Criminals/Refugees in the Age of Welfareless States: Zygmunt Bauman on Ethnicity, Asylum and the new 'Criminal'

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Abstract

Refugees have become a hotly debated political issue in the West. Adverse effects of globalization on European labor markets, the greater availability of ethnic minorities in this region, and fear of crime and terrorism, have made these groups convenient targets for waves of hate crimes, governmental escapegoating, and media-driven demonization since the end of the 1980s. Western governments are increasingly determined to restrict influx of refugees. They have been increasingly abandoning their liberal values and have been governing their population through politics of fear of crime and insecurity. Refugees are subject to increasing harassment, hatred, detention, discrimination, criminalization, and transfer to remote and dangerous places. Changing forms of displacement, racism and criminalization of refugees have increasingly become the focal points of Zygmunt Bauman's work. This paper discusses Bauman's views on criminalization of refugees. It will discuss the social processes that Bauman believes create and sustain it. I believe that Bauman's conducive to a richer and a more coherent understanding of the new processes that create refugees.

Introduction

Refugees have become a hotly debated political everywhere. Their images are familiar: tired, sad, hopeless, roaming from place to place. They come from distant places that remain unknown and threatening to us: Afghanistan, Iraq, Sudan, Somalia (to name only a few). They are commonly known to be byproducts of wars, genocides, and political prosecution (White 2007: 3; Moore and Shellman 2007: 812). They are subject to harassment, prejudices, hatred, detention, discrimination, and transfer to remote and dangerous places (Esses et al. 2008: 4). It is hard to give an accurate number of current refugees given the disputed nature of criteria that determine that status. The legal definition contained in the Article 1(A)(2) of the 1951 Convention (UNHCR) defines a refugee as any individual who

> Owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, unwilling to avail himself of the protection of that country; or who, not having nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

Since this definition was put forward, a large number of definitions have emerged in order to capture the new realities of refugee life. However, the term 'refugee' remains vague. It has been variably used to denote economic migrants, asylum seekers, the evicted, displaced, excluded, persecuted, rejected, extradited, excommunicated, illegal residents, and so on (Haddad 2008: 24-25). The UN itself has amended the 1951 definition several times (see Clark 2004). However, they have resulted only in further definitional confusions and, therefore, policy contradictions. There have been two main reasons for the

conceptual confusion. First, definitions have reflected the definers' theoretical perspective, ethical choices, political goals, and/or economic interests; as these change, so do definitions. For example, Western governments, which are determined to restrict influx of refugees, are increasingly defining them as 'illegal;' on the other hand, there are various international social movements and organizations that fight these criminalizing discourses (Essed and Wesenbeek 2004: 53). Second, national and international factors causing people to become refugees have been changing. Different definitions were meant to capture these changes (as perceived and ranked in importance by the definers). The estimated number of refugees worldwide put forward by various scholars, institutions, etc., therefore, has ranged between 9 to 18 millions.

Only a small number (5-10%) of the existing refugees claim asylum in the West (Hardy 2003: 467). However, turning refugees away

> has already been declared a priority and a permanent task of European realpolitik…the European Union and the UN are today eager to reduce the umber of approved refugees because they do not consider themselves responsible. (Heuer 2007: 1169)

Reasons for this are varied. Adverse effects of globalization on European labor markets, combined with the greater availability of ethnic minorities in this region, have made these groups convenient targets for waves of hate crimes, governmental escapegoating, and media-driven demonization since the end of the 1980s (Albrecht 2002: 160-161). Altemeyer's (1988) 'right-wing authoritarianism' and Sidanius' (1993) 'social dominance orientation' were some of the earliest socio-psychological approaches that were meant to account for some of these attitudes. Since then many people have used these two theories in order to understand prejudice toward refugees and ethnic minorities (e.g., Heaven and St. Quninin 2003; Oswald 2005; Duckitt 2001; Pettigrew 2001). There is also the added problem of fear of terrorism, which is exploited by a variety of commercial and political interests (Sorkin 2008:235). Refugees have been increasingly treated by the politicians and the populace as "a threat of the same order as terrorists, and merit the same response: extreme powers of prevention, detection and apprehension, with no regard to democratic or human rights" (Weeber and Fekete 1996: 78). These conceptions and practices, however, have become harsher after 9/11 (Levy 2005; Zucconi 2004). Suspected 'dormant' terrorist cells are being sought across Western Europe and North America (Jacobson 2006: 5-7).

As a result of these, Western governments have been increasingly abandoning their liberal values and, instead, have been governing their ethnically-heterogeneous population through politics of fear of crime and insecurity (Crawford 2002: 1). Many of them have put in place a number of legislations and policies in order to deter prospective refugees and other migrants, to restrict access for those who made it to the borders of these countries, and to severely curtail the rights and assistance afforded those who managed to gain entry (Zetter et al. 2003). Western anti-trafficking campaigns, reflecting anti-immigrants policies that target negatively-racialized migrants, increasingly emphasize 'national security' in order to criminalize refugees so they can be more easily deported or barred altogether from entering these countries (Sharma 2005). Those that are accepted are "only found 'deserving' of temporary protection" (Colic-Peisker 2005: xii). The West's efforts to limit the flow of people escaping economic deprivation or political persecution have resulted in "a form of 'global apartheid'" (Richmond 2002: 709).

