

Chapter One

Understanding Human Rights in the Age of Globalization: A Theoretical Review

Chapter One is a theoretical review of some important theories of human rights and citizenship, especially human rights in the context of economic globalization. I particularly focus on the right of global mobility among other human rights. It is because the practice of the right of global mobility initiates most of the dilemmas and debates about how to approach and implement human rights in our age of globalization. The right of global mobility breaks most of the traditional factors that are required for practicing human rights in the form of citizenship. Briefly introducing the historical development of human rights which evolves from all kinds of struggles and is deeply entangled with nation-states and capitalism, this chapter mainly emphasizes a few major plights brought about by global flow and how some theorists cope with these issues. I would basically focus on three theorists' ideas. Étienne Balibar, a scholar of philosophy and humanity, studies the international border issues that violently disturb global order, citizenship and nationality in today's world. David Harvey, as a leading theorist in the field of urban study and geography, analyzes major phenomena of globalization from the scope of geography. Saskia Sassen researches on global migration and takes global cities as her strategic site for theorizing globalization and its impacts. All three theorists represent new geographical and spatial approaches in grasping citizenship in the context of globalization.

The discourses of rights need new scope to adjust to the global context that is far different from other ages of human history. Human rights, practiced in the form of

citizenship, are often regarded as matters of morality and legislation. Meanwhile, citizenship is usually understood as a political issue. When one's rights or citizenship is violated, humanitarian or moral condemnation is usually made first and then followed by legal sanctions or an amendment to the civil law. However, theorizing rights in moral, political and legislative scope can no longer effectively solve the dilemmas of human rights in our global era. The intensive global migration, including people and capital/corporations, challenges the concept of morality based on the western culture and the traditional legislative-enforced mechanism based on the nation-states of solid borders. Facing the intensive global capital and people flow, the above-mentioned theorists propose geographical scope to re-examine the concept of human rights. Their geographical perspectives integrate the global and the local, social, economic and political spaces. Since all the human activities must be done on certain places and spaces no matter how "permeable" the world becomes, using geographical perspective to deal with the plights of global human rights could give inspiring insights to understand contemporary human struggles in a global context.

In this chapter, I propose that the discourses of human rights explain the future global political and social order among people, economic actors (firms and corporations), and nation-states. They are no longer just humanitarian thinking. The chapter would be divided into four parts. The first part briefly summarizes the historical evolvement of citizenship and human rights. The next section points out the major international plights of rights caused by intensive global migration. The third part deals with some important theoretical thinking to approach these issues of global migration. Part four focuses on how the three theorists I choose to study indicate "the

spaces of hope” in today’s global crises of rights.¹

I. Historical Development of the Concept of Human Rights²

The concept of human rights is always practiced in the form of citizenship which is evolved with several assumptions and essential conditions during the western progress of civilization. First, citizenship is established on a very crucial assumption of inclusion and exclusion. This assumption comes primarily from the Greek polis: “the citizenship of certain types of person implies the non-citizenship of others. In the Greek polis, slaves, foreigners, and, above all, women were excluded” (Castles and Davidson 10). Since citizenship is supposed to display one form of exclusion, the borders and boundaries that exclude outsiders and non-citizens are indispensable. Citizenship is predestined to develop within a certain kind of border. The border of small Greek polis later extends to be the border of larger nation-states which development is generally completed in 17th Europe as the basic context for modern citizenship (Castles and Davidson 2). Second, citizenship must rely on an authority to maintain and protect. Nation-state is always regarded as a best authority that regulates different needs of different citizens and secured their rights and interests. Until today, “as during the Enlightenment, the state is both admired as an efficient vehicle for promoting human rights” (Ishay 99). Third, the widely-accepted concept of citizenship is established on the capitalism which starts to flourish worldwide from 18th century Europe. Capitalism assumes that everyone had the ability and equal right to decide what one wants and pursue best self-interest. The self-determination grows

¹ I borrow the term “the spaces of hope” from the title of Harvey’s book.

² The historical facts of this part mostly consults Micheline R. Ishay’s book *The History of Human Rights*.

to be the foundation of democracy which supports the development of citizenship and human rights. Borders and self-determination grow to be two major assumptions and essential conditions in the formation of the concept of rights and citizenship.

These assumptions of citizenship and rights face great inner contradictions that lead to two World Wars and cause violation of people's life. First of all, the mandates of capitalism include free market and laissez-faire that reduces states' control over markets to maximize capital accumulation. Laissez-faire capitalism is commonly regarded as the supreme form of individual liberty and self-determination (Ishay 102). The severe regulation of nation-states, which is trusted to be the most effective vehicle of implementing human rights, gradually gives in to free-of-governmental-restriction capitalist market. On the other hand, the national financial growth also benefits a lot from capitalist market. Market may intervene and even lead the governmental policy-making process to deal with the conflicts between economic interests and citizenship. When market and economic development override national sovereignty and regulation, human rights may be sacrificed for financial factors. Second, capitalism makes many European countries economically and politically powerful enough to invade others and become colonizers. The colonialism is against the will of self-determination of each colony; that is, against the human rights of the colonized people. The ambition of colonial nations, which want to expand themselves by invading other nations, finally causes the Great Wars that violate numerous people and their human rights (Ishay 155). As self-determination grows to be laissez-faire economy which is supposed to be a practice of human rights and free will, laissez-faire belief actually encourages imperialism to break

international order and peace. The dire consequences of two World Wars urge all nation-states to compensate for the mistakes of imperialism.

