Understanding ‘Othering’ mechanisms: Perils of ‘assimilation’ policies for migrant populations

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Introduction

The structures of modern societies exhibit a composite nature due to increased mobility and wide-reaching communication systems, amongst other reasons. These populations can have considerable cultural, racial, religious, linguistic and political diversity. In such a complex society, control and sharing of resources is a crucial power exercised by governments. In an ideal society, all inhabitants would be treated equally, but in reality there are divisions with groups of varying dominance, whether clear or hidden. Usually the dominant groups, powerful either by political, cultural or social hegemony create the narrative of ‘otherness’ and pass laws, some of which could be discriminatory. This is especially problematic for migrant groups that have lesser political capital, if any, in the process. According to the UNHCR, by the year-end of 2016, the number of displaced people reached a record high of approximately 65.6 million (Edwards 2016). These large, and at times sudden, influxes of diverse populations increase the chances for conflict and give reason for friction due to, amongst many other reasons, differences in language, customs and living styles. Here we try to understand the mechanisms used for this ‘othering’ and its effect on migrants.

Human Rights

When we talk about politics and migration, the human rights issue plays an important role. The international human rights movement concretized post World War II in response to atrocities during the Holocaust—the ‘never again’ motto starting with the 1948 Universal Declaration of Human Rights followed by the International Bill of Human Rights in 1966 and so on. The non-
derogable and core human rights such as right to life, right to freedom from slavery, right to freedom from torture and so on are categorized as such. Non-derogable rights are stipulated in legal terms as “those rights specified in a treaty that nation states cannot violate under any circumstances”. The concept of Indivisibility of human rights means that certain human rights cannot have a hierarchical status that is to say they are considered to be at a level standing with other rights.

But Teraya Koji, in a 2001 article (Koji 2001, 917-941), pointed out the hierarchy as observed in the application of human rights internationally and proposed the framework of three perspectives, namely value, function and consent-oriented identification to evaluate this hierarchy.

**Human rights derogation**

Koji goes on to talk about the ‘Justified’ derogation of human rights, “States may derogate from human rights treaties because of their need to recover social order.” (Koji 2001, 923). Or in the case of refugees¹ we could say ‘keep the social order’, to maintain control. He continues, “The scope of justified derogation is therefore strictly confined to the extent of measures necessary to reach this end. This criterion reflects the negative definition of non-derogable rights... the primary focus here is on the right to life of a state not the rights of individuals.” (Koji 2001, 923).

¹ The terms migrant and refugee have been used interchangeably here, as the main focus of the article is on the local-outsider dialogue as connected to the ‘othering’ mechanism, which is essentially operated by dominant groups rather than the minorities. The differences between migrant or refugee experiences are a topic for another, more detailed, discussion.
He then talks about theories related to the deciding of the core of human rights. One of the perspectives, Koji says, is to address, first, those issues that are readily solvable and then tackle the complex ones. This might be considered pragmatic in one sense, but could lead to certain vital issues to be sidelined indefinitely. The third approach that Koji mentions is one called the Basic Human Needs Approach but that is aiming too low in any case as the title suggests.

He cites Patrice Meyer-Bisch’s ‘noyau flottant’ (Koji 2001, 925)² who says a choice is made from a pool of human rights, choosing those which are most desirable. Although this policy might, possibly, create a certain sense of stability in migrant-local relations with an implication of give and take, the right to cultural adherences might be the first victim of such a choice. An example of this might be the decision of a migrant group to keep religious festivities to a minimum so as not to disturb a culturally different majority population. But this begs the question – ‘Is not asking a group to compromise or curtail their cultural adherences the first act in proclaiming the power of the majority over a minority group, in a way that ‘de-humanizes’ the target group?’

The questions of who decides, how is it decided, is there a space for dialogue, is there an acknowledgement and appreciation of dissent are, in fact, fundamental questions for any society. In a refugee community, these issues are bound to be magnified due to the inherent instability and lack of ‘locational legitimacy’, whether perceived or legal. Further the interaction of the displaced group with the local government is of vital importance, since, more often than not, the concept of ‘othering’ is used in power politics.

² (Meyer-Bisch 1992) as cited in (Koji 2001) Pg.925
The concept of ‘othering’ – treating a person or a certain group as the ‘other’, defined as such for differing in certain characteristics, the ‘them’ as opposed to ‘us, can be both the cause and the effect of such discrimination. This process of ‘othering’ targeted groups can be used as a form of exercising control and exhibiting power over a section of the population.

**Power Politics**

The idea of using race as a technology to create ‘othering’ has been presented by Prof. Falguni Sheth in her book, ‘Toward a Political Philosophy of Race’. She speaks of the governing system considering those that are perceived to be a threat to their own existence, as ‘unruly’ and thus to be regulated. She portrays this as a deliberate mechanism, a technological tool used to divide populations and facilitate the exercise of control. This is further used for the purpose of creating an environment that would justify exceptions in the application of common rules and laws, as applied to the minority vs. the majority. This applied cloak of ‘otherness’ or ‘unruliness’, usually portrayed as threatening, then acts not only as justification for the breaking of the rules by the government (Sheth 2009, 22-23) – a justification to be offered at the altar of the ‘Spectator’, the social conscience (See Adam Smith – Theory of Moral Sentiments), but also as an insurance against future liability claims.