The current practices of detaining refugees, especially in the UK and the USA, have become matters of concern for human rights organizations because they clash with the United Nations Convention on Refugees (Welch and Schuster 2008). The "ideology of humanitarianism," which includes a range of meanings and practices (including war) to establish and sustain global capital domination, has been of great help in this regard (Chimni 2000: 244). It has facilitated the corrosion of basic principles of refugee protection (as refugees no longer possess ideological or geopolitical value). Those who now seek refuge find that they represent security threats to states and regions and that all roads lead quickly back home (Chimni 2000: 245). These practical changes have been reflected in the gradual ascendancy of communitarian and conservative political discourses, which emphasize particular moral claims of communities such as the rights of citizens and communities to broad control over who enters and becomes

a member of the political community (Gibney 1999). Liberal and utilitarian perspectives, with their emphasis on the universal moral claims of human beings to equal consideration by states, have been on the decline. These latter two can be effectively used to stringently restrict the basis on which states are justified in denying admittance to refugees.

Changing forms of displacement, racism and criminalization of refugees have increasingly become the focal points of Zygmunt Bauman's work. He has brought attention to the growing global inequality and polarization, massive environmental damages, impoverishment of people, and "the revival of tribal sentiments and animosities with all their murderous, often genocidal, consequences" (Bauman 2002a: 15). It is in fact with reference to these human and environmental catastrophes that Bauman himself underlines the importance of his work (Wilkinson 2007: 241). He believes that these processes are heading towards completion with disastrous consequences for the world (Bauman 2003b:70). "We live," he writes, "in what – following Hannah Arendt and through her Bertold Brecht – can properly be called 'dark times'" (Bauman 2005a: 129). The aim of this paper is to discuss Bauman's views on criminalization of refugees. More specifically, it will discuss the social processes that Bauman believes create and sustain it. This aspect of Bauman's view has not received the scholarly attention that it deserves. His views can help us gain a richer and a more coherent understanding of the new processes that create refugees in the era of relentless globalization.

Existing Theoretical Perspectives

By 1926 Europe had about 9.5 million refugees. This was an unprecedented phenomenon. The modern refugee 'problem' began around the end of nineteenth-century. The key events were the 1880 pogroms against Jews in Russia and 1912-1913 Balkan Wars (Hadddad 2008: 99). Hannah Arendt identified the WWI, which brought about the dissolution of the Austrian, Russian, and Ottoman Empires, as a turning point in relation to refugees (Heuer 2007: 1159). For Arendt, the refugees presented a new phenomenon: they were new pariahs (i.e., stateless, inassimilables) of the world

> . . . we can see the emergence of a completely new European class of people: the stateless. If we consider European history as the development of European nations or as the development of European peoples into nations, then the stateless are the most significant product of recent history. Since 1920, almost all European states have hosted huge masses of people who have no right of residence anywhere, no consular protection anywhere—modern pariahs. . .The impossibility of absorbing this mass of people clearly shows that the very fact of assimilation has lost its significance to an enormous extent. Assimilation no longer exists in Europe, nations are too developed and too old…Nothing else can be added. In fact the opposite is taking place: the outsourcing of huge masses of people and their depravation to pariahs. (Arendt quoted in Heuer 2007: 1159)

For Arendt, this was one of political pathologies of modern state (others were anti-Semitism, imperialism, tribalism, and totalitarianism) that resulted from failures in the modern state's dual mission: "to integrate diverse social groups into a single body politic, and to uphold the uniform rule of law for all" (Tsao 2004: 105). The modern state, in other words, saw a contradiction between maintaining its territorially-based sovereignty (the right to intervene, protect, and control) and extending universal human rights (which trumped these prerogatives) to all (Bhabha 1996:3). The events of the WWII, in particular the unprecedented barbarity of governments against their own citizens, led to the emergence of an international consensus on the importance of recognising and promoting inalienable human rights and dignity. It was accepted that nation-states could no longer be trusted as the protector of their citizens and that they needed to be subject to international legal and moral monitoring. The commitment to universal human rights, therefore, became a limit to the sovereignty of the state. The definition of a 'refugee' (who is one and who is not, and what rights should they have), therefore, became a bone of contention between

territorial states (which wanted to hang on to their sovereignty) and various international bodies (which wanted to weaken it). The 1951 Convention's definition of refugees reflected the will of the international bodies to limit the sovereignty of state by founding itself on four principles: (1) that society was founded on a bond of loyalty, trust, assistance and protection between the citizen and the state; (2) severance of this bond created the refugee; (3) alienation and persecution were the physical manifestations of this severance; and (4) these manifestations were necessary and sufficient conditions for considering one a refugee (Shacknove 1985). However, the politics of the Cold War greatly affected the definition of and the criteria of determining one's refugee status. West pushed for liberal political values to determine these criteria (as reflected in the 1951 Convention definition) and East for socialist ones (emphasizing right to economic security and a decent standard of life) (Bhabha 1996: 7-8). This was the height of the ideological/legal construction of the 'refugee.' This perspective was based on the assumption of the existence of intact, territorially-based sovereign nation-states in a world with established and recognized physical and ethnic boundaries. Here one distinctly recognizable group of people (nationally, racially, culturally, etc.) moved from one country hoping to reside in another distinct country. The post-Cold War and post-Soviet realities (emerging new nations, partitions, unifications, etc.), as well as globalization, however, have increasingly undermined this assumption (Castles 2003:23). Physical, ethnic/racial, sexual and cultural boundaries are increasingly blurred, ignored and contested.

