos (emotional pressure) and the persuasive power of logos i.e. of reason and understanding. The reference to threats of violence is the world the refugee is fleeing from. Authorities are stigmatized as evil and dangerous, pathos is centered on fear. The logos may be disturbed by the forceful threat - i.e. model may be infected by illusions and lack of realism. This effect may be an integral part of the instruments of power.

Ultimately power is based on success and achievement, that things work - functionality. Means of power that do not lead to success are only maintained through forms of illusion. Power is (by definition) that which [*whatever it is*] produces intended effects/consequences/determines praxis and results. In order for the notion to be applied, understanding of the society is needed, which clarifies the ontology of *what* it is, that produces *what* kinds of results. It is the formal structure of the concept that makes it so versatile and able to change and develop its forms in the changing societies. Thus it is not the power as such that poses a problem - it would be a problem if there was no power - but the forms the power takes.

The general concept of power is a kind of formal concept - power may be anything. Thus it is not a directly ontological concept but rather a meta-concept with which we classify and analyze the function and development of the tools of social control. Information about power is information of what works and under what conditions - i.e. of what is to be expected and how expectations are to be characterized in a realistic way. Therefore, in a society physical violence may be the functioning tool of power. In other societies ethics and logos may be functioning tools and violence may be counterproductive. Functioning power is not an *a priori* entity but a historical construct.

Violence as a power instrument for social control is much more than physical violence. Violence can also mean destroying peoples choices so that they are forced to do whatever the people in power want them to do. Thus it is a means to overrule reflection, regards toward people concerned, dialogue and social behavior. Thus instruments for violence may take the form of economic power which determines the living conditions of people. It may be controlling their 'knowledge' by manipulating the information they receive. It may be spying - often secretly spying - on people in order to manipulate and control them without the people knowing that they are secretly controlled. All such tools that deprive people from using their cognitive skills in making their choices to pursue their values are forms of violence.

Communication may or may not be used to produce violence. All - forms of violence involve communication. Communication may enact other forms of violence. It may produce social realities that force people in certain ways, or the way of communication may itself be a form of violence. The rhetoric use of ethos / reference to authority is a form of violence. The taking of the authorities' side is a way to try to force the other to accept ones point of view. Similarly, the use of pathos is a rhetorical way of trying to force people to accept

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certain things. These are ways to avoid dialogue that is based on appealing to the logos - insight and comprehension and thus means to influence conviction that are not based on coercion. This indicates however, that not all communication necessarily involves violence. Communication based on dialogue and appeal are not violent, cf. Habermas' (1981) conception of coercion free communication. Some may reject the idea that coercion free communication exists. However, the existence of coercion free communication exists. It is driven by the desires to know and understand what is the case and thus avoiding being caught in misconceptions, misconceptions that may have a strong position as being popular or backed by authorities. However, progress in knowledge and especially science is driven by a desire to find out. Also the desire to make fair judgment and produce reliable results is a basis of such an endeavor. This endeavor is therefore a driver of progress and it furthers self-respect in that one can avoid seeing oneself as too lazy or as dishonest but as one who respectfully tries to do his best. On this background, a general rejection of coercion free communication is ridiculous. It is the foundation for a culture of ataraxia and human rights.

The function of violence is to influence the structuration process. The dominant power demands internalization of certain structures. This demand is not enforced by reason, learning, and consent but by violence: either people comply or they are destroyed. Thus violence is used to control structuration so that no alternative structures are internalized and able to challenge the dominant power.

Although this type of social control has been considered negatively, as inhuman, brutal, unethical, and uncivilized for millennia, it has continued to play a decisive social role in human history. Philosophies and mythologies have addressed the problem of how to avoid rule by violent force. Ethics have been developed to control violence. Killing is certainly not allowed. Nevertheless we easily agree to send soldiers to war with the task of killing opposing forces - it does not matter to us that the countries we attack never did anything to us. Warfare, with its mass murdering, has and still does penetrate human history - not the least in the countries of Western civilization. Since the disappearance of the cold war, the rule of law in international affairs seems to have declined and been replaced by an increasing Western appetite to wage wars, destroy countris - and thereby produce refugees.