After the two Great Wars the discussion on human rights can no longer remain a local-scale humanitarian discourse but it is systematically represented as an international grand narrative of laws. At the end of WWII, there was “a renewed effort to implement universal rights worldwide” among most nation-states (Ishay 179). Ever since, human rights become not only a domestic issue of each nation-state but also a global agenda. Fifty-one nations establish UN as an organization for promoting world peace and international cooperation. With the fear of imperialism, the international organization particularly emphasizes individual freedom and will (Ishay 181). The Universal Declaration of Human Rights is presented in 1948 as the basic legal principle of the civil laws of all its members. UN proclaims in 1966 International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights to make the grand legal discourse of rights more detailed and complete. In the mid 20th century, the human rights issues are put in the international spotlights and the discourse of universal law.

The concept of human rights in the 20th century grows to be a crucial factor that could determine domestically the policy-making and legislation of nation-states and internationally the global order among nation-states. However, although UN declared human rights on a global level, human rights were still mainly practiced in the form of citizenship based on nation-states and well-defined borders. In other words, human beings could be sheltered only when they are the citizens of a certain state. This causes huge troubles in practicing human rights in economic globalization, an

expansion of capitalist free market which would endeavor to remove any barriers to accelerate capital flow and accumulation.

II. The Major Plights of Human Rights in the Global Age

The development of human rights faces more and more inter-related difficulties as economic globalization prospers more and more after the late 20th century. The global flow forces national borders to open and be re-organized. Porous borders increase the difficulties of governance for the nation-states because more and more non-citizens, whose rights are not recognized by the national laws, may visit or live in the receiving nation-states. When the whole world enters the global age, there are no newly-established corresponding organizations that can replace all nation-states and effectively manage all affairs at the global level. The enforcement of rights is exactly one of the difficult issues that points out the lack of global regulatory organizations. Without effective global regulation, the content and subjects of rights/citizenship may be arbitrarily transformed according to the interests of the dominant class. Rights of those who create far less interests for the dominant could be easily ignored or sacrificed. The problems globalization brings to citizenship result in the most serious plights and violations of human rights. I suggest that one way to understand the major plights of human rights is to analyze the universal right of global mobility that directly removes national borders and increases the number of non-citizens.

Here follow some contemporary major plights of human rights which are briefly introduced above and will be discussed one by one in detail. These plights are: (1) Internal contradictions of the stipulation of global mobility, (2) Border eroding and

non-citizens, (3) Enforcement of human rights, and (4) Capitalization of human rights (of global mobility).

(1) Internal contradictions of the stipulation of global mobility

The right of global mobility proclaimed in the Universal Declaration of Human Rights contains several internal contradictions. The first contradiction of the right of global mobility is that the Universal Declaration of Human Rights approves the right to leave but keeps silence on the right to enter. In Article 13, it claims that “[e]veryone has the right to leave any country, including his own, and to return to his country.”³ There is no other article of different international covenants directly addressing the right to move. It is interesting that the right of global mobility is not defined and recognized as the right to *migrate* but the right to *leave* and *return*. In this universal legal representation of human rights, people are allowed to leave without the right to enter. In other words, no one can really claim and practice this right as a “right.” Only when one is granted permission to enter another country, he can legally practice his “right” to leave. Without the right to enter, how can the right to leave be a practicable right? Refusing to represent a full right of migration and global mobility in the universal legal discourse, UN leaves the problem and permission of the right to enter to each nation-state and their national civil laws. The right to leave is a universal human right but the right to enter is a civil right according to local governmental regulations. That is the first internal contradiction which leads to the second contradictory of global mobility.

Without a full representation of global mobility in the universal covenants,

³ “Universal Declaration of Human Rights.” <http://www.un.org/Overview/rights.html>

different nation-states may autonomously make laws and policies to decide how to treat illegal immigrants within their territory. In fact, illegal immigrants are not recognized at the global level. UN only recognizes few groups of global migrants and represents their human rights in other different international conventions. The rest of global migrants are lacking just representation and protection in the discourse of universal law. For instance, United Nations Conventions deal with the status of refugees and the rights of migrant workers.⁴ No international treaty formally discusses the problem and rights of undocumented immigrants. The rights and status of illegal immigrants are not represented in the international legal discourse. They exist not as a global issue requesting formal agreement among nation-states but as “a domestic affair” that each nation-state copes with according to its national law. Avoiding handling their global mobility, UN agrees to understand illegal immigrants at the national scale and refuses to approach it from the universal grand narrative of human rights. These internal contradictions in defining the right of global mobility and global migrants complicate the role of nation-states in realizing the right of global mobility. On the one hand, the nation-states are required to follow the UN covenants and lift their borders for people to practice their right to leave but on the other, they are asked to strengthen their borders and be totally responsible for supervising those who hope to enter. These contradictions allow nation-states to work for their best interests by playing with their borders and making their national laws.