Between the 1980 to present it has been globalization that has been held responsible for producing refugees. According to this view, rapid capitalist globalization of the world economy, accompanied by its demand for cheap and mobile labor, has resulted in massive migration and displacement of people on a global scale (Guterres 2008). Globalization is accompanied by the neoliberal discourse (which sees the 'free' market as the solution to all the worlds' problems) and the "ideology of humanitarianism" (Chimni 2000: 244). To the neoliberal proponents of globalization refugees are merely people who are taking advantage of the new international economic opportunities and ease of travel induced by technological advances; to others, however, this is only a simplistic, if not conservative, rendition of very complex and painful processes (Smith and Guarnizo 1998). Wars, ethnic conflicts, and various forms of racism are some of these (Macedo and Gounari 2006; Stone and Rizova 2007); and all are conducive to producing refugees. Another important by-product has been a sharp increase in crime and human trafficking across the world (Turner and Kelly 2008: 184). The significant agents of the globalisation process are transnational corporations, financial institutions and organised crime; their activities undermine the sovereignty of nation states (Morrison 2001: 71). However, globalization theory overstates the decline of state sovereignty.

Another theoretical framework is 'forced migration.' It emerged as a result of the decline of the nation-states' sovereignty and the erratic changes in the nature and degree of migration in an increasingly globalized world. According to this theory, people are forced to migrate as a result of an interconnected set of factors: (1) globalization and the resulting global inequality, job scarcity and economic insecurity; (2) war, genocide, political persecution; (3) crime and exploitation (sex industry, cheap/forced labor, trafficking, etc.); and (4) development projects (dams, airports, luxury housing, etc.) that usually victimize ethnic minorities, rural dwellers and indigenous people by destroying their traditional way of life and means of gaining a livelihood. This theory is in favour of linking local events to global ones, and vice versa, and

> …a scientific division of labour in which specific studies of specific groups or situations are informed by broader studies of global social, political and economic structures and relationships – and vice versa. The micro- and macro-levels have to be linked through an analysis of the complex processes that mediate between them. (Castles 2003: 22)

This theory, however, reserves the term 'refugee' for those who are forced to migrate, as opposed to other forced migrants and voluntary migrants who relocate for economic and/or other benefits, specifically as a result of war, conflict and persecution (Castles and Miller 2009: 188-189).

Solid Modernity

> ..modernity was the sworn enemy of contingency, variety, ambiguity, waywardness and idiosyncrasy, and was bent on their annihilation… (Bauman 2007a: 20)

In the solid phase of modernity the primary aim of the state was order creation, i.e., intervention into natural and social processes and spatial boundaries (e.g., border setting, urbanization) with the aim of regulation, planning, standardization and, thereby, reduction of uncertainty (Bauman 1991a, 1999a, 2004b). A major part of such intervention was the control of human instincts, desires and pleasures (as sources of uncertainty-production) with the aim producing social order. Here the pleasure principle, in Bauman's use of Freud's terminology, was to be reined in by the reality principle. The emphasis here was on the *conscious* maintenance of social order, i.e., "the containment of human conduct within certain parameters" (Bauman 1988: 10). This was achieved in two ways: administrative prevention of undesirable conduct and encouragement of desirable conduct. This was in total contrast to pre-modern world where the *unconscious* (taken-for-granted) stability and predictability of social life was the main characteristic. An important byproduct of the inherent instability of modern life was the loss of individuals' identity-certainty (characteristic of pre-modern society). Solid modernity compensated for this by provision of a range of ideologies (secular and religious).

Early modern society, furthermore, was a "producer society", i.e., it "…engaged its members primarily as producers and soldiers" (Bauman 1998a: 80). This gave the poor a new significance: they became potential laborers and were *expected* to supply the labor power. Coercion and cruelty became normal part of the 'persuasion' process. The heavy emphasis on social order and production, of a continuum that had at its other end consumption, made disciplinary discourses and practices appear as normal, natural, rational, legitimate and popular. Political and moral discourse of the modern state mainly reflected this tendency (Bauman 1995, 1992b, 1987). In these order of things poverty signaled disorderliness and, therefore, criminalized

> …being poor is seen as a crime; becoming poor, as the product of criminal predisposition's or intentions—abuse of alcohol, gambling, drugs, truancy and vagabondage. The poor, far from meriting care and assistance, deserve hate and condemnation—as the very incarnation of sin. (Bauman 1997: 44)

The role of intellectuals here was that of a "legislator," i.e., they provided rational discourses about the social and natural processes that ultimately served to legitimize the ruling powers. On a conceptual level, notions of order and purity (being in the right place) implied each other (this went for dirt and disorder). This also applied to human beings: the disorderly people were dirt and were to be made orderly. Bauman identifies three methods of doing this: (1) assimilation; (2) exclusion, i.e., pushing the out of society (e.g., ghettos); and (3) elimination (execution, genocide, concentration camps, etc.) (Best 1998: 318). To Bauman, these often racially-motivated practices were "the natural inclination of modern practice" (Bauman 1991a: 8). This was in part due to increasing predominance of medical/hygienistic perspective, which viewed a large number of people (e.g., the poor, refugees, racialized groups, the disabled) as degenerates, sick, disease-carriers, etc., and, therefore, in need of 'treatment' (Bauman 1992a: 154-160). It was also partly due to the utopian tendencies (i.e., designs of perfect order that were to be brought about through planned, consistent efforts) of solid modernity that had no room for 'imperfections' (i.e., racial difference, perceived inferiorities, etc.) of any kind (the Holocaust was the culmination of all these views and the related practices) (Bauman 1989: 66). Since these groups of people were identified as the main cause of disorder (in social/medical meaning of the term), they were often either hospitalized or criminalized (or both).