Violence as instrument in structuration is a manifestation of inequality as a basis of social structure. There are those in power, and they enforce their will. The result is a social master-slave dialectic.

§ Ethics

The idea of alternative social forms - violence versus ethics - is embedded in the notion of the refugees endeavor to come to a better world. This idea influences the interface between internal and external - between desire and action, identity and role, structure and individual - i.e. the social structuration process. It also influences the social structure as well as the socialization of the individuals. The notion of a refugee is significant amongst other because of its focus on a transition from a world of violence to a better world - a world of mutual support and respect - a world of ethics. Ethics is the direct opposition to violence. While the world of violence destroys the social, a world of ethics nourishes it.

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Violence is one way to enforce social control. People who do not accept this and have the courage to fight against it may pay the price, or they can chose to stop fighting and try to escape and become refugees. Obviously one condition for coming out of the state of violence is courage to fight it. Already Plato (*The Republic*) emphasized the role of courage in the defense of the good society as a condition for the just state. The willingness to pay the ultimate price in order to defend the good against violent ruling authorities is manifested by the two founders of Western culture, Socrates and Jesus. They had the courage to stand for their opposition and were both killed by a rule of violence. They did not flee and become refugees.

A rejection of social structuration by means of violence is essential for a better society. Violence must be replaced by ethics. When structuration accords with ethical principles, then it installs certain ethical ideals and rules about how we must act - for instance, utilitarian ethics advocates the principle that our actions (externalization) should produce the greatest possible happiness (internal effect). Ethics is about how human beings treat each other. Consider the so-called golden rule and platinum rule. These rules are prescriptions for the process of structuration. They ask people to act (i.e. transform the internal to the external) in a humane and considered way in which one is not egoistic but (also) takes care of the interests of others. The golden rule specifically demands the actor to treat others like she wants to be treated herself. Thus the golden rule makes the other become alive to us - and not simply a number on the road - by demanding empathy. The platinum rule demands that we treat others like they desire to be treated. Thus the platinum rule ascribes a specific face to the other, a being an individual that is open and present to us and that we must see - if we are to exist as real persons.⁴ These commandments are not hierarchical. They are not based on inequality - except in the sense that people are dependent on each other and that they therefore should treat each other as needs demand. The golden rule demands that the actor equates the other with herself. This is a direct demand for equality. The platinum rules goes a step further by demanding you to perceive and respect the existence of the other by accepting their desires as valid. We need not explore the various sophistications concerning the use of these rules here. Our point is that by applying these rules, the actor implements a structuration that is not based on violence but on insight and compassion. Ethical structuration does not produce refugees.

A reaction to this presentation of ethical rules and behavior may be that they seem to be incompatible with any hierarchy, which would exclude the possibility of organizing a social structure. Thus ethical structuration would be self-defeating.

However, this reaction only demonstrates how far our understanding has moved away from believing in a civilized society. It is not an accident that a minister should be a servant, that people in important positions are supposed to be people that are trustworthy and of high integrity or that the media should openly try to present the truth. They are not supposed to be doublespeaking egoists of little integrity. Their role is to amplify the good ethical nature of society - not to promote themselves at the expense of the people they serve. The distinction between a person that is protected on equal terms for all and the roles

⁴ Cf. Levinas' philosophy of the face (Arnett 2017, ch. 3).

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and positions that involve hierarchies is essential to solving the task of creating social structures that respect ethical demands.