(2) Border eroding and non-citizens

⁴ They refer to 1951 United Nations Convention Relating to the Status of Refugees (the Refugee Convention) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

In our global era, the national borders, which are the very foundation of citizenship, faces serious inconsistency and ambiguity. Citizenship can basically be described as “participation in or membership of a community” (Barbalet 2). In other words, it must be based on a fixed territorial border to define the spatial and social limit of this membership or community that citizens would long-term commit (Urry, “Global Flows” 63). Within the national border, a nation-state would administrate and guarantee its citizens the protection of their rights according to the national laws. But the states’ regulation of rights is forced to confront new challenges in globalization, which brings unprecedented intensive flows and breaks geographical boundaries of nation-states. The main feature of globalization is eliminating the national and geographical borders. The major purpose of this progress is to enable people and business “to communicate more smoothly and efficiently [for further] economic growth” (Ellwood 9). Without the obstacle of borders, capital would be accumulated more quickly and easily. Globalization speeds up and expands the process of faster capital accumulation by reconstructing geographical landscape and boundaries (Harvey, *Spaces of Hope* 54). The problem is that the openness of national borders in international economic sphere also lets in the unwanted non-citizens, such as illegal immigrants and refugees, that are not helpful for state capital accumulation and that states might want to eliminate from their borders.

(3) Enforcement of human rights

Global capital flow results in uncontrollable people flow which increases the difficulties in enforcing human and civil rights. During the global geographical

reorganization, people flow, whether voluntarily or involuntarily, in accordance with the goal of capital accumulation. The global capital flow makes it much easier for people who are seeking better living quality to cross the national and geographical boundaries and to live or work in foreign countries. More and more people who are not citizens would stay in a foreign state without any legal/civil protection. Their rights would be easily overlooked. On the other hand, because of the laissez-faire market, the international corporations can avoid the interference of nation-states to freely accumulate more and more capital without considering labors' rights. The capitalist golden rule of laissez-faire gradually overrides states' sovereignty, which citizenship counts on.

Although the UN tries to mend the weakening local governing power by making human rights a universal agenda, human rights are still practically enforced and negotiated through governmental policies and laws. Because of the global mobility, human rights become an international rather than the national issue. It involves more complicated tensions between the global and the local when nation-states try to implement human rights and to keep global peace. The local governments and nation-states are till today the most effective institutions that have military power to practically protect citizenship, to punish those who violate others, and to maintain the so-called "justice" by forcing every citizen to obey laws. With more and more non-citizens staying in the most-developed nations in the world, these people have no proper international legislative institutions to protect them. Their rights are protected only when the nation-states make special policies, which are made according to national interests, for these who are not recognized in the national civil

laws.⁵ A lot of immigrants, such as refugees and undocumented immigrants, are still denied the recognition and protection of their rights as human beings. On the other hand, although the UN establishes the committee for human rights agenda, it is identified as a humanitarian organization, instead of an organization of military and political power. It is “restricted to the monitoring rather than to the enforcement of human rights enumerated in its covenants” (Brysk and Shafir 21). Economic globalization urges people to be citizens of the “global village” but this “village” lacks a homologous institution to protect the rights of world-citizens.

(4) Capitalization of human rights (of global mobility)

Global economic development transforms gradually the idea of human rights from universal concept into privileges, which result in social injustice. Ideally, human rights must be free from political and economic manipulation (Brysk and Shafir 13). But in reality, it is not hard to observe that, in the global era, the commercial logic of capital and commodity redefines human rights as one kind of property that can be accumulated, exchanged, and privatized. For example, the richer the people are, the more rights they seem to possess. They enjoy more freedom than others; they can go anywhere they want as long as they can afford the trip. Their property, safety and other rights are generally taken care of more attentively than others’. The reason why

⁵ For example, desiring for high-skilled immigrants, England reveals the new policy in 2005. “Under the new policy, British government introduced a five-year plan that includes a point system, which will favor those desirable skills, such as doctors and lawyers” (Daraja). Government controls the entrance of foreigners and protects certain groups of foreigners’ rights by making special policies according to national development and interests.

For more information, please consult the website

<http://www.msuspokesman.com/media/storage/paper270/news/2005/02/11/WorldNews/Britain.Unveils.New.Immigration.Policy-861839.shtml?norewrite200610040160&sourcedomain=www.msuspokesman.com>

they seem to enjoy more rights is related to the basic assumption of rights/citizenship: citizenship excludes. The assumption of exclusion implies certain favor for some kinds of people over others (Hoffman 1). In other words, the concept of citizenship works on the basis of class gap and social hierarchy. Since economic globalization broadens the class gap at the global level and human rights are practiced in the form of citizenship, capitalization of rights is inevitable.