The architectural expression of the disciplinary tendency of solid modernity was Jeremy Bentham's model of Panopticon. For Bauman, Michel Foucault's interpretation of Bentham's Panopticon as the expression of disciplinary nature of modern power (primarily aimed at management of the bodies

through the technique of surveillance and embodied in schools, factories, hospitals, asylums, workhouses, etc.) left one important thing out: the Panopticon was also expressive of the opposition between freedom and unfreedom, the autonomous and the regimented action. Both sides of the opposition were product of scientific management and purposeful administration of social conditions by the experts possessing specialized knowledge (Bauman 1993: 120-122). The ultimate aim was to have power over inmates. To Bauman, power means the ability to control the behavior of others; more control means more power (Varcoe and Kilminster 1996: 219). The inmates of the Panopticon were defined solely by the intention their confinement should serve (i.e., the intention of those who put them there, e.g., supervisors, inspectors, etc.). They were objects solitude, instruction and forced labor. These were meant to transform them into something they were not and something they themselves had *no intention* of becoming. It was because of this absence of 'will' that they had been made inmates in the first place. The conditions under which they were put while confined had to be carefully calculated so as to serve best the purposes of those who confined them, i.e., substituting the will of the inspectors (prison guards, foremen, doctors, teachers, etc.) for the missing or unreliable will of the inmates. This meant guarding the insane, reforming the vicious, confining the suspected, employing the idle, maintaining the helpless, curing the sick, etc. (Bauman 1988: 10-11). The only thing was that depending on its purpose, the confinement changed its social form. It become perpetual confinement, confinement before trail, penitentiary confinement, houses of correction, workhouses, manufactories, madhouses, hospitals, schools, and so on. It did not matter what the inmates (workers, students, etc.) felt about things they are commanded to do; it did not matter whether they considered the commands as legitimate or not; Panopticon was not concerned with what the inmates thought, only with what they did. Social conditions appropriate to various categories of inmates, therefore, were not measured by the intrinsic qualities of inmates (whether they were old or young, healthy or sick, guilty of a crime or not, morally contemptible or innocent, corrupt beyond repair or in need of correction, deserving of punishment or care, etc.) but by the coordination between the actions (as required by the institution) of the inmates when left to their own devices.

Liquid Modernity

Zygmunt Bauman views contemporary society as consumer society (or liquid, or fluid modernity), characterized by several distinguishing characteristics in comparison with solid phase of modernity. The collapse of communism was the final act in solid modernity's drama (Bauman 1991b). Liquid modernity is characterized by mobility, lack of stable institutions, and the ephemeral nature of all events (Bauman 2000b, 1998c). Individuals are therefore deprived of any enduring frame of reference for action and forming life-long strategies and tasks (e.g., occupation). They now have to contend with short-term and fragmented life projects. This results in the loss of importance of learning, experience, and other previously valued qualities (Bauman 2005a: 62). Individual are constantly in state of "painful and sickening feeling of perpetual uncertainty in everything regarding the future" (Bauman 1997: 192; also see 2002c: 170). This includes the moral self of a person (1998c). Second, separation of power and politics (Bauman 2005b:140; 1999b). Here, the state has relinquished its main role as the certainty-producer. This means that the contemporary state has lost the controlling power that it once exercised within its territory over social forces (especially economic ones). Furthermore, Bauman believes, that it leaves the cultural sphere because it is no longer interested in legitimation (Best 1998: 313). These forces, therefore, have become a great source of local and global instability and anxiety. In fact relentless globalization has rendered the world a lawless, might-is-right, "frontier-land" (Bauman 2002a: 90) roamed by international corporations, organized crime, security agencies, and terrorist/resistance groups

> …selective globalization of trade and capital, surveillance and information, violence and weapons, crime and terrorism, all unanimous in their disdain of the principle of territorial sovereignty and their lack of respect for any state boundary. (Bauman 2007b: 7)

Third, the increasing dismantling of the welfare state (state-produced social safety nets expressed in welfare programs) has resulted in individuals' exposure to vagaries of social forces (especially economic ones). The welfare state had its origin in a set of heterogeneous, yet converging, imperatives of solid modernity: (1) the pressures of a weak capitalist economy that was incapable of reproducing the conditions of its own survival without political help; (2) the pressures of organized labor which also was incapable of insuring itself without political help against vagaries of 'economic cycle'; (3) the tendency to protect the principle of social inequality through mitigating its most iniquitous; (4) to stimulate acceptance of inequality by marginalizing those who failed to participate in its reproduction; and (5) to help the membership of polity to avoid the eroding impact of a politically uncontrolled economy (Bauman 1998b: 46). However, it also expressed the idea that it was the duty of the state to guarantee the 'welfare' (a *dignified* existence) of its subjects. The state-dependency of the individuals is gradually replaced by market-dependency and individually-produced solutions for structural problems. Given the structural contradictions of capitalism, however, this process can only be permitted to reach certain limits if the long-term existence of capitalism is to be guaranteed (Abrahamson 2004). This usually ensures a modicum of welfare programs that, nonetheless, are characterized by the will to deter potential applicants from applying by containing humiliating and punitive elements. For example, contemporary