Structuration by implementing law, including human rights, is a consequence of the ethical principles of treating people in the same way, as claimed in the golden rule. The hierarchy of power is meant to serve people and protect them from arbitrary - lawless - power. For this to function it is important that people can understand the laws. As the operating body of laws grows increasingly complicated, this knowledge is replaced by a general feeling what the law demands - a feeling that foreigners cannot share and that ultimately makes the system ridiculous and self-contradictory. Not only refugees from different cultures, but also the native people become alienated to the laws and living in a kind of exile in a foreign country - their own. Implementation of ethics enables questioning the existing and thereby developing new insight. It boosts understanding and knowledge. The undermining of ethics destroys logos as rhetorical tool and creates fall back to rely on authority (ethos) and pathos as rhetorical tools. The rational of behavior is to be please and 'be friend' with the ruling power. Reason will be replaced by paranoia.

Being subject to violence is destructive and is therefore to be replaced by ethical forms of control. Most societies combine violence and non-violent control. Using violence may be tempting - it seems easy and effective. It does however also create problems and influence the quality of the society negatively.

§ Arbitrary Inequality

Power and influence are determined by position in the social structure. Inequality of power is basis of dominance and if it is unrestricted it resorts to use of persecution. Thus inequality is at the heart of the refugee problem. Such a social structure is a framework for unfolding a master-slave dynamic to control the social processes. The power of the master group is its ability to use parts of the slave groups as lackeys to subjugate other groups - in this the way refugees are produced by this dynamic.

The complementary distinctions 'master and slave', 'ruler and ruled' and 'persecutor and refugee' is in a sense logically arbitrary. The social structure defines a distribution of power and activities in life that lead to gains as well as losses of power. Social heritage predestines to some degree who gets power and who does not, i.e. also who is a potential persecutor and who is a potential refugee. Nevertheless, this distribution of roles is logically arbitrary despite the social predestination. Any person may ask: "why was I born of these parents, under these lucky/unlucky circumstances - why was I not born to in a setting to be a ruler?" And there is no answer. Similarly, people are born by parents and in settings binding them to certain class or caste - but, they can imagine they could have been born to a different caste or class. The inequality of power is therefore not logically necessary and can only be accepted if it is beneficial for all parties (cf. Rawls 1971). Inequality easily leads to maltreatment of the dependent part (cf. the Stanford prison experiment). It leads to conflicts and violence. It therefore is imperative that the social structure distributes power in ways that can eliminate or control the master-slave dialectics. The slave needs power too, so that he is no slave but a person who can counteract or withdraw from the range of the ruling

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power - as embedded in the idea of human rights. In this way ruling power should not be able to produce refugees.

This leads to the necessity of distinguishing between social roles and position on one hand and on the other hand, personhood. The distribution of power is based on role and position, and it is limited by and aims at protecting the rights of the person, human rights. This limits the range of the power struggle and the social role of the master-slave dialectics, and enables social life to be formed on an ethical basis. Thus, when a country produces refugees we should presume that the rights of the person may not be credible in that society.

§ A paranoid circle

The logic of inequality leads people to think in paranoid ways like: 'I was treated violently - thus I am entitled to treat others violently!' or: 'The rulers of that country treats the people violently and badly, therefore we are entitled to act violently and badly and destroy the country, killing many of its people.' This is the logic of perpetual violence and killing. Sadly, the last example has extensively been adopted by Western countries that legitimize their warfare and mass killing by these forms of logic.

The refugees flee dangers in their home countries and seek asylum mostly in the presumably good Western countries. Their native countries have been turned into hells of war and tribal persecution. The fall of their native countries often started with Western propaganda against their leaders, which was used to legitimize Western warfare against them. So refugees flee from destruction and warfare created by the Western countries. They then flee to the very same countries that destroyed their native state. So the aggressors then hypocritically pride themselves as the good and open countries providing protection and asylum to the refugees. How can they blame many immigrants from having negative feelings against the destroyers despite them also playing the role of protectors? It is impossible to pursue such evil self-contradictory policy without deceiving everybody, including oneself. It is a state of paranoia beyond reason.

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