

GOVERNING THROUGH HUMAN RIGHTS. THE CASES OF TUNISIA AND UKRAINE

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Submitted to
Central European University
Department of International Relations and European Studies

In partial fulfilment of the requirements for the degree of Master of
International Relations and European Studies

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Word count: 15,293

Budapest, Hungary
2014

Acknowledgements

I want to thank Professor Emel Akcali for her encouragement, constructive criticism, clear guidance, creative ideas and friendly attitude.

Abstract

This thesis seeks to contribute to the debate on the applicability of the governmentality concept in IR and, in particular, its usefulness for the analysis in non-advanced capitalist geographies. Through the employment of the governmentality concept outside the advanced capitalist, in other words non-Western realm, the research examines the process of human rights promotion and its application in post-socialist and post-colonial spaces through the investigation of the micro-level interactions engendered during the process. The comparative analysis of post-socialist Ukraine and post-colonial Tunisia through the framework of a two level exportation process discloses the particularities of the functioning of the exported human rights rationalities. The thesis proceeds by presenting the non-positivist approach employed during the research trips in Tunisia and Ukraine. After presenting theoretical perspective, it examines the case of the European human rights promotion. Consequently, through the micro level investigation of the reactions occurring during the process of exportation, the empirics reveal the transformations and their influence on the actors involved in the process. Thus, when facing resistance the local human rights experts employ different strategies that lead to the distortion of the exported knowledge or practices and generate a local hybrid form of rationality.

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Introduction

In his lectures at College de France in 1978 and 1979, Michel Foucault investigated and defined a new domain of research – the concept of governmentality that has stirred a cross-disciplinary interest.¹ The Foucauldian approach puts a particular emphasis on the micro level analysis of studying an individual and its subjectification.² Although IR scholars have traditionally used the macro level approach and have generally investigated the states and their interaction, the micro level approach has become more useful in IR.³ For instance, the ethnographic approach has been more widely employed in IR since the 1980s⁴ which extends the analysis of the global through the lens of the local. Despite the fact that the governmentality approach has been disputable in applying it to IR studies, a growing number of scholars have employed the concept to investigate the global power dynamics.⁵

The specific goal of Foucault during his investigation was to deconstruct himself from the methodological limitations and ontological categories⁶ and to be open for unexpected findings of the research. Thus, during his research Foucault tried to find empirical evidence not in the places of obvious power projection but instead in

¹ Olena Fimyar, “Using Governmentality as a Conceptual Tool in Education Policy Research,” *Educate~ Special Issue*, 2008, 3.

² Michel Foucault, “The Subject and Power,” *The University of Chicago Press*, 1982, 777.

³ Michael Merlingen, “Governmentality Towards a Foucauldian Framework for the Study of IGOs,” *Cooperation and Conflict*, 2003, 362.

⁴ Vraști W., “The Strange Case of Ethnography and International Relations,” 282.

⁵ See Michael Merlingen (2003), Milja Kurki (2011), Olena Fimyar (2008), Wendy Larner and William Walters (2004)

⁶ Vraști W., “The Strange Case of Ethnography and International Relations,” *Millennium: Journal of International Studies* Vol.37 No.2., no. pp. 279–301 (2009): 20.

spaces of the recondite exercise of power in 'poverty, welfare, alcoholism, insurance, mental health, prison and education.'⁷

The respect of human rights (HR) was one of the founding principles of the creation of the European Union (EU).⁸ Since the 1960s the EU has emphasized a respect of HR both inside and outside its geography.⁹ Since the HR discourse is one of the essential parts of the neoliberal model, it has been promoted outside the EU together with global projects of building democracy, civil society and market economy. However, due to different structures, the promotion of HR faces particular difficulties when applied to non-Western societies. The universal rights to life, food, shelter and healthcare are generally acceptable by the majority of the international community but the notions of 'women rights', 'gender equality' or 'freedom of expression' have met much resistance outside the Western realm.¹⁰

Therefore, taking the concept of governmentality as a conceptual tool, the research investigates the European HR promotion to Tunisia and Ukraine. The goals of the research are in (1) filling the gap in empirical research on the concept of governmentality outside the advanced capitalist societies by making a comparative analysis of HR promotion in post-socialist and post-colonial contexts; (2) scrutinizing the kinds of transformations which occur during a two level process of exportation of HR rationalities in post-socialist and post-colonial spaces; (3) probing the concept of governmentality at global level.

⁷ Diane Rubenstein, "Did You Pack Your Bags Yourself? Governmentality After 9/11," *The New Centennial Review* Volume 3, no. Number 2 (Summer 2003): 307.

⁸ Lorenzo Fioramonti, "Promoting Human Rights and Democracy. A New Paradigm for the European Union," in *The European Union and the Arab Spring: Promoting Democracy in the Middle East* (Lanham, 2012), 19.

⁹ Bal Sokhi-Bulley, "Government(al)ity by Experts: Human Rights as Governance," *Law Critique*, 2011, 252.

¹⁰ Louis Henkin, "The Universality of the Concept of Human Rights," *Annals of the American Academy of Political and Social Science*, Human Rights around the World, Vol. 506 (November 1989): 10.

The comparative analysis of Tunisia and Ukraine is beneficial because looking at the same techniques of European HR promotion gives an opportunity to investigate their application in different structural contexts. Through the 'on the ground' analysis of the exportation of HR rationalities in Tunisia and Ukraine the research findings revealed different types of transformations happening on every level of their exportation. First of all, there are 'local experts' produced through different techniques of HR promotion who become further exporters of the rationalities in their own societies. Secondly, there is a resistance that leads to hybridity when the exported HR rationalities conflict with the local structures premised with different political, economic, societal and cultural perceptions. Finally, those transformations on the ground can also influence the exporter of the rationalities.

Thus, this thesis consists of five chapters. The first chapter explains methodological approach of the paper. The second chapter presents the concept of governmentality and argues for its usefulness and applicability for studying non-Western societies. The third chapter demonstrates the case of the European human rights promotion. The forth chapter presents the empirical findings from the fieldtrips in Tunisia and Ukraine and finally the fifth chapter analyses the empirical findings and their usefulness from theoretical and empirical perspective.

It should be acknowledged that the goal of this research is neither to denigrate the efforts of the EU in promoting HR nor to doubt the usefulness of the universal HR for the international community and every individual including the fundamental rights to life, food, shelter and security. The aim of the research is not to concentrate on the rights themselves, rather it is intended to deepen the investigation of the process of human rights promotion by looking at it from a micro level analysis of governmentality approach in two different geographies.

Chapter 1. Methodology

Taking as a point of departure the differentiation between the exportation of governmentality and its implementation on the ground, this research is based on a comparative analysis of CSOs working on HR in Tunisia and Ukraine. The analysis gives a hint about the particularities of the implementation of the HR rationalities in two different geographies of the EU periphery and the transformations that appear during the interaction between the exported and the local knowledge.

Regarding governmentality as a set of techniques and practices, the goal of my research is to focus on issues of *'How do the same techniques of governmentality interact with different local structures on the ground? How does the exportation and consequent successful or 'failed' implementation on the ground affect and transform local structures in different geographies?*

This is not a novelty in the field of governmentality studies because similar work was conducted in post-colonial, post-socialist and global contexts. Makau Mutua, for instance, in his research explores the history of the development of HR discourse, its hidden power dynamics and technologies. He employs a three-dimensional metaphor which demonstrates the construction of HR discourse and its implementation.¹¹ Milja Kurki has employed the Foucauldian perspective to investigate the EU democracy promotion under the European Union Instrument for Democracy and Human Rights (EIDHR) which helped her to disclose the exportation of neoliberal rationalities deeply embedded into the promotion of local ownership and civil society outside the EU.¹² In regard to the post-socialist context, Olena Fimyar employed governmentality approach for the research on educational policies in non-

¹¹ Makau Mutua, "Savages, Victims, and Saviors: The Metaphor of Human Rights," Harvard International Law Journal, Winter 2001, Volume 42, Number 1 edition.

¹² Milja Kurki, 349–66.

Western society of Ukraine. She studied the influence of the external donors and institutions of the EU on policy-making, as a technology of governmentality, and analysed the transformations that occurred afterwards in the national education policy. She also found out the particular obstacles that have prevented a successful implementation of the educational policy on a national level due to the ‘strong centralism and monopoly of a nation state which remained since the Soviet times.’¹³ In other words, there are particular local structures in non-Western states that forbid a proper implementation of the exported rationalities and their functioning. IRES MA student Katarina Kusic probed the concept of governmentality in the framework of democracy promotion in post-socialist Serbia. She clearly differentiates between the exportation and implementation of neoliberal rationalities which implies that even when the successful exportation occurs, the implementation on the ground may still fail. Her research shows that the same platform of civil society that should have further exported the neoliberal rationalities to the population became at the same time a platform of resistance to it.¹⁴ Instead of concentrating on resistant reaction at the first place, this thesis is aimed at looking deeper at the whole process of exportation, and, in particular, at the transformations that occur at both levels of interaction and their impact on the actors of the interaction and further processes. The investigation of the transformations during the exportation process plays a crucial role for the analysis of HR promotion explaining what kind of knowledge will reach the final object of power projection and how this knowledge will shape the conduct of the individual.

¹³ Fimyar, “Using Governmentality as a Conceptual Tool in Education Policy Research.”

¹⁴ K. Kusic, “Limits of Neoliberal Governmentality: Successful Exportation and Less Successful Application in Serbia” (Central European University, 2013).

Therefore, as mentioned by Vrasti,¹⁵ there is a further need for empirical studies on governmentality outside the Western realm and my research is aimed at filling this gap by conducting a comparative analysis of HR promotion in post-colonial Tunisia and post-socialist Ukraine. I investigated how different are the reactions of local structures to the same exported techniques of HR promotion and I analyzed the kinds of transformations that have occurred during the implementation process in two differently structured societies.

This thesis goes a step further by contributing to the study of governmentality outside the Western world in several ways. First of all, I demonstrate how the concept of a dual function of the Western ‘experts’ is applicable to the study in non-Western context. Thus, through the first level exportation of HR rationalities, the production of the local HR experts occurs who acquire a power from the exporter to ‘govern rights’ and ‘govern through rights’ at the same time. Secondly, I investigate the transformations engendered by resistance against the implementation of the exported HR rationalities and based on these findings I develop the study of the adaptive strategies by defining its forms as ‘selective’ and ‘masking’ which lead to hybridization of the exported knowledge. Finally, I analyzed how resistance and consequent hybridity have influenced mutual transformations between the exporter of the rationalities and the local population.