> ...popular 'welfare to workfare' schemes meant to make the welfare state redundant are not measures aimed at improving the lot of the poor and unprivileged, but a statistical exercise meant to wipe them of the register of social, and indeed ethical, problems through the simple trick of reclassification. (Bauman 2001: 75)

The reduction of the state's welfare-program budget is encouraged by the neo-liberal ideologists of the market economy. This process is complimented by the approval of an apolitical, consumption-oriented middle-class that, historically speaking, has been the product of the same welfare programs (in education, unemployment insurance, health care, etc.). Fourth, individuals are now expected to find their own individual solutions to socially/globally produced problems (under constantly changing circumstances) and shoulder the consequences of their actions (Bauman, 2007b: 23). They have to be 'flexible' and be ready to abandon commitments, forget loyalty, and move on to other tasks, places, etc., on short notice (Bauman, 2007c: 1-4; also see 1998a and 2005a). While *trust* and *confidence* were characteristic of early modernity, *risk* and *uncertainty* are now the hallmarks of liquid modernity. This is detrimental to solidarity: "the present-day uncertainty is a powerful individualizing force. It divides instead of uniting . . ." (Bauman, 2001a: 24).

The economic discourse and practices now emphasize consumption and not production. This society has little need for mass industrial labour and conscript armies. Instead it needs to engage its members in their capacity as consumers (Bauman 2007: 52-53; consuming life). The role of the unregulated market is the contradictory one of production and satisfaction of insatiable desires and pleasures. Here the pleasure principle has subdued the reality principle. These tendencies unburden the state of the need for the rational-legitimatory discourses provided by the intellectuals of the solid phase of modernity. As a result, the cultural products increasingly become profit-oriented and mass-produced. Furthermore, these tendencies result in a situation where individuals have the freedom, mainly as consumers, to make risky choices that are likely to produce unpredictable outcomes. They have, in other words, the freedom to be risk takers. The unsuccessful consumers (the poor) are the *flawed consumers* and, therefore, useless to consumer society (1998b: 91). Unlike the early modern period, the poor are no longer needed as laborers. Additionally, unregulated globalization processes inject contingency and unpredictability into the international events and, thereby, produce the new world disorder. Advanced transportation and banking technologies allow for rapid and continuous movement of goods and services across the globe. This has also immensely eased the mobility of capital and social elites. Since the liberalization of financial markets from the 1980s onwards, capital investments have become truly global and the limitations to their national and international flow have been immensely reduced. The benefits,

however, are not shared equally. Globalization, in confirmation of previous predictions (e.g., Richmond 2002: 714), has neither eliminated poverty, decreased inequality, nor has averted civil wars. If anything, within and across nations it has given rise to a new stratification regime. To Bauman, therefore, in its present form globalization presents a "purely negative form", a "parasitic and predatory process, feeding on the potency sucked out of the bodies of nation-states and their subjects" (Bauman 2007b: 24).

These fateful changes have also been reflected in the shift of ethical/political discourse from the 'just society' (in any of its imagined forms: a state of equilibrium between supply and demand, of the satisfaction of all needs, etc.) to 'human rights,' i.e., "to the right of individuals to stay different and to pick and to choose at will their own models of happiness and proper lifestyle" (Bauman, 2007a: 22-23). Happiness itself now means "a different today rather than a more felicitous tomorrow" (2003a: 23). Here celebrities are usually the ones used as models of behavior and not the 'heroes' and 'martyrs' (either of past or present). The latter are products of identification with a 'cause' greater than oneself (a 'totality,' e.g., the community, society, collective) and 'sacrifice' (long-term delaying of one's wants and needs) for it. Liquid modernity does not produce eeither of them because it "degrades the ideals of 'long term' and of 'totality'" (Bauman 2005a: 46). This is also signals a passage from the Panopticon model of control to the "Synopticon" model, i.e., self-policing of the individuals instead of the state's institutional control. Now social control, according to Bauman, is achieved through "individuals monitoring the use of their own freedom by closely adhering to the pre-determined *agendas* and *codes* of choice" (Davis 2008b: 102).

Stratification in Fluid Modernity

Bauman argues that the consumer society is stratified. The present determinant of stratification is the "*degree of mobility*," i.e., the freedom to choose *where* one wants to be (Bauman 1998: 86; Globalization: the human consequences). This means that the new forms of stratifications depend on different social strata's relation to time and space. For Bauman, distance is not an objective, impersonal, physical given, but a social product. Its length, therefore, varies depending on the speed with which it may be overcome. The rich have always been able to afford to move faster; distance therefore has always been less of an obstacle to their freedom of movement compare to the poor. Thanks to the globalization's deployment of new technologies of communication, travel, etc., distance has become even less of a constraint on the mobility of the contemporary elite (the likes of businessmen, academics and culture managers, and so on). These inhabitants of the "first world" can now move faster and freer than ever. Social mobility (freedom to move), therefore, has been elevated to the rank of the most desired, yet unequally distributed, value (1998a: 2). They seem equally at ease in Havana, Tehran, Los Angeles, or Beijing. They are the global 'tourists.' They are always short of time because they can easily overcome any distance. They have ample means of consumption, move freely around and form and reform their identities easily. Furthermore, unlike their committed and engaged predecessors of the solid modernity, they have no managerial ambitions, no order-building desire, and "…do not feel the need or intend to proselytize, to carry the torch of wisdom, to enlighten, instruct and convert" (Bauman 2003a: 20). Furthermore, they increasingly isolate themselves in "voluntary ghettos" such as gated communities. For this "exterritorial," "nomadic" elite uncertainty of life does not pose much of a threat and making wrong choices, therefore, does not appear as dangerous: "freedom and risk grow and diminish only together" (Bauman 1997: 193). Their freedom is constitutive of their power and vice versa