As far as the right of mobility is concerned, people with different social status and economic capacity barter the economic value they are able to create for various forms of global mobility. As mentioned above, in Declaration of Human Rights, Article 13 declares that “Everyone has the right to leave any country, including his own, and to return to his country.” In practice, in accordance with people’s different social status, their movement can be divided and distinguished into multiple types, such as immigration, tourism, guest work, human trafficking, refugees, and even those of no mobility at all. With relatively high social and economic status, like mass tourists, people seem to be able to penetrate every corner of the world as long as they have enough money to exchange for this high mobility. People of low status migrate either as workers or employees who devote their efforts to the global economic growth.

To sum up, the issues and dilemmas of rights are mainly caused by the global flow, whether that of people or of capital. Global mobility challenges previously fixed borders and boundaries, including physical and geographical borders and the borders of national identity or nationality. The transformations of the right of mobility also cause people problems when they practice their other human rights in foreign

countries. Theorizing more precisely these transformations is the first step to understand contemporary human rights dilemmas before finding any possible solutions.

III. Theoretical thinking about global migration

This section deals with how some theorists, mainly Sassen and Balibar, theorize the issues and plights of global mobility mentioned above. Their researches emphasize on different aspects. Sassen studies the subjects, including people and corporations, that move. Balibar analyzes the geographical concept of border that manages the global flow. The discussion of the issues of global mobility can trace back to the beginning of frequent international interaction in the 18th century.

Due to the progressive development of capitalism and colonialism, the growing number of foreigners stimulates 18th century philosophers, like Immanuel Kant, to ponder on the problems of non-citizens. Their ideas unveil the dilemmas of rights that grow much more serious because of economic globalization. Colonialism and capitalist market encourage people to visit and invest overseas. Foreigners penetrate the national borders. Although they are not in huge number, they start to challenge the international order and citizenship discourse based on well-defined and strict borders. Kant in his essay, *Perpetual Peace*, already notices the international disturbance of citizenship which may overcast world peace.

...in this sphere hospitality signifies the claim of a stranger entering foreign territory to be treated by its owner without hostility. The latter may send him away again...It is not a right to be treated as a guest to

which the stranger can lay claim...but he has a right of visitation.

(137-138)

Counting on the sovereignty and ability of the state to maintain peace, Kant proposes the law of hospitality as a solution to deal with those who temporarily suspend the protection of their own states and stay in foreign countries. International peace is built on trust and ethics among nation-states, citizens, and foreigners. National government and citizens must respect the foreigners' rights to visit and the foreigners must return to their country sooner or later. By doing so, the national borders could remain firm. The international peace that relies on firm borders would then be sustained. Although the power of nation-states is facing challenges caused by capitalism and colonialism, national borders still play a very important role in maintaining world peace and practicing citizenship.

These problems of non-citizens and rights in the global age are far more complex than those in Kant's age. For instance, Jacques Derrida observes that Kant "excluded hospitality as a *right of residence*...; he [Kant] limits it to the *right of visitation* (21, emphasis original). Kant proposes the law of hospitality to protect the rights of foreigners who shortly stay in other states as visitors, not residents. In his project, immigration to other states whether legally or illegally is not yet one serious issue that may affect world peace, and no rule is created for defending those who emigrate. The form of global mobility is then simply practiced as short visitation. But the situation is totally different in the context of globalization. The way of global flow varies. Nation-states do not merely play the role of protector and non-citizen issues in globalization are much more perplexing.

Economic globalization complicates and multiplies the character of nation-state which is not only a passive receiver (as Kant assumes) but an active sieve to determine who can enter the country. With increasingly intensive contact of international commerce, the nation-states do not just deal with the issues of how long they should permit the foreigners to stay but decide how to exclude the immigrants they do not want while attracting those immigrants that can help increase the national interests. The global migration issues quickly grow beyond the debate of habitation and visitation. Saskia Sassen observes the economic factors that reorganize the global spaces and borders in terms of global mobility. In her studies, she perceives that governments of the most developed countries would legislate to open the border to highly specialized professionals of western background. Meanwhile, they also legislate to exclude those referred to as “simple labors” by defining their border-crossing migration as illegal one.⁶ Sassen comments that “this can be read as importing ‘western human capital’ and closing borders to ‘immigrants’” (*Globalization and Its Discontents* 6).⁷ To deduce from her case study, it is not hard to understand that governments do not only need to face the problem of foreigners’ visiting duration, but also decide what kind of foreigners can enter and stay. That is to say, with different economic conditions, the global spaces are reorganized with

⁶ Sassen takes Japan as her example.

⁷ The same case is found in Malachi Daraja’s report of 2005 English immigrant policy. “England’s Secretary Charles Clarke revealed England’s new immigration policy. He stated the first step in enforcing the harsher policy is the fingerprinting of all foreigners. This would prevent illegal immigrants with expiring visas from simply disappearing into Britain’s black market. “This country needs migration,” Clarke told reporters, according to CNN.com “Tourists, students and migrant workers make a vital contribution to the U.K. economy. But we need to ensure that we let in migrants with the skills and talents to benefit Britain, while stopping those trying to abuse our hospitality and place a burden on our society”. ”
<http://www.msuspokesman.com/media/storage/paper270/news/2005/02/11/WorldNews/Britain.Unveils.New.Immigration.Policy-861839.shtml?norewrite200610040160&sourcedomain=www.msuspokesman.com>

different border mapping. For “western human *capital*,” there is much less border control that may deny their global mobility than for labor immigrants. They simply live in different types of global spaces. Sassen’s observation of Japanese immigrant policy is very important because it precisely points out the class factor in the transformation of borders in globalization.