As Joseph stated, the reality of the governmentality depends on a wider social context that cannot be explained only by looking at techniques and practices.¹⁶ The wider social context includes particular political, economic and social structures as

¹⁵ Wanda Vrasti, “Universal but Not Truly ‘global’: Governmentality, Economic Liberalism, and the International,” *Review of International Studies / Volume 39 / Issue 01*, 2013, 55.

¹⁶ J. Joseph, “The Limits of Governmentality: Social Theory and the International,” *European Journal of International Relations* 16(2), 2010, 229.

well as the extent to which civil society is developed and what is a type of state.¹⁷ The particular focus of this research is CSOs which present an essential part of neoliberal governance and serve as a ‘regulator’ of state power in liberal democracies. The funding of CSOs plays a primary role for the European Union HR promotion strategies thus an investigation of civil society building is an important point of analysis which enables us to understand how the interaction of the imposed techniques of governmentality affects the local structures and what is the nature of this interaction.

Comparative analysis

This research is based on a comparative analysis of the EU’s HR promotion to Tunisia and Ukraine. To account for the micro-level analysis of governmentality, I used the method of conducting interviews for my research during the fieldworks in Tunisia and Ukraine. The comparative analysis of the CSOs working on HR issues is useful for several reasons. First of all, both countries are part of the European Neighborhood Policy (ENP)¹⁸ that presupposes their cooperation with the EU in various areas. Since the social uprisings in Tunisia and Ukraine, the EU has emphasized and strengthened its involvement in the civil society building in those respective countries through funding various local CSOs. Moreover, both countries are participants of Neighborhood Civil Society Facility (NCSF) that is a part of the ENP and aimed at building civil societies in the region of EU neighbors¹⁹. The fact that the EU cooperates with both countries under the particular framework of official delegations to those countries and funds the civil society through different HR projects gives an opportunity to look at the countries and their cooperation with the

¹⁷ Ibid., 241.

¹⁸ “EU Neighbourhood Info Centre,” accessed February 4, 2014, <http://www.enpi-info.eu/eastportal/news/latest/35884/CoR-President-in-Kyiv-tomorrow:-Ukrainian-civil-society-needs-EU-support-more-than-ever>.

¹⁹ “Neighbourhood Civil Society Facility,” accessed May 4, 2014,

EU under the same framework. This framework also provides the possibility to identify how through the same techniques of cooperation and funding the exportation of the HR rationalities works in practice. Secondly, Tunisia and Ukraine have gone through similar political crises – revolutions of 2004 and 2013 in Ukraine and of 2011 in Tunisia. The social uprisings in those countries created an environment of open-mindedness and general rise of civil activity, which is highly supported by the EU in order to build a strong civil society so essential for neoliberalism. Thirdly, according to the World Bank reports both Tunisia²⁰ and Ukraine²¹ are developing countries that can also be viewed as supposedly ‘suspected’ states for the importation of neoliberal rationalities. Attempts to introduce the neoliberal reforms were made in both countries.²² However, the outcomes of those are still uncertain or are defined ‘countries in transition’. Moreover, the wider social context including the culture, religion and external influence should be taken into account while comparing the structural differences of the countries.

Interviews

The particular choice of conducting personal interviews was to recount for the micro power dynamics and cultural transformations that the particular countries' context constitutes. The method of semi-structured interviews gives an opportunity to go ‘beyond the concepts and question’²³ and expands the flow of the conversation as well as allows the interviewee to emphasize the issues of his own particular importance. This approach did not constrain the responses of the interviewees but gave them an opportunity to expand on open questions which required a broad

²⁰ “World Bank Report on Tunisia,” *World Bank*, accessed May 20, 2014, <http://data.worldbank.org/country/tunisia>.

²¹ “World Bank Report on Ukraine,” *World Bank*, accessed May 20, 2014, <http://data.worldbank.org/country/ukraine>.

²² Halit Mustafa Tagma, Elif Kalaycioglu, and Emel Akcali, “‘Taming’ Arab Social Movements: Exporting Neoliberal Governmentality,” *Security Dialogue*, 2013, 376.

²³ “Semi-Structured Interviews,” accessed March 18, 2014,

descriptimy nature of answers. The interviewing was useful for the analysis of post-socialist states such as Ukraine and post-colonialist states such as Tunisia in a sense that the interpretations of the HR promotion delimited the universal Western concepts of 'human rights', 'women rights' and 'gender equality'²⁴, giving a chance to look deeper into the particular local modifications of those notions in each case and their representations. In order to scrutinize the local application of the stable meanings of 'human rights', 'women rights' and 'dignity' the interpretive methodology comes at the most useful application. The employed interpretive methodology implies that instead of a causal thinking approach, the descriptive method is used in order to exclude the linear development in the analysis of the HR promotion.

Due to the fact that my emphasis is 'on the ground' interaction, the particular group of the interviewees I focused on includes people working mainly on HR issues in CSOs which also cooperate with the EU in their respective countries of Tunisia and Ukraine. The particular emphasis was put on the local functioning of those CSOs and their interaction with the local population.

The opportunity to conduct fieldwork enabled me to personally meet with the interviewees and provided me with a deeper look into the cultural context of the civil societies' activists and their activities in both countries. The fact that I am from Ukraine which has gone through the same period of political instability and social uprising as Tunisia, created a secure environment of 'relatedness' between the interviewer and the interviewees and simply gave me a better understanding of the situation and of the vocabulary that was used.

From post-positivist perspective, it should be mentioned that the background of the researcher played an important role in terms of personal involvement into the

²⁴ K. Hörschelmann and A. Stenning, 339–361.

civil society building in Ukraine and cooperation with the EU. It helped me with a deeper understanding of the situation because of the familiarity with the local political, economic and social structures. In regard to the relevant cultural competence of the researcher,²⁵ I have strong cultural and language competences in case of Ukraine. However, in case of Tunisia I used my specific academic focus on the Middle East studies which provided me with a cultural awareness but the lack of the French or Arabic language skills limited my research to the group of English- and Ukrainian-speaking people.

²⁵ Iver B. Neumann, "Discourse Analysis," n.d.

Chapter 2. The concept of Governmentality

2.1. Neoliberal Governmentality

Foucault's concept of governmentality has received a great attention which varies from critique to admiration. In his works, Foucault investigated the history of power relations and showed how the concept of power has transformed throughout history. Since the eighteenth century, the nature of power relations have shifted from disciplinary to sovereign power which implies that the government has not exercised strict control over the population but the population have become 'free under the government' that limits its own power but serves the benefits of the population. In fact, the non-intervention of the government into the lives of people was substituted by the 'creation of probabilities'²⁶ under which the population functioned. Foucault associated the emergence of neoliberalism in the Western realm as a 'technology of government'.²⁷

The term 'governmentality' has a twofold meaning. On the one hand, it is a process of governing or being governed – an art of government and, on the other hand, it is a methodology, a way of thinking about the practices of government – rationality of government.²⁸ When the shift occurred to neoliberal model of governance, the visibility of freedom from government was supported by giving a certain degree of power to non-state actors.²⁹ However, shaping of the conduct of people and the appropriate framework under which freedom could be exercised were also defined by the sovereign power.³⁰ Such a phenomenon is regarded as governing 'at distance' which became the core of the new power politics - neoliberalism.

²⁶ Chris Methmann, 72.

²⁷ Louiza Odysseos, "Human Rights, Liberal Ontogenesis and Freedom: Producing a Subject for Neoliberalism?," *Millennium - Journal of International Studies*, no. Vol.38, No.3 (2010): 752.

²⁸ Bal Sokhi-Bulley, 253.

²⁹ Vraști, 2013, 52.

³⁰ Ibid.,

According to this model, economy becomes the most important rationality – a 'truth' to which all other forms of power are subordinated including the political.³¹ The production of free individuals and shaping their behaviour is the main goal of such a government.

An individual or population in general becomes the primary focus and the object on which the power is projected.³² The concept explains that through this particular way of neoliberal governance, the individual is 'governmentalized' so that he or she acts in a certain way imposed by government. Therefore, the individuals are 'free' only at the extent that they are 'governmentalized' to be free.

The usefulness of the Foucauldian approach is that instead of trying to answer the questions of 'who exercises power?' and 'why power is exercised?' it concentrates on the question of 'how the power is exercised'.³³ Foucault looked at the instruments and techniques – political technologies that are employed to influence the behavior of the subjects or in his own words 'the conduct of conducts'. Asking the question of how the power is exercised helps to discover the hidden agendas of power politics under the image of depoliticization.

The emphasis of governmentality approach is centered on two particularities. First of all, instead of focusing on institutions Foucault inspected the everyday practices of the population. Secondly, he identified the rationality which serves as a 'mentality' for the control of the 'conduct of conducts' meaning that the rationality was defined in order to shape the behaviour of the population.³⁴ The interconnectedness of power, freedom and resistance is central for the understanding of governmentality.³⁵

³¹ Jakob Nilsson and Sven-Olov Wallenstein, 25.

³² Foucault, "The Subject and Power," 777.

³³ Merlingen, 7.

³⁴ Iver B. Neumann and Ole Jacob Sending, "Governance to Governmentality: Analyzing NGOs, States, and Power," n.d., 657.

³⁵ Carl Deane, 239.

2.2. Governmentality in IR

Apart from using the concept of governmentality in different fields of study, there is a particular interest of its usage in IR. The promotion of market economy, democracy and HR to the developing countries has reached a global scope. There is a particular form of ‘good governance’ that is highly promoted outside the Western world. In this regard, it is useful to probe the concept of governmentality at a global level of analysis because neoliberal rationalities regardless of whether these are the principles of democracy, rule of law, market economy or human rights are widely promoted and imposed outside the developed West as the best principles of governing the states and individuals. Therefore, it is useful to analyze global HR promotion in non-Western states from governmentality perspective.