> Power can move with the speed of the electronic signal—and so the time required for the movement of its essential ingredients has been reduced to instantaneity. For all practical purposes, power has become truly exterritorial. (Bauman 2000a: 10-11)

This is a new form of freedom. In pre-modern times freedom always meant an exemption—from tax, duty, jurisdiction of a lord and so on. Exemption was a privilege. To be free, therefore, meant to have

exclusive rights. The exempted and privileged joined the ranks of the noble and the honorable. This is why 'freedom' was synonymous with nobility, exclusivity and superiority. Although it gradually lost its link with noble birth, however, it retained its meaning of privilege. Solid modernity's discourse of freedom focused now on the question of *who* had the right to be free in an essentially unfree human condition (Bauman 1988: 9-10). In other words, freedom was mainly having the power to control others. In liquid times the degree of one's freedom is measured by ability to move his/her consumptive powers.

The Underclass

The "new poor" (or "underclass," "dangerous classes") on the other hand, live in the "second world." The term "new poor" aims to capture the new social conditions of the poor. In feudal times the poor were considered to be God's creatures and, therefore, worthy of help through charity. With the advent of modern industrialization they became a reserve army of labour and were treated accordingly, i.e. left to the rule of supply and demand of the market. Feared as potential revolutionaries threatening the social order, they became objects of welfare-state programs. In contemporary society the poor are no longer needed even as a reserve army of labour because labour market and industry have changed drastically. Production can now increasingly do with fewer and fewer laborers; and only highly skilled and disciplined ones for that matter. The underclass is different from the premodern poor and that of solid modernity in that it represents a heterogeneous collection of people who have been increasingly rendered useless by the post-WWII processes of deindustrialization, deregulation and globalization. As such, they are "a class of people who are beyond classes and outside the hierarchy, with neither a chance nor need of readmission" (Bauman 1998b: 66). It includes the juvenile delinquents, high school dropouts, mothers on welfare, panhandlers, pimps, prostitutes, and so on.

The underclass is perceived as a threat to social order by an increasingly fearful public that lives under perpetual economic insecurities and, therefore, ghettoized (enforced ghettos), criminalized (especially violent ones) and imprisoned (Bauman 1998a: 5, 2001a: 114, 2006: 36). The criminalized underclass is the object of moral perpetual moral panics (Bauman 1996: 21). There is an ongoing exchange of individuals between the ghettos and the penitentiaries. We may say that "the prisons are ghettos with walls, while ghettos are prisons without walls" (Bauman 2001a: 121). Ghettos and prisons are two varieties of the strategy of "tying the undesirables to the ground', of *confinement* and *immobilization*" (Bauman, 2001a: 120). They are gifts of globalization to the underclass: "What appears as globalization for some means localization for others; signaling a new freedom for some, upon many others it descends as an uninvited and cruel fate" (1998a: 2).

Due to de-classed nature of the individuals populating them, and contrary to what used to be the case in solid modernity, ghettos are no longer spaces of solidarity and community spirit. Nowadays they are embodiment of social disintegration, atomization and anomie. In ghettos and prisons the underclass has ample time and nothing to fill it in with (no occupation, artistic activity, etc.). Everywhere it goes it is confronted with no trespassing signs, zero tolerance laws, and so on. They are fluid modernity's 'strangers,' i.e., potential criminals outside their usual habitat (e.g., ghetto); they are "Strangers in the street, prowler around the home…" (1998a: 122). Burglar alarms, security patrols, neighborhood watched, guarded condominium gates, etc., are employed to keep them away. It is fluid modernity's equivalent of revolutionaries of solid modernity; all types of social order, after all, produce some vision of dangers to what they want to achieve. There is one difference though: the danger to consumer society is people who do not have the means to consume, the "waste" who bother seduced consumers who want to show their social 'success' through their consumption power.

Spatial confinement means suspension of communication and, as such, results in estrangement. Estrangement reduces the view of the 'other' as a human being, i.e., individuals with personal qualities acting under certain set of circumstances; these can only become visible through daily intercourse. Instead, excommunicated individuals are typified and understood only as legal categories that render

qualitative individual differences irrelevant. Spatial confinement of varying degrees of harshness has always been the primary method of dealing with the "unassimilable, difficult-to-control, and otherwise trouble-prone sectors of the population" (Bauman 1998a: 106). The most radical form of it is imprisonment. If they travel at all, it is illegally and in fear of arrest and deportation. This was the case for slaves, lepers, madmen, and ethnic or religious aliens. If they were to go beyond the allotted place, they had to wear the signs of their spatial assignment so that everybody knew that they belonged to another space.