The British used the concept of racial ‘othering’ as one of the justifications for their actions in the colonies. T. B. Macaulay had said in his *Minute on Education* in 1835, “We must at present do our best to form a class who may be interpreters between us and the millions whom we govern, -- a class of persons Indian in blood and color, but English in tastes, in opinions, in
morals and in intellect.” (Macualay 1835, 6). The Orientalists supported creating a ‘racial’
division, a differentiation between the British rulers and the masses they ruled on such grounds
as possible, in order to have means to exercise control and then have justifications for having
done so.

Even Mill, who speaks of individual liberty, has shown a propensity to ‘othering’ as seen in his
essay ‘On Liberty’, when he talks about this doctrine not being applicable to the British
government’s dealings with ‘barbarians’. He states, “Despotism is a legitimate mode of
government in dealing with barbarians…” qualified by, “...provided the end be their
improvement…” (Mill 1859, 14). It must be noted here that John Stuart Mill, who along with
being a well-known political philosopher, was also employed by the East India Company to
administer the bureaucracy in India and was famously supportive of British Imperialism (Tunick
2006, 608).

Additionally, Foucault has written on the issue of power, its use and abuse in his scholarly
works. He speaks to the concept of ‘othering’ in his ‘Histoire de la folie à l’age classique
(Madness and civilization: A History of Insanity in the Age of Reason)’ – the ‘insane’ did not
conform to the societal construct of conceptions of ‘normal’ behavior. But, at various points of
history, Foucault counters, the ‘insane’ were regarded as a routine part of the society, some
even considered to possess knowledge beyond the understanding of the general public and as
such their opinions were afforded certain consideration rather than be censored or silenced
summarily. He explains that the establishment of the mental asylum in the 19th century, a

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3 See (Tunick 2006), Section VII, p. 608. He says, “Mill’s tolerant imperialism reflects a tension between liberty
and moral development that also surfaces when Mill thinks about the scope of government in civilized societies.”
separate physical space that hid away the ‘insane’ from the ‘normal’ public while being cared for and be cured, created a concrete sense of division between the two.

This creation of a legitimacy to separate and confine the different (in this case, the ‘insane’) for their own good as well as that of the society at large, is again, the focus of his later work, ‘Discipline and Punish: The birth of a prison’, this time with regard to the incarceration of criminals. He analyses how the creation of a prison treats those who have broken societal rules, by isolating and sequestering them while they ‘repent’ and hopefully reform.

His words from the earlier work, ‘Madness and Civilisation’, speak to the power exerted by men when ‘othering’ a particular part of the society.

“We have yet to write the history of that other form of madness, by which men, in an act of sovereign reason, confine their neighbors, and communicate and recognize each other through the merciless language of non-madness; to define the moment of this conspiracy before it was permanently established in the realm of truth, before it was revived by the lyricism of protest.” (Foucault 1964, Preface: ix).

**Utilitarianism**

Some of the reasons given to justify the process of ‘othering’ are overall security and protecting social harmony, where the Utilitarian principle of the ‘greater good’ (Bentham 1781) is applied.

John Stuart Mill, in his treatise, ‘On Liberty’ has discussed the legitimacy of a government’s curbing individual liberty. He suggests, what is called as the ‘Harm principle, that the government has the authority to limit an individual’s actions if they cause ‘harm’ to another individual, a statement that he then qualifies by adding that the idea of ‘harm’ to others is a
necessary but not sufficient reason to curb civil liberties - a justification is needed. This gives rise to the question, ‘Who decides the parameters of ‘harmful’ actions and on what grounds?\(^4\)

**Migrants and ‘othering’**

Governments might use these ‘othering’ mechanisms to assert control over a large population\(^5\) but these tactics garner more gravitas in the case of migrant or refugee groups, who neither have the legitimacy of citizenship nor, often, access to judicial channels.

The migrant populations also face the eternal problem of being accepted socially by the local population. In his essay, ‘**Toward Perpetual Peace**’, as Kant presents a minimal caveat to being hospitable to a visitor, that of his being peaceful and friendly, he also emphasizes every person’s claim on this one Earth. This does not always resonate with local political issues. The migrant group’s problems can be compounded, first, by a lack of legitimacy in demanding any rights, followed by the host nation’s generally accepted right to sovereignty and thus to create its own laws and rules.