In order to include the governmentality into the area of IR, however, several objections or limits of the concept should be acknowledged. The first reason why the application of governmentality can be problematized in IR is its particular focus. Foucault investigated the specific population whereas the traditional IR theorists focus on state-centered approach which usually excludes the micro level of analysis. However, the fact that Foucault focused on a micro level approach does not exclude the fact that power has a direct projection on the population which can also be understood as a global project of, for instance, democracy promotion around the world. Additionally, the rise of non-state actors and transnational corporations presents a shift of power dynamics that restructure the system of IR from taking a certain amount of power from state to non-state actors.³⁶ Taking the micro level approach as a point of investigation, the global power dynamics become more evident when it divests the complexity of international system. Looking at the everyday

³⁶ Wendy Larner and William Walters, 508.

practices of power relations breaks therefore the de-humanizing effect of IR³⁷ and discloses how the power is dispersed and exercised when it reaches the object – the population. In support to this claim, Michael Merlingen demonstrates how the international governmental organizations (IGOs) through their activities influence and shape not only the states' governments but in the same way the civil society of the respective states which consequently impact the constituency of civil society - every individual. Thus, the IGOs exercise the molecular form of power³⁸ that is crucial for deeper understanding of global power exercise. It also reveals that even such powerless organizations as OSCE is involved in shaping the 'conduct' of individuals through the conduct of countries.³⁹

Secondly, the fact that Foucault developed his concept while studying the advanced liberal democracies⁴⁰ problematizes its applicability outside the neoliberal world. The difference in political, economic and social structures challenges the application of the governmentality concept in non-liberal societies including post-socialist and post-colonial spaces. In order to justify the usefulness of employing governmentality in post-socialist space, Olen Fimyar employs the notion of 'illiberal governmentality' or 'governmentality-in-the-making'⁴¹ through which she demonstrates how the communist inherited division of classes, the domination of governors over the governed has penetrated and justified political intolerance and surveillance via the security apparatus. The concept of 'illiberal governmentality' therefore generates a new kind of regimes of practice – a combination of the exported

³⁷ Vradi, 2013, 65.

³⁸ Merlingen, 362.

³⁹ Ibid.

⁴⁰ David Chandler, *Empire in Denial : The Politics of State-Building*, pp.13-18; Joseph, "The Limits of Governmentality: Social Theory and the International" p.236; Selby, "Engaging Foucault: Discourse, Liberal Governance and the Limits of Foucauldian IR.", 324-45;

⁴¹ This term is borrowed from Tikly L. in Fimyar, "Using Governmentality as a Conceptual Tool in Education Policy Research," 13.

liberal and the local ones.⁴² This new combination resembles a hybridity form which is produced through the interaction between the exported and the local practices.

The fact that the application of neoliberal governmentality fails in countries outside the West still does not deny its usefulness in non-liberal states. In her research on neoliberal governmentality in post-socialist Serbia, Katarina Kusic reconciles the arguments by Joseph and Vrasti by clearly differentiating between the exportation and implementation of governmentality.⁴³ As a consequence when there is a successful exportation of neoliberal rationalities, the application on the ground may still fail. The differentiation between the exportation and implementation is important because instead of labeling the project of HR promotion as success/failure, there is a chance to scrutinize the transformations that appear when the exported rationalities meet with local structures. However, the ability of the governmentality approach to concentrate on actual exercise of power and its techniques, regardless of whether those are successful or not, can enrich the analysis of HR promotion outside the EU. It gives a better understanding on how to improve the project of HR promotion in order to guarantee not only a successful exportation but also implementation.

In order to defend the applicability and the usefulness of governmentality concept, Carl Death emphasizes the importance of differentiating between the ways governmentality can be defined. First of all, when the concept can be used to explain the specific rationality – the neoliberal rationality that dominates the global politics it can lead to the overestimation of its uniformity especially when it faces incompatibility with non-Western structures. However, when the governmentality is defined as the 'analytics of government' which was initially introduced by Mitchell Dean, then it vindicates the investigation of the regimes of government through

⁴² Ibid.

⁴³ Kusic, 16.

'regimes of knowledges, techniques and technologies, and forms of subjectification'.⁴⁴ Thus, it can be applicable in diverse contexts and even for the analysis of authoritarian regimes. This differentiation clarifies that issues associated with the limitations of the applicability of the governmentality concept in non-Western realm. The analytics of government is used to explore the various subjectivities 'through which power relations are produced'.⁴⁵

While addressing all the objections raised against the applicability of governmentality in IR, Wanda Vradi argues that the concept of governmentality is usefull as a 'universal' not yet global concept which can 'add a historically rich and empirically grounded dimension to IR scholarship that should not be hampered by disciplinary admonitions'.⁴⁶ Certainly, the concept can still explain global power dynamics such as global democracy promotion⁴⁷, civil society building⁴⁸ and HR promotion⁴⁹ around the world.

The usefulness of employing the governmentality concept has already been beneficial in studying global processes. It is applicable in explaining how global warming is governed through the Clean Development Mechanism where the 'carbon governmentality' is applicable not only to the advanced liberal states but also more usually used by the developing countries. It shows the connection between the global and the local, how the governance 'at distance' is exercised, and 'results in the depoliticization of climate politics'.⁵⁰

⁴⁴ Carl Death, "Governmentality at the Limits of the International: African Politics and Foucauldian Theory," *Review of International Studies* (2013), no. 39 (2013): 770.

⁴⁵ Ibid., 772.

⁴⁶ Vradi, 49.

⁴⁷ Kurki, "Governmentality and EU Democracy Promotion: The European Instrument for Democracy and Human Rights and the Construction of Democratic Civil Societies."

⁴⁸ Kusic, "Limits of Neoliberal Governmentality: Successful Exportation and Less Successful Application in Serbia.", 2013

⁴⁹ Mutua, "Savages, Victims, and Saviors: The Metaphor of Human Rights."

⁵⁰ Methmann, 77.

An interesting analysis of global application of governmentality perspective can be seen when applying it to the studies of globalization. Larner and Walters considered the globalization as a governmental rationality. The concept of globalization challenges the common state-centered approach in IR and assumes the idea that the world politics is a unified center of power projection.⁵¹ Despite the fact that the claim is very disputable, the usefulness of globalization is evident when comparing it to other global processes including the global HR promotion. In this case, the same as the goal of globalization is to produce global subjects the goal of,⁵² HR promotion is to produce HR subjects worldwide who will act according to the given norms and freedoms.

⁵¹ Larner and Walters, "Globalization as Governmentality," 505.

⁵² Ibid., 507.

Chapter 3. Governing through Human Rights

There is no common understanding about the Foucauldian engagement with human rights which ranges between views on his initial critique and further turn towards the justification of HR. However, Foucault pointed out the importance of rights during the execution of Basque separatists and during France's government rejection of granting the rights of asylum seekers. He affirmed the right of every person to choose his/her own sexuality and even admitted the right to commit suicide as a legitimate right of every person.⁵³

However, Ben Golder problematizes argues for Foucault's anti-humanist approach to HR.⁵⁴ Foucault, in his words, envisioned rights as different from the liberal perspective. He argued that HR could not be limited to a particular framework or universality but must be 'unrestricted' which implies a critique against the dominant theory or ideology of HR.⁵⁵ The main anti-humanist stance of Foucault is grounded on his resistance to the determination of 'the very essence of what it means to be human.'⁵⁶ There is an uncertainty about the Foucauldian perception of rights but the employment of the governmentality concept may be useful for studying the exportation of the HR rationalities and their application on the ground.

Taking its roots from the pastoral doctrine of the Catholic Church, the governmentality of HR resembles the idea of the 'government of souls and lives.'⁵⁷ The pastoral power employed as neoliberal technology focuses on targeting peoples' conscience. In HR words, it educates every individual on the 'appropriate'

⁵³ Ben Golder, "What Is an Anti-Humanist Human Right?," *Social Identities* Vol.16, no. No.5 (September 2010): 655.

⁵⁴ Ibid., 652.

⁵⁵ Ibid., 661.

⁵⁶ Ibid., 656.

⁵⁷ Graham Burchell, Peter Miller, and Colin Gordon, "Foucault, Michel. 'Governmentality,'" in *The Foucault Effect: Studies in Governmentality*, Chicago, IL: University of Chicago Press, 1991, 87.

behaviours⁵⁸ that are available for individuals simply because they are human. This process of defining the appropriateness of rights transforms the freedoms into the ranks and 'absorbes them in disciplinary indices of individuality.'⁵⁹ Foucault expressed his fascination about this kind of power of Western governmental practice that takes freedom itself, the life and the conduct of ethically free subjects.⁶⁰

Justifying the motives of pastoral power, the identification of certain rights becomes a norm for the 'goodness' of every individual and the society in general. In the words of Alan Rosenberg, this process of subjectification includes 'techniques and practices through which one creates a self'.⁶¹ Translating HR into the Foucauldian 'technologies of the self' explains the possibility of the subjects to internalize the exported rationalities and to interpret them into the individual practices.⁶² It discloses the power relations of previously depolitized activities of HR promotion and shows how techniques of governmentality function to guarantee the subjectification of the individuals.

In his lectures, Foucault also mentioned a new rationality of homo juridicus which he identified as heterogeneous towards homo oeconomicus in terms of their relationship with power.⁶³ Taking the main rationality of homo oeconomicus who is a rational self-interested subject, into the analysis of HR, Louiza Odysseos explains how through HR promotion, there is production of a distinct form of homo juridicus yet not separate from homo oeconomicus. She defines homo juridicus as 'a type of

⁵⁸ Foucault, "The Subject and Power," 784.

⁵⁹ Michael Clifford, *Political Genealogy After Foucault. Savage Identities*, 2001, 122.

⁶⁰ Graham Burchell, Colin Gordon, and Peter Miller, *The Foucault Effect. Studies in Governmentality with Two Lectures by and an Interview with Michel Foucault*, The University of Chicago Press, 1991, 5.

⁶¹ Alan Milchman and Alan Rosenberg, "The Aesthetic and Aesthetic Dimensions of an Ethics of Self-Fashioning: Nietzsche and Foucault," *PARRHESIA*, no. NUMBER 2 (2007): 56.

⁶² Methmann, "The Sky Is the Limit: Global Warming as Global Governmentality," 72.

⁶³ Michel Foucault and Michel Senellart, "The Birth of Biopolitics. Lectures at the College de France, 1978-79," 2008, 276.

self-governing subject able to take over the work of its own care and freedom'.⁶⁴ This type of subjectivity not new but parallel to homo oeconomicus serves as predicate to the neoliberal technology of government. Thus, the homo juridicus by human rights generates and operate its own structures of freedom as well as limits it to a certain set of actions⁶⁵ and assists the neoliberal governance together with homo oeconomicus.