Becoming the central actors for global economic development competition, nation-states no longer only play the role of protectors of citizens. Nation-states would be regarded as the basis of world peace and the implementer of human rights because in the past social struggles, states gradually turn to be welfare states. They are mainly responsible for distributing the social resources. Satisfying the basic rights and needs of the poor, states maintain social peace. In Kant’s theory, the foreigners are taken as the socially weak and poor since they do not have states to protect their citizenship. He asks the receiving states to treat them nicely as guests. The states in Kant’s proposal still focus on how to fairly handle the socially disadvantaged. With the development of global economy, the roles of nation-states are at the same time multiplied and transformed. As Sassen argues,

The development of welfare states in the twentieth century became a crucial institutional domain for granting entitlements to the poor and the disadvantaged. Today, the growing weight given to notions of the “competitiveness” of states puts pressure on states to cut down on these entitlements. This in turn weakens the reciprocal relationship between the poor and the state. (“Repositioning of Citizenship” 8)

The character of the state that takes care of the poor is cracked because it is now also

the main economic competitor in the global market. The nation-states can not just be responsible for maintaining the social justice. They now need to pay attention to their own “competitiveness” of economic strength which could be curtailed by the social welfare policies. This affects as well how the nation-states deal with the foreigners and immigrants in their territory. To stay strong in the global market, nation-states must start to think more for its own interests than the welfare of the weak people.

When the nation-states become more and more involved in the global economic competition, citizenship which relies on states to protect would gradually becomes another kind of capital. Citizenship no longer simply refers to the rights that are equally given to every citizen and are not allowed to be violated. Nation-states may grant people of more capital more rights or to be precise, privileges, because these people are helpful for increasing the national income and economic advantages. These people are able to privatize the spaces and expel the low-class, especially in the global city. For instance, in United States,

...between 1973 and 1993, 2.2 million low-rent units disappeared from the market. These units were either abandoned, demolished, converted into condominiums or expensive apartments, or became unaffordable because of cost increases. At the same time, the number of low-income renters increased, due to factors such as eroding employment opportunities and the declining value and availability of public assistance.⁸

This data shows that more and more poor people are facing the crisis of homelessness.

⁸ This is quoted from the research in *Bringing American Home Campaign*
<http://www.bringingamericahome.org/housing.html>

They are excluded from the spaces that are going to be converted into expensive lands only for those who can afford them. Facing this ongoing welfare crisis, the nation-state, instead of taking care of the lower-class people to meet their basic need, decreases the availability of public assistance. On the contrary, the rich people are privileged to use more spaces. The citizenship of the poor does not grant them basic protection while the rich can exchange their capital for more rights and privileges.

The most serious capitalizing transformation of citizenship is that the economic agents can also share the rights which are defined as “economic citizenship” by Sassen. Neo-liberal globalization demands nation-states facilitate capital accumulation by opening their borders for large multinational corporations. More and more international corporations cross the national borders and enjoy their rights protected by supranational organizations like IMF and WTO.⁹ Sassen creates a new term “economic citizenship” to describe this transformation (*Losing Control?* xiv). It belongs to the international firms and corporations. This citizenship is not limited by national borders as the traditionally defined citizenship. It integrates all the spaces in which global capital flows, regardless of the national territory or policies of different political regimes. Only those who own more capital can enjoy and practice this citizenship. Rights or citizenship, which is supposed to guarantee all human beings, gradually transfers to any subject of capital. Economic citizenship proves the present transformations of citizenship which by degrees is detached from traditional

⁹ For example, “in 1994, WTO negotiators established the GATS agreement, and built in successive rounds of negotiations to achieve greater ‘market access’ to service sectors for foreign corporations. The corporations driving the WTO are aiming to restrict the ability of governments to regulate services, while forcing governments to open up public services for sale to private, foreign, unaccountable corporations” (James). Market and corporations grow stronger and more powerful than government restriction because the supranational organization, WTO, protects them by some kind of legislative power. For more details, go to: <http://www.globalexchange.org/campaigns/wto/Services.html>

understanding of rights. Reorganizing the spatial borders, economic citizenship no longer limits itself to human beings and the concept of equality. On the contrary, it follows the capitalist logic and replaces the national borders with economic boundaries of social hierarchy.

Étienne Balibar explains the economic citizenship of the international economic actors by dealing with the economic reorganization of borders. Starting with flourishing economic interaction, globalization inter-relates all the nation-states and makes their domestic affairs internationally influential to some degree.¹⁰ The national borders can not be as protective as they were to exclude the impacts of other nations. Balibar argues that

...by definition, a *globalized market* has no “outside” in either a geographical or sociological sense. Once all human activity takes the form of commodity exchange,...there is no place available for alternative practices and modes of life. There exist only forms of *inner exclusion*, synonymous with extreme precariousness and verging on elimination.