\(^4\) For instance, homosexuality was still considered a criminal offence in India as late as September 2018, even as the British, who first created the law have de-criminalized it in Britain. Recently, an Indian High Court had rendered this provision to be unconstitutional but that decision was later overturned by the Supreme Court and then reconstituted in 2018. So does this continued hedging in the application/revocation of this draconian law reflect the opinion of a small conservative faction of the government or the judiciary or is it the will of the larger public? Who, here, has decided homosexuality is ‘harmful’, and to whom, thus adjudicating it to be punishable by law?

\(^5\) This phenomenon, though, might not be restricted to governments. Local bodies create rules to assert control over their surroundings. In the Indian context, many a times, an apartment co-operative society exercises it’s choosing rights to allow/deny new tenants/buyers according to the preferences of the majority. This is often seen in cities, in urban settings with people living in closer quarters in apartment blocks. The reasons could be the different customs and habits such as eating preferences. For instance, those eating meat or seafood and those who don’t, complain about the smell or the ‘offense’ caused to their religious sentiments. These justifications are then used, usually unofficially, to prevent new tenants/buyers from renting/buying properties. This type of ‘othering’ increases and perpetuates ghettoization.
Good Will

In present times, the trend of the dominant colonial powers having to deal with the masses on a foreign soil has reversed with the migrant groups now transporting to the ‘mainlands’. The attitudes though reverberate with echoes of past arguments and justifications, and historical discussions remain relevant although the geographies of settlements might have changed. The ideas of power, control and individual rights keep clashing with each other, necessitating further contemplation. Kant asserted that the ‘right’, the morally acceptable action, “must be held sacred by man, however great the cost and sacrifice to the ruling power. Here is no half-and-half course.” (Kant 1795, Appendix I:45). So where does the Kantian philosophy fit in this environment? Although not easy to put into practice, at a consistent rate anyways, theoretically, it still rings the truest.

So then do we rely on the core human decency of a local population, Kant’s ‘Good Will’, to do the right thing? Do we relegate the responsibility to ‘wise’ governments to monitor and adjudicate the reasons for such ‘othering’s or to ensure comprehensive human rights for a refugee population in distress?

Prof. Barkan in his book, The Guilt of Nations’, talks about the attitude of the German public towards the idea of reparations to the Jewish people in the early post-World War II period. He says,

“…public wisdom viewed the proposed reparation to Jews as conflicting with the essential economic policy and needs of the Federal Republic. The anticipated tangible gains - primarily better access to the United States - were viewed as a pragmatic
argument in favor of compensation but were seen by critics as highly uncertain.” (Barkan 2000, 12).

If even the atrocities of the Holocaust could be weighed against the economic stability and a perceived well-being of a local population, what chances do future oppressed populations have of relying definitively upon the sense of ‘human goodness’ in such decision making?

On the global scale, United Nations, as an organization has played the role of a collective conscience keeper for nations, with member-nations acting like Smith’s ‘Spectators’. The limiting factor, although understandable in certain respects, is the acceptance of the sovereign rights of the nation-members and their freedom of self-determination. This becomes problematic when certain actions of member-nations, whether those that create the need for migration or, those that deal with the influx of migrants, do not necessarily adhere to the values espoused by the UN. The problem is further complicated by selective acceptance of the authority of the International Criminal Court by member nations. And as seen earlier, the ‘chosen’ hierarchy of human rights can lead to an incomplete and patchwork solution to the problems.

Conclusion

The process of derogation and the resultant hierarchy of human rights (Koji 2001), caused by a multitude of reasons, one of which is the ‘othering’ mechanism carried out for reasons such as justification for the ‘greater good’ (Mill 1859), Foucault’s reasoning of the exercise of power through control (Foucault, 1964 and 1977) and then Sheth’s explanation of the use of race as a
technology of control (Sheth 2009), deeply affects the socio-political milieu of migrant life. It is reflected in the heightened and, at times, arbitrarily invasive surveillance of migrants, the demands for ‘assimilation’ in lieu of acceptance of diversity and more often now, the call to halt or reverse migration altogether, with blind disregard to ground realities.

Deleuze has said, “Men’s only hope lies in a revolutionary becoming: the only way of casting off their shame or responding to what is intolerable.” (Deleuze 1990). For the ‘revolutionary becoming’ of a society, in order to better acclimatize to the changing global climate where migration is almost a certain truth for the known future, an analysis of the concepts of shame and tolerance, and of negotiations between the various parties involved becomes vital.

This might then be a good time to look at historical models of migrant negotiations to understand repetitive patterns and adaptation measures that worked or those that did not. At the same time, maybe we need to take micro-level measures such as encouraging ‘foreign’ language studies in schools or promoting mediation practices in institutions; the first steps towards the promotion of ‘acceptance’ or even ‘appreciation’ of diversity rather than a push towards authoritarian ‘assimilation’ policies.

Whatever suggestions we come up with - one thing is certain - the topics of local-migrant negotiation models and an analysis of the related ‘othering’ mechanisms require in-depth, comprehensive and, scientific thought if we want to offer any solutions towards creating a more harmonious future.
Bibliography