During the process of producing subjectivities, there is also resistance which is an inevitable part of exercising HR. The social transformations that the HR discourse provokes are the expressions of the need for 'freedom and social change' which are nevertheless already limited to a certain HR framework of the 'appropriate norms'. According to Foucauldian perspective, the state power seeks to involve the population into the governance in order to create an environment of interaction within which the population can demand and exercise their rights.⁶⁶ The same happens within the HR framework when people are encouraged to demand their fundamental rights, justifying social discontent, and the state appears as a saviour who is willing to grant them those. In other words, the promotion of HR assists the neoliberal subjectification in a sense of being able to help to govern 'minimally' while at the same time structuring the 'conditions of freedom'.

Nowadays the EU is known as one of the biggest HR promoters in the world. Since the end of the World War 2 and especially in the 1960s the stress on the importance of HR promotion has significantly intensified.⁶⁷ The respect for HR is a founding principle for the EU's values.⁶⁸ Even in the Article 11 of the Treaty of the European Union it states that the respect for HR and fundamental freedoms are among

⁶⁴ Louiza Odysseos, 767.

⁶⁵ Ibid., 749.

⁶⁶ Michel Foucault, 783.

⁶⁷ Sokhi-Bulley, "Government(ality) by Experts: Human Rights as Governance," 252.

⁶⁸ Fioramonti, "Promoting Human Rights and Democracy. A New Paradigm for the European Union," 19.

the foreign policy priorities of the Union.⁶⁹ The history of the European exportation of HR has started since the European colonization which was associated with the exportation of the notions of 'progress' and 'modernization', nevertheless was built on the strategy of exploitation and violation of HR.⁷⁰

3.1. Human Rights and Neoliberalism

There is a clear connection between the promotion of the economic model of neoliberalism and HR. Taking into account that the neoliberal model is based on the principle of 'supremacy of the market' which entails a deeply embedded structural economic inequality,⁷¹ the gap between the rich and the poor is extreme. The idea that the market is the primary mechanism of meeting human aspirations conceals the structurally asymmetrical distribution of wealth.⁷² How such an oppressive philosophy does has become tightly connected to the promotion of the promising ideology of respect and dignity?

The promotion of HR is linked to the neoliberal models' focus on individual freedom. The respect for individual rights came as a way to justify the inequality that was brought by the supremacy of the market 'marginalising the poor and disadvantaged.'⁷³ The fact that the neoliberal model constitutes unequal redistribution of the capital⁷⁴ may cast doubts on the reality of sustaining HR protection even in the Western democracies. The promotion of HR in this regard is aimed to secure the

⁶⁹ Ibid.

⁷⁰ Geeta Chowdhry and Sheila Nair, 230.

⁷¹ Robert Wade, "How High Inequality Plus Neoliberal Governance Weakens Democracy," *Challenge* Vol.56, no.6 (December 2013): 17.

⁷² Ibid., 7.

⁷³ Louiza Odysseos, 748.

⁷⁴ Couze Venn, "Neoliberal Political Economy, Biopolitics and Colonialism A Transcolonial Genealogy of Inequality," *Theory, Culture & Society*, no. Vol.26 (6) (2009): 208.

economic inequality by granting non-Western world with 'high morality' which was previously justified under the ideology of 'civilizing mission'⁷⁵ of the West.

The prevalent idea of freedom from state-regulatory power has also influenced the Western concept of HR which altered it into the essential partner of the neoliberal model.⁷⁶ Such an argument is supported by the common view that HR discourse took its deep roots from the ideology of neoliberalism and democracy which is widely recognized by Western academia.⁷⁷ The same as the neoliberal rationality of the market serves to strengthen the Western economic dominance, the HR rationalities demand the subordination of HR norms of 'less developed' societies to the developed ones.⁷⁸ In this case, HR discourse serves as a basis for the incorporation of the universal Western moral and civic rights at the same level with the global project of market economy promotion and democracy.⁷⁹

Robert Cooper claims that there is such a phenomenon as the 'voluntary imperialism of the global economy'⁸⁰ when the developing states need to open their economies and to consciously limit their sovereignties to be able to receive benefits from the external interference of the Western states through different international institutions such as the IMF and the World Bank. Cooper emphasizes that 'it is a new kind of imperialism, one acceptable to a world of HR and cosmopolitan values.'⁸¹ The term 'humanitarianism' is applicable in this case when we talk about the creation

⁷⁵ Ibid., 228.

⁷⁶ Milja Kurki, "Human Rights and Democracy Promotion: Reflections on the Contestation In, and the Politico-Economic Dynamics Of, Rights Promotion," *Third World Quarterly*, Vol. 32, No. 9 (n.d.): 1574.

⁷⁷ Mutua, "Savages, Victims, and Saviors: The Metaphor of Human Rights," 221.

⁷⁸ T.Brian Rochel, "Universality and Governmentality: A Critical Take on 'Universal' Human Rights and the Rights to Education in Sri Lanka," *International Journal of Civil Society Law* Volume 8, Issue 1 (2010): 77.

⁷⁹ Costas Douzinas, "Seven Theses on Human Rights: (3) Neoliberal Capitalism & Voluntary Imperialism,"

⁸⁰ "The New Liberal Imperialism," *Guardian Unlimited Observer / International* /, accessed May 16, 2014, <http://ontology.buffalo.edu/smith/courses01/rrtw/Cooper.htm>.

⁸¹ Ibid.

of the 'state in need' and which consequently abandon its sovereignty for the importation of the neoliberal rationalities. The HR discourse has become a crucial technology for this 'invasive form of global governance'.⁸² Moreover, some may discern a new type of colonialism in this sense – the neo-colonialism.

In his research, Makau Mutua introduces the three dimensional metaphor of HR promotions to be able to demonstrate how the global discourse of HR is constructed and how the power dynamics function inside the discourse. According to the author's metaphoric vision, first of all, there is a savage who acts against the population and violates their rights; secondly, there is a victim who suffers and whose rights are deeply violated; and finally there is a savior or redeemer who releases the victim from the savage.⁸³ The associations with the Foucauldian notion of pastoral power comes to place when the savior in Mutua's terms promises freedom – 'freedom from tyrannies of the state, tradition and culture'.⁸⁴ Here the savior is represented by United Nations, Western states, INGOs and Western charities which promote a cultural set of norms inherited from the liberal thought⁸⁵ - the universal HR.

It is important to bring into a discussion the significance of the law for HR promotion. The law is also a powerful technique of governmentality which serves the purposes of subjectification by promoting and insisting on incorporation of HR legislation into the internal legislation of non-Western states.⁸⁶ The legalization of certain HR norms defines a starting point for the internalization and domestication of HR practices. It is argued that the contemporary international law was founded on the premises of the European colonial project and throughout the years of its development the colonial power dynamics were strengthened which led to the idealization of the

⁸² Josh Bowsher, December 2013.

⁸³ Mutua, 4.

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ Odysseos, 763.

Western and subordination of non-Western norms.⁸⁷ The echos of the perpetuated power dynamics can be seen nowadays when comparing the EU and its relations with past colonies.

Despite the fact that the adoption of the law does not put it automatically into practice and it is a matter of time and political will to internalize a practice of a certain norm, the adoption HR legislation plays an important role in successful implementation of HR rationalities. The example of the EU and its pursue in the abolition of death penalty is a good illustration for that.⁸⁸ Ian Manners demonstrates how through its normative power, European states abolished the death penalty inside the EU and consequently exported the abolitionist movement outside the EU thorough means of conditionality for the countries striving to join the EU.

He tracks how the idea of death penalty was not a sovereign issue of criminal justice but an international issue of HR and how it became a norm. The right to life as a norm was symbolically important but not being legalized by half of the EU Member States until the 1990s. Using the ECHR as a prerequisite for the EU accession process, during several years the EU was able to spread the abolitionist movement ‘which involved 37 new converts, bringing a number of abolitionist states to 109 and retentionists to 86’.⁸⁹ This proves an extensive power of law and its importance when talking about (1) defining and producing the discourse of HR and (2) the tools that are used in order to spread it outside the Western spaces.

The first idea of the production of ‘truth’ about HR refers to the discourse formation. The knowledge production is crucial for the emergence and ‘universalization’ of the norms. From a global perspective, the project of HR promotion requires the production of the global discourses through which the EU

⁸⁷ T.Brian Rochel, 63.

⁸⁸ Ian Manners, 235–58.

⁸⁹ “Abolitionist and Retentionist Countries | Amnesty International

manifests its values and principles. Bal Sokhi-Bulley demonstrates how the experts working for Fundamental Rights Agency exercise power by defining the rhetoric of HR and by shaping the particular behavior of the population who internalize it.⁹⁰ First of all, the experts produce the discourse of HR based on the neoliberal values of individualism⁹¹ which suggests that this is the 'right' way of people's conduct. Secondly, the HR experts generate the discourse on violations of HR around the world which leads to the construction of victims - people in 'need' for the help from the West. Thus, for instance, the Western discourse presents Muslim women as oppressed by forcing them to be covered⁹² or the discourse constructs the image of the Afghan women who suffer and represents a victim in a dire need for help.⁹³ Through the epistemic production of discourse/knowledge about the oppressed⁹⁴ and the predetermined mission of the West as 'savior'⁹⁵ the justification for the interference in other countries' internal relations occurs. This is a new form of neo-colonialism that reifies the previous colonial relations between the EU and post-colonial space. This argument goes back to the idea of imperialism or a better term 'humanitarianism' when the developing countries open their economies and societies to the external interventions of international financial institutions, state-building projects, humanitarian programs etc.

The EU has employed different means through which the HR discourse is promoted outside the EU. There are mandatory bilateral agreements guaranteeing respect of HR that should be adopted by the country in order to maintain the relations

⁹⁰ Sokhi-Bulley, "Government(ality) by Experts: Human Rights as Governance," 252.

⁹¹ Kurki, "Human Rights and Democracy Promotion: Reflections on the Contestation In, and the Politico-Economic Dynamics Of, Rights Promotion," 1578.

⁹² Kevin J. Ayotte and Mary E. Husain, "Securing Afghan Women: Neocolonialism, Epistemic Violence, and the Rhetoric of the Veil," *States of Insecurity and the Gendered Politics of Fear* Vol. 17, No. 3 (Autumn 2005): 115.

⁹³ *Ibid.*, 113.

⁹⁴ J. Maggio, "'Can the Subaltern Be Heard?': Political Theory, Translation, Representation, and Gayatri Chakravorty Spivak," *Alternatives*, no. 32 (2007): 420.