(106-107, emphasis original)

In terms of global market, there is no solid border anymore and no one is really excluded. The form of exclusion in globalization is what Balibar calls “inner exclusion.” It may refer to the situation that a community undergoes extremely serious exploitation and socially marginalization in the all-included global market. The national borders begin to lose the traditional function of protection. New socio-economic boundaries replace the national borders to integrate globally the

¹⁰ As Anthony Giddens says, “Globalization can thus defined as the intensification of worldwide social relations which link distant localities in such a way that local happenings are shaped by events occurring many miles away and vice versa” (64).

spaces and to delimit boundaries according to global market manipulation.

What makes the issues of citizenship so difficult today is not only the economic reorganization of national borders but also the simultaneous reconsolidation of the national borders. The global people flow, coming along with the capital flow, reveals the confusion of border areas caused by states' weakening sovereignty in the global era. Balibar illustrates this global phenomenon with the example of immigrants in France. In France, the "repressive and humiliating methods that are given free reign whenever the state believes that its authority is being 'defied' by those" who are cataloged as immigrants (34). In this case, these immigrants represent the weakness of French governance and sovereignty over its border. Treating the immigrants within its border as Other, French government tries to re-consolidate a strong social border to re-claim the symbolic power of sovereignty which is in fact challenged by economic globalization. Denying Other civil rights, nation-states display to some extent the power to rule and control. Intending to show a seemingly strong controlling power over the issues of immigrants, "the state *demonstrates* (at low cost) the force that it claims to hold and at the same time *reassures* those who suspect its destitution" (36-37, emphasis original). Balibar also perceives that globalization, by lifting national borders, simultaneously consolidates the borders distinguishing citizens from non-citizens. It is because "national citizens can be persuaded that their rights do in fact exist if they see the rights of foreigners are inferior," so they would manifest allegiance (37). Contacting with more and more foreigners, the citizens of a state are likely to expect a firm national border to exclude Other from sharing the social resources with them. The national borders which are penetrated by economic

globalization may again be re-consolidated in other spheres. Citizenship, practiced effectively only when the borders are well-defined and stable, is thus caught into plights.

In the process that national borders are continuously re-organized in different spheres, more and more players are able to manipulate the borders for their own best interests, instead of for the social justice and citizenship. These players include the nation-states and the market. For more capital accumulation, the global market integrates all the economic spaces in the world despite the borders of different nation-states. As becoming the major competitors in the global market, the nation-states take advantages of the national borders to let in the capital while excluding the low-class illegal immigrants. When the global social justice and rights still rely on the nation-states and their national borders to maintain, the priority of the nation-states is no longer the role of rights' protector but their national economic interests and global competitive strength. One of the most important traditional functions of the national borders, that is, to protect and enforce citizenship/rights, is severely challenged and ignored in the global process of spatial re-organization for economic development.

III. Spaces of Hope

It is urgent to seek spaces of hope for human rights after the theorists clarify how serious citizenship is straitened in terms of globally socio-spatial reorganization. The dependence on fixed national borders and national absolute sovereignty once were the most practical and effective methods to realize the ideal of human rights.

Since Kant's age, the processes of global modernity break many geographical and spatial borders, especially the national territorial and social borders. Balibar, Sassen, and Harvey all point out that the national borders are not simply penetrated or disappear in the globalizing process but repeating re-organizing. The problem is that it can be manipulated to appear and disappear mostly in order to facilitate global capital accumulation and to exclude undesirable immigrants. The fixed borders that are extremely crucial for implementing human rights are no longer fixed. What is worse, they become flexible and porous to serve economic globalization, which causes social inequality rather than equality in the society. The discourses of human rights and national citizenship thus meet a dead end in economic globalization. It is important to think beyond the national scope, that is, to consider border area a new site of struggle; and we may find new possibilities to realize human rights that would affect global order, peace, and ethics among nations and peoples.

Border area may be one possible strategic site for the future development of human rights in the global age. Observing the process that the countries in so-called "Europe" integrate into the European Union, Balibar grasps the essence of human rights as all the states are compressed into a global world. The integrating process highlights the border areas or what Balibar calls "the peripheral zones." They are the spaces "where secular and religious cultures confront one another, where differences in economic prosperity become more and more pronounced and stained;" Balibar continues, the peripheral areas "constitute the melting pot for the formation of a people...without [peripheral zones] there is no citizenship...in the democratic tradition" (1-2). Because many different powers contest, co-exist, and tolerate one

another in border areas, these areas would be the places of origin of citizenship and democracy. As Balibar observes, “more and more...borders are creating problems in the heart of civic space where they generate conflicts, hopes, and frustrations for all sorts of people, as well as inextricable administrative and ideological difficulties for states” (109-110). With so many different conflicts taking place in border areas, these sites may be the places of frustration but they also at the same time suggest hope for real democracy that people of different kind may learn to accept and live with one another. Different people may find their spaces in border areas to display and speak for themselves. Border areas may be a hopeful site for various powers struggle for balance and order of democracy at the global scale.