The Exclusionary State

To Bauman, it was not a coincidence that the underclass was discovered when the Cold War ended: "Having nowhere else to strike roots, danger must reside now *inside* society and grow out of local soil" (Bauman 1998b: 67). This was indeed an exercise in social invention of local dangers. This local danger, before anything else, was perceived as a threat to personal safety. Matters of 'law and order' became increasingly reduced to the promise of personal safety in political manifestos and election campaigns. The state to a large extent obtained, and still does, its legitimacy through portraying itself as the major provider of personal safety (Bauman, 2007b: 16). The favorite target of the state was the underclass. To Bauman, the latter was also a peg on which people momentarily hung their insecurity-induced fears (May 1998). These fears, if anything, have only increased

> Ours is a time of patented locks, burglar alarms, barbed fences, 'neighborhood watches' and vigilantes, as well as 'investigative' tabloid journals fishing for conspiracies to fill the threatening empty public space and for plausible new causes for 'moral panics' to release the pent-up fear and anger. (Bauman 2007a: 24)

Furthermore, by linking poverty and criminality society increasingly absolved itself of any moral obligations towards the underclass (hence, the term the "undeserving poor"). The neoliberal argument for eradication of 'dependency culture' was the ideological expression of it. The earliest practical manifestations of this ideology were the 'welfare-to-work' programs of the 1990s. Previously, welfare benefits were meant to secure the livelihood of individuals who, for whatever reason, had lost their ability to work. It was an income replacement and, coupled with macro-economic policies, aimed at restoring full employment to society. 'Welfare-to-work' programs, on the other hand, aimed at changing the behavior of the welfare recipients and, therefore, contained strong punitive elements. They were designed with the aim of deterring people from seeking help. Those who were not deterred were often subjected to degrading work-simulation exercises. Furthermore, these programs helped to weaken the idea of the welfare state and to statistically eliminate the poor off the slate of social problems through the simple trick of reclassification.

Bauman believes that the elimination of moral obligations towards the poor had yet another consequence: it made it increasingly easier to remove the underclass from sight than to help them (Smith 1999: 157-158). He notices that the numbers of people in prison, or awaiting prison sentences, have been rapidly growing in almost every country. Almost everywhere prisons have been enjoying a building boom. State-budget expenditure on the 'forces of law and order,' specifically the active police force and prison service, have been on the rise globally (Bauman describes the situation in the state of California where expenditure on prisons exceeds that of the higher education). Everywhere, and most importantly, the proportion of population in direct conflict with the law and subject to imprisonment has been growing rapidly, signaling governments' view of large segments of their own populations as threats to social order (Bauman 1998a: 114-115).

Increasing incarceration and elimination of welfare programs are indicative of the transformation of the state from the primary agent of social inclusion of the poor (through welfare programs) to the agent of their exclusion (under the rubric of criminal justice and crime control and neoliberal economic

policies) (Bauman 2004b: 67). Here exclusion is used as the "principal method of social control aimed at the 'flawed consumers' of the consumer society" (Bauman 2002b: 72). Prisons can "fully and truly deputize now for the fading welfare institutions" (Bauman 1998b: 75). This also suggests that Foucault's interpretation of the Panopticon model of modern prison (i.e., control through surveillance) is no longer feasible (Bauman 1998a: 4). The Panopticon viewed its inmates as producers and/or soldiers, of whom routine and monotonous conduct was demanded. The aim was reintegration of the inmates into society. Under fluid modernity this is no longer the case. Contemporary inmates are viewed as failed consumers and, as such, useless and even dangerous to consumer society. Therefore, they must be kept out of places (e.g., shopping malls) in which successful consumers spend their time in pursuit of pleasure and desire. Exclusion, and not reintegration, is the goal here. Contrary to the modern prison, the contemporary prison (e.g., Pelican California) does not aim to discipline or rehabilitate but simply to exclude flawed consumers (Bauman 2000a: 205).

Refugees

Refugees are a growing part of the underclass. They are the ultimate "vagabonds," i.e., "the waste of the world which has dedicated itself to tourist services" (1998a: 92). Vagabonds are tourists' (elite) nightmares. Tourists' utopia is a vagabonds-free society; hence their obsession with 'law and order' and the criminalization of poverty as the means to bring it about. Vagabonds are the superfluous, yet unavoidable, byproducts of globalization. They are the latest, and by far the largest, group of people rendered useless by modernity. Modernity has always been rendering large segments of population useless (waste). It has done so in two different ways. First, through production and reproduction of social order. All models of order are selective and require separating of certain segments of population as unfit for them. These segments are viewed as the waste. Second, through economic progress, which requires the eventual annihilation of certain ways and means of making a living as they cannot, and would not, meet the constantly rising standards of productivity and profitability. Practitioners of these devalued forms of life cannot be accommodated by the new arrangements for economic activity and, therefore, useless to it.

For the most part of modern Western history the potentially catastrophic consequences of the accumulation of human waste were avoided through another modern innovation: "the waste disposal industry" (Bauman 2006: 39). This industry turned large parts of the world into dumping grounds to for "surplus humanity." Today, since this option is no longer available, the waste disposal industry has fallen into hard times. And thanks to negative globalization, this problem has become a universal crisis. Increasing industrial and household waste production and its disastrous environmental consequences have only exacerbated this crisis. The global result has been massive forced migrations, ethnic wars, genocides, proliferation of guerrilla armies, criminal gangs and drug cartels (all of which absorb the surplus population of mostly the youth and the unemployable), and "the *mass production of refugees*" [Italic Original] (Bauman 2007b: 33).