⁹⁵ Mutua, "Savages, Victims, and Saviors: The Metaphor of Human Rights," 204.

with the EU.⁹⁶ Under the same framework of EU delegations to Tunisia and Ukraine, the EU has organized variety of bilateral projects⁹⁷ in order to strengthen civil society and to promote neoliberal values of democracy, rule of law and respect of HR.

However, universality of HR norms has been widely contested.⁹⁸ From a theoretical perspective, the universalists claim that the HR are deeply embedded into the universal notions of humanity which are applicable to any structural context.⁹⁹ On the other hand, there is a number of HR scholars and practitioners who resist the reality of HR universalism. From a cultural relativists' perspective, there is a belief that the application of HR discourse varies from country to country, from culture to culture which requires more respect and sensitivity during the process of its exportation and implementation to different contexts.¹⁰⁰ Due to the fact that the production of HR discourse occurred in culturally Western and historically colonial context, the universality of HR is undermined.¹⁰¹ The distinct cultural traditions of Asia, Africa, the Pacific and Latin America must be central to the critique of universal HR.¹⁰²

3.2. Human Rights Promotion in non-Western states

There are several obstacles that prevent a successful exportation and implementation of HR discourses outside the developed West. First of all, one of the reasons why the HR discourse has been hardly accepted in non-Western states is the fact that the development of HR discourse was initiated in Europe. The result of it is

⁹⁶ Jean-Pierre Cassarino, "Reversing the Hierarchy of Priorities in EU-Mediterranean Relations," in *The European Union and the Arab Spring: Promoting Democracy and Human Rights*, New York/Lanham, Lexington Books, 2012, 1.

⁹⁷ "The European Union Delegation to Ukraine. List of Projects," *European Union External Action Service*, accessed May 6, 2014, http://eeas.europa.eu/delegations/ukraine/projects/list_of_projects/projects_en.htm.

⁹⁸ Henkin, "The Universality of the Concept of Human Rights," 11.

⁹⁹ Chowdhry and Nair, 230.

¹⁰⁰ Ayodeji Perrin K., 2.

¹⁰¹ Mutua, "Savages, Victims, and Saviors: The Metaphor of Human Rights," 205.

¹⁰² *Ibid.*, 209.

that respect of HR has been highly maintained in the advanced liberal states that prevents their full applicability in other societies which are structured differently. This leads to the issue of Eurocentrism that rejects the cross-contamination¹⁰³ of the Western model with the indigenous ones. The leading role of the Western states in HR development testifies that the applicability of the Western notions globally is only 'a pretension, not a practice'.¹⁰⁴

Moreover, it should be noted that the HR movements that were initiated in non-Western societies before 1945 were dismissed from the process of forming the universal HR discourse, leaving this job precisely to the Western states.¹⁰⁵ If all high morality comes from the West then this supports the claim about the predetermined mission of the West to civilize the rest of the world.¹⁰⁶

The United Nations chapter emphasizes that there is the right to maintain and practice your own culture. However, it is also mentioned that this is applicable only when the cultural rights do not contradict or interfere with another human rights that basically constitutes the prioritization of the universal HR over cultural ones.¹⁰⁷ As stated by Mutua, a 'cultural deviation' from universally accepted HR is the main 'savage'¹⁰⁸ of successful HR promotion. This thesis further explores how the culture and universal HR interact with each other.

There is a common view that state regime is the main determinant in the applicability of the HR rationalities. According to the system of 'democratic transition', which was developed by Christian Davenport, the extent of HR protection

¹⁰³ Ibid., 205.

¹⁰⁴ Chowdhry and Nair, *Power*, 231

¹⁰⁵ Mutua, "Savages, Victims, and Saviors: The Metaphor of Human Rights," 205.

¹⁰⁶ Ibid., 210.

¹⁰⁷ "Culture and Human Rights | United Nations Educational, Scientific and Cultural Organization," accessed May 21, 2014, <http://www.unesco.org/new/en/culture/themes/culture-and-development/the-future-we-want-the-role-of-culture/culture-and-human-rights/>.

¹⁰⁸ Ibid., 204.

has largely been affected by the regime type. This implies that the autocratic regimes tend to respect and uphold HR rights less than the democratic states.¹⁰⁹ However, a lot of states do not fall under the category of autocracy/democracy which put them under a category of 'states in transition' and the importance is consequently centered on the capacity of the state to uphold HR.

The empirical cases of this research focus on this category of 'states in transition' – Tunisia and Ukraine. There were attempts of introducing the neoliberal reforms in both countries but it has either failed or has been partially implemented. However, as Mutua correctly pointed out the state regime is not the main obstacle that prevents the successful exportation of the HR rationalities. The state is only reproducing already existed representation of the cultural reality of each society. On the contrary, it is a culture that is deeply embedded into the everyday life of individuals which has its 'own truth', its own vision and interpretation on every aspect of human life.

The centrality of the cultural obstacles brings to the issue of Eurocentrism in HR rhetoric that prevents the implementation of HR 'from gaining cross-cultural legitimacy'.¹¹⁰ The culture is influenced by a number of variables such as history, religion and philosophy. Taking an example of the Middle Eastern culture, it is evident that the individual HR clash with the communitarian societal structures of the Islamic society. While promoting the respect of individual rights in the society where the 'culture and ideology is conceived as far more than the sum of its individual members'¹¹¹ the probability of the successful implementation is very low. The same

¹⁰⁹ Christian Davenport, "Human Rights and the Democratic Proposition," *Journal of Conflict Resolution*, no. Vol. 43 No.1 (1999): pp.92–116.

¹¹⁰ Mutua, 206.

¹¹¹ Sokhi-Bulley, 269.

difficulty raises the issue of women rights in the Muslim society where the idea of the supremacy of men towards women has been perpetuated throughout the centuries.

Another reason why the application of HR rhetoric is problematic outside the Western realm is a negative perception of the West especially in the post-colonial spaces. Due to a history of colonization, there is a common view of suspicion in postcolonial world premised with a 'political antagonism of colonial encounter'.¹¹² Thus, for instance, the gender-focused reforms were equated with the Western influence and generated a resistance against them in Algeria.¹¹³ In the next chapter I will show what kind of transformation happen when the interaction between the local culture and exported rationalities occurs.

The usefulness of considering HR promotion from the Foucauldian perspective is twofold. First of all, governing through HR rights is an integral part of governmentality practice of the neoliberal project based on individual rights. It is important for the neoliberal project because through the production of the HR discourse and expansion of the legal framework of HR, the exporter 'channels social discontent and the general management and resolution of social ills through the language and framework of rights'.¹¹⁴

Secondly, universal HR create specific 'conditions of freedom' under which the societies function.¹¹⁵ It shows that HR assist in the evolution of government as 'conduct of conduct', and irrevocably 'recast the very meaning of freedom and the possibilities for agonism'.¹¹⁶ And finally, governmentality goes beyond the traditional analytical framework through which the EU rights and governance is analyzed and

¹¹² Chowdhry and Nair, 231.

¹¹³ Megahed Nagwa and Stephen Lack, "Colonial Legacy, Women's Rights and Gender-Educational Inequality in the Arab World with Particular Reference to Egypt and Tunisia," *Int Rev Educ*, no. Number 57 (2011): 404.

¹¹⁴ Odysseos, 764.

¹¹⁵ *Ibid.*, 751.

¹¹⁶ *Ibid.*, 748.

gives a chance to look beyond the conventional approach of analyzing HR in Western academia.

Chapter 4. The Process of Human Rights Exportation

In terms of human rights discourse, the European Union has widely promoted respect for HR both in Tunisia and Ukraine. Since the first revolution of 2004 and with the adoption of the ENP Action Plan in 2005¹¹⁷, under the framework of cooperation between the EU and Ukraine, there have been a variety of projects funded to support the HR promotion in Ukraine.¹¹⁸ In case of Tunisia, the exportation of HR has intensified since the revolution of 2011 and has functioned under the same framework of cooperation through EU delegation to Tunisia. Since the revolution of 2011, the Tunisian civil society has flourished with the emergence of HR defenders' organizations and independent activists.¹¹⁹ The EU has greatly supported the initiatives by giving an opportunity of funding for those organizations. Taking into consideration the different local structures of Tunisian and Ukrainian societies, the research revealed certain commonalities during the process of HR exportation.

Generally, the societal structures of Tunisia and Ukraine differ mainly because of the religious and cultural traditions, the extent of foreign influence and economic factor. Ukraine is Christian Orthodox country and Tunisia is Islamic. The dominant influence of the EU on the local knowledge can be found in exportation of the notions of 'discrimination', 'xenophobia' and 'gay rights' in the case of Ukraine and 'freedom of speech', 'women rights' and more rarely 'gender rights' in the case of Tunisia.

There is a need to distinguish a two-level process of HR promotion to non-Western states. The first level includes the interaction between the exporter of HR rationalities and the civil society of the receiving country. The second level process

¹¹⁷ Taras Fedirko, 2.

¹¹⁸ "The European Union Delegation to Ukraine. List of Projects."

¹¹⁹ Tagma, Kalaycioglu, and Akcali, "'Taming' Arab Social Movements: Exporting Neoliberal Governmentality," 383.

includes interaction between the CSOs and the local population. I will further proceed by explaining the transformations at each level of interaction.

The first level of interaction is usually the most successful due to the fact that the exporter and the CSOs follow the same goals and therefore understand each other better. When there is an announcement about the call for applications for funding of organizations that work on the issues of HR, it is most probable that the particular kind of organizations respond - those who adhere to the same set of values and comply with the established rules and procedures in order to receive the funding. To improve the complex process of the application writing, the exporter educates CSOs through trainings on application writing, HR trainings of different kinds – universal HR, women rights and gender inequality, in order to facilitate the cooperation.

For instance, in Ukraine the leader of one CSOs was the only person in the team speaking English. He was proposed to attend a training on how to be successful in applying for funding from the European Commission. The training was conducted in Germany, the participants were accommodated free of charge and the travel expenses were covered by the organizer. During the training the leader of the CSOs was taught how to comply with the application procedure in order to receive funding and how to use a specific vocabulary in order to fit into a discourse on HR. There are also other kinds of trainings organized by the exporter where the CSOs are taught about what the universally accepted HR are, what their violations are and how to promote HR in their localities. This explicitly shows that the EU employs different techniques in order to educate CSOs on the rules and to account for the successful application procedure.