In border areas which may be a hopeful strategic site for developing real democracy and citizenship, the unwelcome immigrants would represent a group that contributes to rather than obstructs the democratization of the borders. It is not simply because they practice their right to move but because their global mobility causes struggles in the border areas (Balibar 49). These struggles would stimulate the border zones to transform and tolerate more and more differences. As Balibar says, “the historical advances of citizenship...have always passed by way of struggles” (Balibar 50). In the history of rights and citizenship formation, struggles are everywhere. Workers struggle, women struggle, and now it might be the immigrants’ turn.¹¹ The

¹¹ For example, *The New York Sun* reports that illegal immigrants in New York plan a one-day strike to “show America what it would be like if there were no immigrant labor or dollars.” It says “immigrants appear to be organizing anyway... Among the city’s poorest illegal workers, particularly the flood of recent Mexican immigrants, the idea of showing the city what it would be like to live without their labor appears to be popular and spreading quickly.” Before this strike, there was “an estimated 125,000 immigrants turned out to rally calling for a comprehensive overhaul of immigration laws in New York a week ago.” In New York that can be regarded as a border area where all kinds of differences crowd in and confront one another, the immigrants can rally to become a force and struggle for their rights. For more details, please go to: http://www.nysun.com/article/31064?page_no=3

hope that border areas provide is to offer the immigrants and other differences a contesting space to fight for their rights and their chances to survive by tolerating others and being tolerated.

In our global era, borders are dispersed everywhere and the border areas can appear wherever there is a flow of information, people, and capital, etc. (Balibar 1). To draw on Balibar's theory, I argue that the most obvious and active border areas today are the global cities, such as New York and London, where all kinds of global flows converge and confront intensively everyday. Not only the capital flows to all major global cities, so do the immigrants.¹² Since global cities accumulate/concentrate most global capital of the world, they also attract most immigrants looking for better life chances. On the other hand, as Sassen defines a new kind of "economic citizenship" that are granted to "firms and markets, specially, the global financial markets;" this new form of citizenship "is located not in individuals, not in citizens, but in global economic actors" ("Economic Globalization" 69). The new members benefiting from the economic citizenship are also highly concentrated in global cities. Global city is one of the sites for all the contradictions brought about by global flows. Immigrants, capitals, and economic agents gather in these urban places. Global cities are exactly the true border areas that include all differences.

Sassen further analyzes the characteristics of global cities as a geopolitical strategic site which could be a hopeful stage for the development of human rights.

¹² *The Guardian* reports in 2002 that "immigrant to Britain has doubled over the past 10 years...The level of immigration will run at nearly 250,000 a year—more than two million a decade— for the foreseeable future, according to the study, an influx said to be the equivalent of adding a population the size of Birmingham every five years...[Migration Watch UK] estimates that at least 60,000 illegal immigrants are added to the total every year, of which 35,000 entered legally but overstayed their permission, while the other 25,000 entered undetected."

For more information, please check the website:

http://www.guardian.co.uk/uk_news/story/0,3604,769425,00.html#article_continue

Noticing the growing importance of global cities that may to certain extent become more powerful than national sovereignty, Sassen believes that global cities can be a great strategic site for “new types of operations” of citizenship (“Repositioning of Citizenship” 18). The strongly authorized governance system and citizenship are disintegrated in globalization.

The loss of power at the national level produces the possibility for new forms of power and politics at the subnational level. The national as container of social process and power is cracked. This cracked casing opens up possibilities for geography of politics that links subnational spaces. [Global] cities are foremost in this new geography. (“Repositioning of Citizenship” 18; *Global City* 48)

All the leaking material, resources and power that national authority can not hold and control anymore come together to all global cities to form the sub-national spaces. In the sub-national spaces of global cities, these new powers find new ways of operation and association with one another through conflicts and contradictions. New operation and ways of association bring hope to the feeble who find no chance in the established social and political system. The more flexible sub-national spaces open more opportunities of change and tolerate more struggles.¹³

In addition, global cities offer the socially weak the spaces to unite in their fights for rights. Sassen notices that what flows to global cities can be categorized as two strategic actors: global corporate capital and immigration/workforce (“Repositioning of Citizenship” 19). The great concentration of corporate power and

¹³ See the example in the footnote 11.

immigrants assemble simultaneously in global cities as two trends of globalization. Containing these two trends, global cities “[allow] us to capture, further, not only the upper but also the lower circuits of globalization” (Sassen, *Global City* 52). The economic advantaged confront with the disadvantaged populations in these cities and cause a series of conflicts and contradictions. In these contradictions, the marginal people will gain strong presence. They are also able to claim their entitlement and rights to place simply by appearing in a large number. The global cities, open for all flowing forces, make it possible for the weak to struggle for rights.