Refugees are, in the military/legal term applied to them, the 'collateral damages' of globalization. The term is meant to deny moral responsibility, "to excuse harm-causing actions, to justify them and exempt them from punishment, on the strength of their unintentionality" (Bauman 2007c: 117). Once outside the borders of their native country, the refugees are in a legal no-man's land and deprived of the backing of a recognized state authority that can take them under its protection, uphold their rights and intervene on their behalf with other powers. They are now stateless in a new sense of the word: they are outside all laws. In other words, "They do not *change* places; they lose a place on earth, they are catapulted into a nowhere…" (Bauman 2002a: 112).

Additionally, they are always in a psychological limbo because they are on a journey without an end since its destination remains unclear. Any stay is provisional, any settlement temporary. From their present dumping site there is no return and no road forward, unless it is a road towards even more distant

places. Out of their camps, they are out of place, viewed as obstacles and trouble; inside their camps, they are forgotten. All they have while there are the walls, the barbed wire, the controlled gates, the armed guards; all measures to insure ensure the permanence of their exclusion. They have no sense of individuality or identity, and no right to self-determination.

Once they arrive in a country, they are placed inside either ghettos or refugee camps from which they have no means of escaping. Their movement, if any, is either towards another camp or towards prisons (Bauman 1998a: 106). If they travel at all, it is illegally and in fear of arrest and deportation. Everywhere they are confronted with unwelcoming communities and immigration controls and law. They have no useful function and no "realistic prospect that they will be assimilated and incorporated into the new social body" (Bauman 2007b: 41). If wanted at all, it is only as cheap and easily exploited labor. Knowing that they are viewed as threats to social order, they themselves feel threatened. They are the "outsiders," the "great unknown" which "bring some distant noises of war and the stench of gutted homes and scorched villages that cannot but remind the settled how easily the cocoon of their safe and familiar (safe *because* familiar) routine may be pierced or crushed and how deceptive the security of their settlement must be" (Bauman 2007b: 48-49).

Being unwanted, they are natural objects of stigmatization, fear, escapegoating and criminalization. There are always "successive rumors of foreign-looking criminals on the rampage" (Bauman 2005a: 69). They have no choice but to face the "exclusionary" state's immigration laws, criminal justice, and crime control institutions. Furthermore, refugees and immigrants are increasingly associated with newest fear of our time: terrorism (Bauman 2004a). They evoke a new form of xenophobia: a mix of old and new ethno-racial suspicions, fear for personal safety and crime victimization, terrorism, and institutional uncertainties and insecurities of contemporary liquid existence (Bauman 2003b: 119). Bauman writes

> The spectre of social degradation against which the *social* state swore to insure its citizens is being replaced in the political formula of the 'personal safety state' by threats of a paedophile on the loose, of a serial killer, an obtrusive beggar, a mugger, stalker, poisoner, terrorist, or better still by all such threats rolled into one in the figure of an illegal immigrant, against whom the modern state in its most recent avatar promises to defend its subjects. (Bauman 2007b: 15)

In the era of solid modernity refugees and immigrants were dealt with in two ways by the Western nation-states: assimilation or expulsion (Bauman 2002a: 111). Both of these solutions were based on two assumptions: (1) a clear territorial distinction between the 'inside' and the 'outside,' and (2) the absolute sovereignty of the state within its realm in regards to all matters. Since neither of these conditions hold any more, the two ways of dealing with them are no longer available. Governments have, therefore, resorted to drastically reducing the right to political asylum. To politicians the 9/11 was a gift that keeps on giving. In addition to the usual accusations of "sponging on the nation's welfare and stealing jobs, refugees now stand accused of playing a 'fifth column' role on behalf of the global terrorist network" (Bauman 2002a: 112). This provided governments with a 'rational,' 'moral' ground for incarcerating and deporting refugees. It also allowed governments to divert funds to the weapons industry, arms sales, and stockholders' gains (a byproduct of all which was improving the statistics on employment). Furthermore, it enabled them to build up the ailing consumer economy by focusing security fears of consumers on spending on safety (homes that look like fortresses, Hummers that look like military vehicles, alarms, etc.). Moreover, it helped to eliminate constrains of "democratic control by recasting political and economic *choices* as military *necessities*" (Bauman 2008: 246-247).

Conclusion

Bauman's ideas have been criticized on a number of accounts: lack of sufficient empirical evidence, the tendency to provide only a broad picture the subject matter, and so on (see Smith 1999; Elliot 2007; Davis

2008b).   However, as Robert A. Nisbet once remarked, sociology needs to create a balance between methodical rigor of what it says and its significance, elegance, and depth (Davis 2008a: 1237). He also believed that sociology shares more with art than with science it is more interested in "'throwing light upon reality, and in somehow communicating this light to others'" (Nisbet quoted in Davis 2008a: 1237). Davis (2008a: 1238) believes that Bauman's sociology resembles Nisbet's view of sociology as art. Indeed, this was the way I read Bauman. The most important message of Bauman's work, I believe, is that the contemporary dis-topia (nightmare) keeps strengthening. Globalization is creating poverty, violence, corruption, etc. The number of world's human rejects is increasing by leaps and bounds. This is why to Bauman globalization represents, first and foremost, an "ethical challenge" (Bauman 2002a: 17). The international community, however, does not seem to be up to it. Persecuted, hated, harassed, they move from place to place with little hope of finding a hospitable place. They are more than ever in need of help.   To him, tolerating such conditions was not only a sign of our immorality, but our complicity. Refugees are the ultimate test of morality in our ambivalent times.

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