Through these techniques of trainings and educational programs the exporter governs the CSOs and HR activists. This is a process of subjectification through

which local HR 'experts' are created.¹²⁰ After the process of producing local HR experts, HR rationalities operate as technologies of governmentality through which local experts spread HR rationalities to the second level - to their own population. This is an ideal scheme of the first level interaction between the exporter and CSOs.

On the epistemological level, the producers of HR knowledge – the experts are working on the discourse formation and enshrine the HR as a positive law while dismissing at the same time the reality of 'wealth redistribution and structural change'.¹²¹ Moreover, a positive vision of HR promotion provides a basis for the justification of social discontent generated by the demands for HR.¹²² In this respect, there is a parallel that can be seen between the experts' knowledge and Foucauldian pastoral power.¹²³ The experts operate within the 'pastoral' power relations that resemble Christian associations of the relationship between the shepherd and sheep. In Rose's terms, the 'good shepherd' symbolizes 'a pastoral expert'.¹²⁴ This type of power functions through codes of practice (i.e. trainings, conferences) and empirical findings (i.e. statistics, reports on the violation of HR) developed and presented by CSOs.¹²⁵ Rose argues that this type of practices fall into a category of micro-technologies¹²⁶ through which the local experts shape the 'conduct of conducts'. Governance in this case is implemented through 'programmes (education on HR), strategies (invitation on conferences), technologies (funding CSOs working on issues

¹²⁰ I borrow this term from Bal Sokhi-Bulle who argues that HR operate as technologies of governmentality via experts. However, he demonstrates this on the example of the internal HR promotion of the EU through Fundamental Rights Agency whereas I employ this notion in non-Western context.

¹²¹ Louiza Odysseos, 764.

¹²² Ibid., 764.

¹²³ Michel Foucault, 783.

¹²⁴ Nicolas Rose, 6.

¹²⁵ Sokhi-Bulley, 258.

¹²⁶ Rose, 2001, 10.

of HR), techniques (bilateral cooperation with the countries, mutual projects)¹²⁷ and calculations (reports on the violations) with a goal to mold the conduct of individuals.¹²⁸

4.1. Local Human Rights Experts

In his analysis of the European Union Fundamental Rights Agency (FRA), Bal Sokhi-Bulle argues that the experts of the Agency are involved in a concurrent processes of ‘governing rights’ and ‘governing through rights’.¹²⁹ It means that the experts are those who produce the HR rationalities and through these HR rationalities they are governing others including the European population. Taking this example of governmentality through HR experts inside the EU, this thesis shows its particular usefulness when applying to non-Western context.

First of all, through different techniques of governmentality that are mentioned above, the exporter educates the local CSOs on HR discourse, rules and procedures of their mutual cooperation – and now on if the CSOs have fully accepted and adopted HR rationalities – they become the local experts who now directly serve the interests of the exporter by promoting the exported knowledge in their localities. From this moment further exportation of HR rationalities almost entirely depends on the local experts – how they will interpret HR in their specific context. It is a method of ‘governing rights’ when the local experts modify and interpret HR in a particular context. When they significantly modify the notions of HR in order to fit them with the local structures – then the hybridity appears which I will elaborate on later in this chapter.

¹²⁷ Thomas Diez, “Constructing the Self and Changing Others: Reconsidering ‘Normative Power Europe,’” *Millennium: Journal of International Studies*, no. Volume 33, Number 3 (2005): 618.

¹²⁸ Sokhi-Bulley, 260.

¹²⁹ *Ibid.*, 256.

Secondly, the local experts start to ‘govern through rights’ shaping the framework under which the rights should operate in their localities. This process is defined as governing ‘at distance’¹³⁰ when the local experts regulate the conduct of groups ‘by binding individuals into shared moral norms and values and commitment to others’.¹³¹ The rights can be also understood here as ‘technologies of freedom’.¹³² Those are the ‘shared moral norms and values’ that have become linked with people’s own aspirations.¹³³ However, due to the issue of different societal structures human aspirations are not the same in every case which can lead to cultural inappropriateness and therefore the technologies of freedom may turn into the technologies of coercion.

The implementation of HR rationalities in different context should not be underestimated. The successful cases of their adoption in local Tunisian and Ukrainian contexts were also evident. For instance, one of the most effective techniques in Tunisia was to conduct psychological trainings through which, in the words of the trainer, ‘we can change people’s behaviours and attitudes’. A lot of people who went through this training shared it helped them to be more respectful and tolerant towards people who are discriminated in the society such as gay people in Tunisia. The successful exportation of HR rationalities has also empowered local women movements. For instance, the activist pointed out that the number of women organizations, women rights` defenders and associations has increased significantly since 2011. This fact enhances the success of HR rationalities’ exportation due to the structural changes in the political sphere that strengthened the functioning of the civil society.

¹³⁰ Nicolas Rose, “Government and Control,” *British Journal of Criminology*, no. 40 (2000): 324.

¹³¹ Ibid.

¹³² Ibid.

¹³³ Sokhi-Bulley, “Government(al)ity by Experts: Human Rights as Governance,” 262.

During my interviews I found out the additional role of the local experts who govern ‘through rights’. In this case, the local experts play a role of HR interpreters who make sure that the exported knowledge is applicable to the local context. For instance, when the training was conducted in the Ukrainian school on ‘elimination of all kinds of discrimination’, the trainers had to make sure that the participants who understood the notion of discrimination could actually apply it and see how it worked in their local context. The Ukrainian trainer explained that people understood what discrimination was but they didn’t understand that, for instance, racism against the local black immigrants was also a kind of discrimination.

The way local experts interpret HR in their context is very important because they have a power to control for the ‘right’ application of the stable notions of HR or to modify their meanings according to the appropriate cultural perception. However, the distortion of the notions may take place. In case of Ukraine, the local experts seek to implant the ‘right’ understanding of HR without any deviation that can distract the very meaning of each right. Such implantation is in a way culturally strange for the local population and then it becomes a big obstacle that leads to resistance against the exported knowledge.

4.2. Resistance

Resistance is an essential part of the Foucauldian approach.¹³⁴ In his research on history of power relations, Foucault explained how through exercising the pastoral power over men’s conduct at the same level of subjectification process there is also resistance happening to the same exercise of power which is defined as ‘counter-conducts’ that is namely a ‘struggle against the processes implemented for conducting

¹³⁴ Carl Deane, p.236.

others'.¹³⁵ The counter-conducts do not function outside the government framework but operate within the governments' techniques, strategies and power relations that it opposes. In fact, in neoliberalism, the exercise of power can only occur while the freedom exists.¹³⁶ According to Bondi and Laurie, resistance is a perfect example of 'the performance of neoliberal subjectivity'.¹³⁷ However, the subjectivity is not a completely imposed denial of freedom by the power but instead it is a 'relationship between governors and governed'.¹³⁸ The promotion of HR presupposes the resistance that can be expressed through the protests on HR enforcements or their violation and constitutes the neoliberal model.

However, this research implies resistance as a denial of the exported HR rationalities by the actors – CSOs or local population. In this regard, the resistance signifies the issue with the subjectification process because the production of HR subjects faces difficulties due to different structures of the local context. In the case of Ukraine, the biggest resistance was produced towards the notions of gay rights whereas in Tunisia the gay rights is absolute tabu or prohibited term. This can be explained by the historical, cultural, economic and societal structures deeply embedded in the Tunisian context. The wider social context characterizes the perception concerning the role of men and women in the society, which has also created the most resistance to the promotion of 'women rights' and 'gender equality' in Tunisia.¹³⁹

¹³⁵ Ibid., 240.

¹³⁶ Foucault and Senellart, "The Birth of Biopolitics. Lectures at the College de France, 1978–79," 63.

¹³⁷ Liz Bondi and Nina Laurie, "Working the Spaces of Neoliberalism: Activism, Professionalisation and Incorporation. Introduction.," *Blackwell Publishing*, n.d., 399.

¹³⁸ Odysseos, "Human Rights, Liberal Ontogenesis and Freedom: Producing a Subject for Neoliberalism?," 769.

¹³⁹ Nagwa and Lack, "Colonial Legacy, Women's Rights and Gender-Educational Inequality in the Arab World with Particular Reference to Egypt and Tunisia."

The common perception both in Tunisia and Ukraine was that the CSOs who promoted HR discourse in their countries are considered as the ‘agents of the West’, those who are highly paid and work for the interests of the West with a goal to bring a ‘demoralization’ of the society into their countries. In support of this claim, the common criticism in Ukraine against the signing of the Association Agreement with the EU was that closer economic relations would also bring exportation of the Western views on sex minorities’ rights, gay pride parades and legalization of gay marriages that are perceived as something ‘extraordinary’ or ‘unnatural’ in the Ukrainian society. In the case of Tunisia, the most ‘suspected’ CSOs are those who receive funds from the U.S. that is widely considered as an enemy who seeks to serve the interests of Israel.

During the training of one CSO in Tunisia, there was a topic discussed on the issue of violence against women at home. According to the training curriculum, forcing woman to have sex with her husband is considered violence. Certainly, according to the official documents of the UN on ‘women rights’, the rape can also occur in marriage and it counts as a violation of women rights.¹⁴⁰ However, such a notion has been adopted in Europe not such a long time ago. For instance, in Germany it took seventeen years since 1997 to adopt such a law whereas before such an action was considered coercion or bodily harm.¹⁴¹ There are factors of wider social context including women economic position, societal perception and cultural traditions that also determine the attitude towards women rights¹⁴² but this case became crucial in the analysis of a two level interaction.

¹⁴⁰ “UN Human Rights. Women and Violence,”

¹⁴¹ “Setting Limits to Violence against Women,”

¹⁴² Eunhye Yoo, “International Human Rights Regime, Neoliberalism, and Women’s Social Rights, 1984–2004,” *International Journal of Comparative Sociology* 52(6) (2011): 504.

At the first level of interaction of my research, the resistance has brought to a partial acceptance of HR rationalities. After conducting several trainings and different educational programs, there were still people among the local experts who resisted the subjectification to the Western interpretation of respecting women rights. This was the above-mentioned case of forced sex in marriage which could not be accepted as a violation of women rights by several activists among whom were both men and women. This shows that there is a partial acceptance of HR rationalities even at the first level of interaction which significantly troubles further implementation on the ground.