Global cities open up a grand sphere of spaces in which citizenship and various rights can negotiate with one another to deal with the human need of justice in globalization. The hope global cities, like New York and London, can give is not a guarantee of justice and equality. People, especially the socially vulnerable, are still violated and exploited by the international corporations in the global cities. How these cities contribute to the development of today’s citizenship is by being an open space that would endure and contain different claims of rights. In the global cities, the poor who are forced to remain silent about their sufferings could at least find spaces to represent themselves and possibly draw others’ attention to understand how they are ill-treated in the trend of global economy.¹⁴

Also approaching human rights issues of the global age from a spatial perspective, David Harvey believes that it is important to re-define concepts of rights so we can comprehend more precisely the difficulties and hopes human rights are facing today. Today the rights of life, global mobility, private property, social security,

¹⁴ It is because of the same reason that chapter two examines the representations of illegal immigrants in global city, London, to understand their experiences and processes of struggling for rights.

among others can no longer be separated and regarded as different acts of rights. Harvey argues that when one person leaves his original social position to enter a foreign land and occupy spaces there, the order of social relations would be re-organized in this society. “The relation between ‘self’ and ‘other’...is...a spatio-temporal construction...Changes in spatio-temporal frame affect self-other relations...” (Harvey, *Justice* 264). Mobility brings the spatio-temporal change and reconstruction that leads to a full new form of self-other relationship. Since foreigners would influence the receiving society in many aspects, it means that in every scale of social life, the foreigners would try to share the social resources with the citizens no matter the society allows it or not. Their needs in the receiving society are also full-scale and interrelated. For instance, it is impossible to permit their right to life without allowing them having a job to earn their living in the receiving society. With more and more foreigners who immigrate, it is crucial to consider how to understand human rights in today’s context and how to amplify the concept of rights to an extent that could contain different scales of human needs of different people. Human rights are firstly universally defined in 1948 and the social context has changed a lot since then. Therefore, David Harvey intends to redefine human rights to adapt to today’s situation.

Harvey proposes to re-examine and re-define human rights in a spatial way which may possibly satisfy diverse human needs of various scales of globalization. Trying to find the maximized term that may include all the rights and help to catch the essence of rights in the global age, Harvey suggests “the right to the production of space” or “the right to be different” (*Spaces of Hope* 87). The new definition is an

amplification of all the acts about human rights. In brief, Harvey re-defines human rights as the right that people should be able to live the lives as they want and to struggle for being different from others. In economics, it may refer to the freedom to choose a favorable job. In politics, it may refer to the freedom to emigrate to another country of better political conditions. The spatial production concept is especially important and appropriate because we now live in a multiscalar society. Living in a specific place, people may simultaneously be affected by different cultures of neighbors, local governmental social policies, global economic trends, and etc. Because of globalization, life grows more and more complicated, so do human needs. Harvey observes this multiscalar transformation of human life and human rights. Human rights should be understood as the freedom that people can decide how to have their lives, so other basic human needs that are not clearly recognized in the Universal Declaration and other covenants as a right may also be included and practiced. Harvey thus recommends adjusting the discourses of human rights to the multiscalar social context in our global age.

Re-defining spatially the human rights concept refreshes our comprehension of social injustice and social order. There are basically two reasons. First, as mentioned above, spatial perspective can contain more scales of life. Any form of social injustice or violation would be examined with multi-dimensions rather than being explained with simple causal relationship. Second, spaces are the last solid ground in globalization. Globalization makes every resource flow except lands and places. No matter how people and capital flow, they must finally land and stay in a specific solid place. Globalization must reorganize and represent its constantly changing global

social order on concrete places. We may perceive more accurately how globalization transforms citizenship and rights and unevenly distributes social resources through spatial studies by simply answering the question, “who has the right to certain places/spaces?”¹⁵ Nevertheless, the hope that spatial studies can provide is the more appropriate approaches to understand the social injustice taking place in today’s multiscalar societies.

The struggles of rights in human history represent the political order and relationship between human beings and nations. These struggles would finally determine who could dominate different spaces and exclude others. As an ongoing process, the human rights development consists of a series of endless struggles. From the populace versus the aristocracy, workers versus middle-class, women versus men, slaves versus masters, till today’s immigrants versus citizens, the content of human rights is being rewritten and modified again and again. All these human social struggles continue to redefine the human relationships in all scales of society, including the family, the working place, the political activity, and so on.

As human rights face unprecedented challenges in globalization, people must undergo the disorder and confusion of human relationship and ethics today on the extensive global scale. Globalization leads to restless spatial reorganization. People caught deeply in the spatial reorganizing process are forced to keep adjusting their social position in different scales. The failures to adjust cause social disorder and human rights violations. The contemporary plights of rights involve all human societies from global to local scales. They could be much more complicated than any

¹⁵ Answering the question, “who has the right to places (cities, towns, and so on),” chapter three aims exactly to show the spatial representation of global social injustice.

other struggles and chaos human society have been through in history.

To find a new balance for today's struggles and promote social peace in all scales of human world, it is important to re-extend human rights and rights discourses to a fuller scope. We need another perspective that can correctly depict our dilemmas in practicing human rights. Spatial studies and geographical researches may be one possibility since spaces reflect different human activities of different scales. The following chapters would study the representations of the frontline of today's human struggles and conflicts, taking place in all the border areas of globalization. From spatial perspective, hopefully we shall see more clearly who are excluded from having rights to produce spaces to survive, and who on earth are struggling in desperation.