Since the first level process has been challenged by partial implementation of HR rationalities, the transformations during the second level become even more apparent. The same case of resistance to the notion of ‘women rights’ from the local population was even stronger. The local people would argue and doubt the justification of the forced sex in marriage as a violation. Both women and men explained that it was a duty of the women to satisfy her husband no matter what – it was her direct responsibility. The issue of cultural ‘appropriateness’ came into a place. Mainly, the cultural obstacles prevented the exportation of this HR rationality from the successful implementation.

When I asked about the adaptation of this definition to the local context and what CSOs do to make it more culturally ‘appropriate’ or accepted – they responded by pointing out that it is not possible to change people’s thinking. The CSO activist shared that even after several educational trainings on ‘violence against women’ other activists have not yet recognized it as a legitimate violation. Such a process can be seen as partial exportation of HR rationalities at first level of interaction. Thus it

should be taken into account as a critical point in the evaluation of exportation process.

Despite the successes that Tunisia has gained in terms of gender equality in comparison with other Middle East countries,¹⁴³ another example can show how unusual is the rhetoric of gender rights for the Tunisian context. One representative of the European CSOs whose goal is to help local CSOs to apply for funding from the EU lives and works in Tunisia. He shared about a case when one Tunisian CSOs was preparing the application for funding of the project on 'The improvement of Child Education for Mothers' and identified this project under a category of 'gender rights'. This can be seen that the novelty of the notion of 'gender rights' has led to the mistaken equation of gender rights with everything associated with women rights. It is evident that a gender rights notion was brought from outside that the confusion is so apparent. This can also demonstrate the idea of the common perception of the 'goodness' of the exported HR rationalities, which are accepted as absolutely 'right' and 'just' without any investigation and clear understanding of it.

The fact that CSOs have tried to promote gender rights to the population constitutes the successful exportation of those rights at the first level but the lack of understanding on gender rights and their incompatibility with the local rationalities constrained their further adoption by the population. However, the process does not stop after these developments because it leads to further transformations of different kinds.

4.3. Hybridity

According to the common criticism of using governmentality outside the developed West, the implementation of the neoliberal rationalities on the ground has

¹⁴³ Nagwa and Lack, "Colonial Legacy, Women's Rights and Gender-Educational Inequality in the Arab World with Particular Reference to Egypt and Tunisia," 401.

widely failed in the developing countries.¹⁴⁴ However, at the second level of interaction of those rationalities with local ones, it brings different kinds of transformations which can be sometimes mistakenly identified as 'failures' or as not 'pure' productions of the same rationalities.

In these regards, the post-colonial studies have revealed that the implementation of neoliberal rationalities in the developing countries has brought to hybridity.¹⁴⁵ The term 'hybridity' which was developed by Homi Bhabha became the key concept of post-colonial studies that can also be equally applied to the post-socialist context due to the differences from the neoliberal structures. The hybridity challenges the cultural purity and creates a 'third space' that combines different binaries of the West and the East, different perception of the men and women which allows to produce a new reality.¹⁴⁶ To be able to understand the hybridity form, we should take into account the historical analysis of power dynamics, cultural meanings, identities which constitute and shape the transformations during the interaction. The particular usefulness of governmentality in studying the hybridity is its focus and the level of analysis. To recognize the hybridization, there is a need to look at the practices and the modifications of the discourses at the final destination of the power projections which is the main focus of governmentality studies. Moreover, it is mutually beneficial combination of governmentality and hybridity that investigates the same level of analysis of micro power dynamics.

At a closer look, the exported Western knowledge combined with the indigenous local one leads to the new hybrid form which simultaneously identifies the impact of the dominating force and resistance to it. The resistance does not only show

¹⁴⁴ Joseph, "The Limits of Governmentality: Social Theory and the International," 224.

¹⁴⁵ Hèla Yousfi, 3.

¹⁴⁶ Ken McLeod, "Visual Kei: Hybridity and Gender in Japanese Popular Culture," *Young*, no. 21(4) (2013): 310.

the objection of the Western knowledge but shows how through subversion the imposed knowledge results in blurring lines between the imposed and local knowledge.¹⁴⁷ Thus, it is harder but possible to recognize the hybridity and particular modifications and to trace the developments from its initial stance while comparing the purely exported rationalities and the final modified product that was produced on the ground.

In the analysis of the adoption of the American management style in Tunisia, Hèla Yousfi explored how the hybridity has been created accounting for the contextualization of the diversity of colonial experiences and national cultures.¹⁴⁸ In her findings, the author demonstrates how the hybridity has appeared during the exportation of the U.S. managerial practices into the management of the Tunisian organization 'Poulina'. The particular novelty of the incorporated practices for the employees was management 'by objectives'. She explains how through the renegotiation of the introduced American system of appraisal into the Tunisian context, the implementation of this system was reconstructed to conform to the local context.¹⁴⁹ This is one of the examples relevant to the Tunisian post-colonial context, however there are also similar transformation of exporting HR rationalities both in Tunisia and Ukraine.

It is important to note that the uncritical utilization of hybridity concept can lead to the elimination of all the diversity of meanings and experiences that are present within the interaction.¹⁵⁰ In this regard, I tried to identify several types of hybridity forms which are based on the strategies employed by the CSOs in order to react on resistance and to find ways of adopting the HR rationalities to their local

¹⁴⁷ Yousfi, "Rethinking Hybridity in Postcolonial Contexts: What Changes and What Persists? The Tunisian Case of Poulina's Managers," 5.

¹⁴⁸ Ibid., 4.

¹⁴⁹ Ibid., 18.

¹⁵⁰ Ibid., 6.

population. Therefore during my interviews, I tried to scrutinize the specific forms that the transformations resulted in and identified two adaptive strategies leading to hybridity.

The first type of hybridity I called a 'selective' form. According to this type, the local HR experts whether they are CSOs or independent activists employ into their rhetoric a specific selection of HR rationalities that are more applicable to those particular local structures and omit the rest. While acknowledging a strong resistance from the local structures, they are eager to promote some HR notions such as 'freedom of speech' or 'the right to liberty' that they understand are acceptable for their society whereas they exclude from the exportation the most resisted ones such as 'gay rights' as in the case of Tunisia. This leads to a partial implementation of the exported rationalities and can be also considered as the adaptation to the local structures. The partial exportation of HR rationalities may also lead to distortions of HR knowledge. In this case, the particular language of rights is also modified in order to alter the exportation. For instance, the representative of the Ukrainian CSOs explained that the term 'xenophobia' is not very 'appropriate' and easily comprehensible for the Ukrainian society and during the trainings on xenophobia they try to eliminate the difficult term and to substitute it with more easy ones.

The second type of hybridity form I defined as 'masking' which serves as a strategy to adapt to the local resistance. According to this form of hybridity, the local experts of HR attempt to conceal the resisted notions under the name of generally accepted terms and through step by step, slow process to finally introduce the hidden notions. For instance, since the promotion of the respect of 'gay rights' was highly resisted in Ukraine, one CSO organized and conducted training on 'national minorities'. In fact, the major focus of the training was centered on the issue of the

respect of sex minorities, which after being revealed consequently created even more resistance to the practices of this particular CSO as well as to the exported rationalities. While trying to hide the resisted rationalities under the premises of generally acceptable names, the exported knowledge can also be modified to be able to comply with the local context. There is a possibility of the distortion of the exported rationalities, however, it is not steady in each case. The distortion can happen to the HR rationalities during the process of hybridization. In this regard, there is a choice between persistent exportation with subsequent failure or initial modifications from the side of the exporter, which brings me to the next important point on the mutual transformations between the local structures and the exporter.

4.4. Mutual transformations

While the exported rationalities have gone through different processes from resistance to hybridity – there are also mutual transformations that influence the exporter of the rationalities. According to Prina Werbner, in the colonial context both the colonizers and colonized influenced each other so that the exporter of the rationalities can not stay stable but needs to adjust to be able to successfully implement the rationalities on the ground.¹⁵¹ This can be taken as a suggestion for further adjustment for the EU in its goal of HR promotion.

The research findings demonstrate that when there is a successful exportation at the first level of interaction, meaning that the CSOs have adopted the exported rationalities and have become local experts in their societies, further processes occur during the exportation to the second level. This can take a form of total resistance and if there is no adjustment from the exporter's side – the rationalities can simply fail.

There is a chance that the HR rationalities would be adopted on the ground without

¹⁵¹ Prina Werbner, "The Limits of Cultural Hybridity: On Ritual Monsters, Poetic Licence and Contested Postcolonial Purifications.," *Journal of the Royal Anthropological Institute*, no. 7(1) (2001): pp., 133–152.

any modifications but due to the different societal structures that needs to be changed, it can takes decades. In this regard, the distortion of the exported rationalities is more probable process.

There are certain types of adaptation from the exporter`s side employed to improve the process of HR promotion. For instance, instead of working with state regimes to promote HR rationalities in the countries of its neighbourhood, the EU approach has shifted from the state level bilateral cooperation to the local level focusing on building strong civil society which according to the neoliberal model serves as a counterbalance that will regulate and constrain the state power.

For the successful implementation of HR rationalities, the mutual transformations that happen during the process of resistance and hybridization should affect either the techniques of the exporter or the exported rationalities. However, the issue is that the techniques of the EU human rights promotion are still stable even when witnessing the failure of the implementation. There is a need for the EU to be more receptive to the challenges that the implementation process faces. In order to improve the issue of cultural biases of some HR notions, the EU has to be culturally sensitive. The rhetoric of cultural sensitivity is widely acknowledged but in fact does not work in practice.

This can serve as an evidence of the existence of the dominant discourse that is promoted by the Western states and proves the Eurocentric approach to HR discourse which aims 'to universalise the European norms and values'¹⁵² by rebuking the deep-rooted cultural modifications that apper in non-Western cases. In case of HR promotion, it seems that the rhetoric of the hegemonic power relies on consistent exportation and the attempts of consistent implementation of HR rationalities which

¹⁵² Mutua, "Savages, Victims, and Saviors: The Metaphor of Human Rights," 210.

are not modified but implanted over and over again and nevertheless fail on the ground.

There is a risk of further hybridization of the HR rationalities that can lead to complete deviation of the initially exported ones. Therefore, the choice of further action is in the hands of the exporter that has an authority to modify the rationalities to the extent that is appropriate for him/her as well as for local adoption. In order to be successfully implemented on the ground, the HR rationalities should be 'moored in the cultures of all peoples'.¹⁵³ Without managing the cultural modifications, it can be mistakenly understood that the exporters' mission is to demand the transformations of all societies to fit a particular Western blueprint.¹⁵⁴

Taking these findings into account, it should be mentioned that in order to improve the exportation of HR and more importantly their implementation, the EU agencies and HR experts should consider the reality of the transformations that occur at the second level of societal application. Acknowledging that the significant modifications of the HR rationalities can take place on the ground, the exporter is able to control for the processes at the first level and to foresee the implementation at the second level. The question is whether the exporter will choose to continue spreading 'its own way of understanding' on HR trying to restructure the societies and their cultures or whether the exporter decides to adjust to the cultural biases in order to reach the successful implementation of HR rationalities.

¹⁵³ Ibid., 208.

¹⁵⁴ Ibid., 207.

Chapter 5. The Reality of Human Rights Promotion

The empirical findings of this research challenge the common understanding about the unsuccessful application of HR rationalities due to the resistance generated by different structures in non-Western context. Instead, the research reinforces the claim that the resistance and the interaction between the exporter and local structures create a new form of hybrid rationality.

Applying the concept of a dual role of HR experts to the cases of Tunisia and Ukraine have shown its applicability in non-Western context. The process of subjectification through which the local HR experts are created plays an essential role in the whole process of exporting HR rationalities. Through different techniques of 'moulding the subjects', the exporter creates the self-governing local HR experts who inherit the power from the exporter to further control the exportation of HR rationalities to the second level – to the population. Thus, the local HR experts can exercise the power over 'governing rights' and 'governing through rights' in their local contexts.

The process of 'governing rights' depends on the actions of the local experts and how they would further export the rationalities to the population. There are two options that the local experts have when they face resistance at the local level: (1) to continue the 'constant implantation' of stable HR rationalities without any modifications of their meanings and terms despite the fact that the population does not accept them or (2) to employ different strategies in order to advance the exportation and implementation of HR rationalities on the ground. The first option is less strategic because the cultural structures prevent the adoption of the resisted knowledge and its exportation brings minimum results or partial implementation.

The study demonstrates that the second option of the local experts is to employ adaptive strategies that unintentionally lead to hybridization of HR knowledge. The hybridization of the exported knowledge is common when the process of ‘culturalization’ occurs, however the uncritical celebration of the hybridization may lead to the redundancy of generalizations that cannot account for the diversity and ambiguity of the process in every context.¹⁵⁵ Therefore, the research has taken a step further to deepen the understanding of the hybridization process by defining the framework through which it emerges. In this case, the framework is best understood through the strategies that the local experts employ. The first ‘selective’ strategy denotes choosing a selection of acceptable HR rationalities while excluding the resisted ones. This strategy leads to partial implementation of HR rationalities, which does not effectively serve as an alternative to the ‘constant implantation’ but proves that through the process of adapting to the local structures the hybrid form appears.

The second strategy of ‘masking’ implies disguising the resisted knowledge under the general terms of acceptable rhetoric. Through employing this strategy, there is a risk of a distortion of HR rationalities that also constitutes hybridization. Hybridity appears when the local experts omit certain terms and notions or change them during the exportation phase thus transforming the pure rationalities in order to account for the successful local adoption. In fact, the success of implementation is contested because the initial knowledge is modified.

The fact that the local experts take the role of the interpreters in their context may also lead to hybridization of the HR rationalities meaning that the experts adjust the rationalities according to the local realities, perceptions and mentality. In fact,

¹⁵⁵ Yousfi, 5.

hybridization has an opposite effect to the goals of the exporter because it rejects the ‘right’ interpretation of the HR knowledge and creates a different hybrid rationality that may not be governable.

The process of ‘governing through rights’ is connected with the decision of local experts on what kind of HR rationalities they will further export – stable HR rationalities produced by the exporter or the hybrid knowledge adjusted to the local context. Regardless of a type of knowledge, the HR rationalities function as ‘technologies of freedom’¹⁵⁶ that are operationalized in order to create a common space of values, norms and behaviours according to which the individual should function. The violation of this ‘appropriate’ behavior is regarded as a deviation and may be punished depending on the type of violation the individual committed.

The concept of a dual role of experts applied to non-Western cases, first of all, discloses a new understanding of the power-sharing process between the exporter and the local experts in their mutual goal of HR rationalities’ implementation. It becomes crucial for the exporter to guarantee the successful production of local HR experts because they inherit a power from the exporter to further promote rationalities and to control the ‘stability’ of the exported knowledge. Secondly, the local experts respond to resistance by employing different strategies that transform the rationalities and lead to hybridity.

These findings may serve as a practical image of the construction of a two level process of HR promotion in non-Western states. However, the transformations during the process of exportation do not stop at this point. The resistance happening on the ground may also trigger the reaction from the exporters' side. In the case of the EU, certain steps were taken in order to improve the exportation of HR rationalities.

¹⁵⁶ Rose, “Government and Control,” 324.

The shift was made in terms of the level of exportation. Instead of the top-down the emphasis was put on the bottom-up approach through building a strong civil society¹⁵⁷ to function as a counterweight and control for the state power. For instance, the shift from state to state cooperation towards state and civil society cooperation occurred when experiencing the challenges of cooperation with authoritarian regimes in North Africa before the Arab Spring.¹⁵⁸

Despite the shift towards the bottom-up approach, the issues of cultural structures were not addressed by the exporter. In terms of responding to cultural sensitivity, it is still the rhetoric rather than practice. The reality of the EU's intention to be culturally sensitive is obscure. First of all, witnessing the difficulties during the implementation of HR rationalities in non-Western societies, the natural reaction of the exporter would be to adjust its tactics, strategies and knowledge to be culturally comprehensive. But the reaction of the EU is stable – the techniques and the exported knowledge are not 'culturalized'. The fact that the EU does not contextualize HR promotion reinforces the claim that the governmentality of HR promotion aims at shaping the 'appropriate' conduct within the HR framework.

The abusive cultural practices should not become the justification for the oppressive actions violating HR rights. However, the discussion points to a particular discourse of the 'right views' on the societal functioning such as on the role of women and men in the society and family as well as on the 'right understanding' of sexual rights. The way HR subjects should exercise their freedoms of the above-mentioned rights has already been defined within the EU discourse – and it is based on the neoliberal views on societal functioning. It is not a goal of my project to scrutinize whether the neoliberal values are right or wrong. Indeed, there is no reason to do that

¹⁵⁷ Michelle Pace, 44.

¹⁵⁸ Ibid.

due to an absence of alternative compatible model that can contest the 'goodness' of the neoliberal one. This model of the most economically and technologically prosperous countries of the Western world reify the success of the neoliberal model and the justification for its 'goodness'. If shaping the conduct of the population works through desires, aspirations and beliefs,¹⁵⁹ then the image of a safe and secure society of the EU creates a desirability to exercise HR as well. Certainly, the desirability of the West may be contested due to past colonial and current political perceptions of the Western states, nonetheless the desirability of the Western way of life is generally common outside the Western realm, which was proved by the fact that the local CSOs trust the 'goodness' of the EU and promote the exported rationalities without fully understanding their meanings.

The fact that the EU does not react to the cultural obstacles of HR promotion proves the claim that, by spreading the Western views on the appropriate behaviors and freedoms of the individual, the EU strives to reform the societal structures of its neighbourhood the same way as it strives to change the political and economic structures of non-Western states towards the neoliberal model. While comparing the process of globalization with the global promotion of neoliberal rationalities, there are some similarities in their intention to restructure the world system¹⁶⁰ according to the neoliberal model. The link between the HR promotion and the global promotion of neoliberal rationalities including democracy, rule of law and market economy demonstrates an essential importance of HR¹⁶¹ for the neoliberal model and discloses the hidden power dynamics of previously depoliticized activities usually associated with the promotion of HR.

¹⁵⁹ Mitchell Dean, 11.

¹⁶⁰ Larner and Walters, 495.

¹⁶¹ Kurki, 1575.

From the Foucauldian perspective, the last goal of HR promotion is to set the 'appropriate behaviours' or an appropriate field of actions for exercising individual's rights. The HR subject, in this respect, becomes a 'self-governing subject' who first demands the rights, practices them and thus exercises his/her own freedoms according to the given framework of HR. If the final goal of the HR promotion is to grant every individual with HR, then the global HR promotion is aimed at producing HR subjects worldwide. It rests on the idea that the non-Western world should go through transformation in order to reach the Western ideals.

The concept of governmentality has revealed its usefulness in applying it to the study of the promotion of human rights outside the European Union. Through the lens of governmentality it became possible to uncover the trajectories of power and its exercise from the global to the local individual level. Thus, starting from the European exporter, the HR rationalities were transmitted to the local CSOs in non-Western countries and have reached the final object of power projection – the individual albeit not without difficulties.

Conclusion

Employing the governmentality concept to the study of human rights promotion has enriched the empirical research of the governmentality studies outside the Western realm. The research has shown that through the construction of a two level approach the whole process of exporting HR rationalities to non-Western societies became more evident. Through the first level exportation of HR rationalities, the power over the exported knowledge passes on the local HR experts who acquire a significant amount of power from the exporter to control further adjustment and exportation of the HR knowledge.

The study revealed that there are similar reactions to the same techniques of HR promotion in differently structured societies. The interaction between the exporter, the CSOs and the local population produces the transformations that consequently influence the actors of the process and the rationality itself. Thus, when resistance occurs against the adoption of the HR rationalities, the local HR experts employ different strategies in order to continue the exportation process. The study has identified ‘selective’ and ‘masking’ as the two main strategies that are used by CSOs. However, these can lead to the distortion of the exported knowledge to a different extent.

The governmentality concept enables observation of the exercise of power occurs from the global discourse formation to the local practical implementation. Through the lens of the governmentality concept, the power dynamics of previously depoliticized activities of human rights promotion have been revealed.

The comparative analysis disclosed that the cultural structures presented the main difficulty for the successful implementation of the HR rationalities in Tunisia and Ukraine. However, as the research demonstrates, the exporter of the HR

rationalities still relies on the strategy of persistent implantation without taking into account the issues produced by the structural differences. This proves the fact that the intention of the exporter is to reconstruct the societal structures of non-Western space according to the exported HR rationalities. As the HR promotion is so vital for the neoliberal model, it is promoted outside the EU together with democratic values and the economic model of free market in order to strengthen the exportation of the neoliberal model in general and, in particular, to reform the societal structures of the non-Western societies.

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