

## **Demographic Panics and Defence of Human Rights**

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It's a pleasure and privilege to deliver this evening's lecture jointly hosted by the Royal Society of Edinburgh, RSE Young Academy of Scotland, the Institute of Advanced Study in Humanities and Cara. I would like to thank all the organizers and especially Lesley McAra; Jo Shaw and Deval Desai for the invitation. I am going to use the opportunity today to share with you some of my concerns about the backlash against liberal values and principles as well as against Human Rights especially women's rights, LGBTQI rights and migrants' rights not only in autocratic regimes but also in liberal democracies.

So this is going to be a rather pessimistic talk, I am afraid. That being the case, I especially look forward to my conversation this evening with Professor Jo Shaw, whom I have known since many years during which our paths have crossed in several institutional capacities and offices we have both held. I very much hope that during my discussion with her and during the Q&A we will be able to strike some more optimistic notes.

The decades-long ascendancy and triumphant march of human rights since 1948, culminating in the long decade of global liberal consensus following 1989, would suggest that these rights by now should have gained currency as self-evident and irreversible. Yet, it would be at best naïve, at worst dangerous, to succumb to this illusion of irreversibility and universal acceptance. There are not only many direct challenges and continuing violations, which when taken together can give a sense of human rights in retreat. But human rights may also be the subject of rhetorical ruses and ideological trickery, with politicians demagogically claiming continued commitment to the core values of human rights that they undermine. Let me give you three illustrative examples, which offer a glimpse

into this new repertoire that often uses culturalist and civilizational arguments to relativise and undermine the universality of Human Rights:

- 1) Faced with growing international criticism of its treatment of ethnic and religious minorities, as well as political dissidents, the Chinese regime insists on the nationally specific, incommensurable characteristics of human rights. Shortly before his re-election to a third term, Xi Jinping addressed the Chinese Communist Party's Central Committee in 2022 affirming "a steadfast commitment to the *Chinese path* to promote further progress in human rights", which must be adapted to "national conditions and the popular will". So in the oxymoronic concept of 'human rights with Chinese characteristics' the emphasis falls squarely on the latter. Such a relativist conception of human rights evokes all the dangers that Steven Lukes, once famously warned against in his essay "Liberalism for the liberals, cannibalism for the cannibals".
  
- 2) Other autocrats occasionally pay lip service to human rights even as the record of their violations in their country reach new historical lows. For example, the latest Human Right Watch report states that Erdoğan's regime "has set back Turkey's human rights record by decades," restricting the freedoms of expression, association, and assembly, rolling back women's and LGBT rights, cracking down on the opposition and minorities. Nevertheless, President Erdoğan sent out a message on Human Rights Day in 2022 that extolled "respect towards humans and protecting human rights" as "basic principles of our deep-rooted state tradition and culture of co-existence dating back centuries". We may still take some comfort in the fact that like the veneer of formal democracy, all regimes have also been forced to adopt at least the discourse of human rights. Should we rejoice that no one dares to *openly* contest the legitimacy of human rights today?

3) My third sobering example suggests that this is hardly the case. Seven years ago, Hungarian Prime Minister Viktor Orbán gave a speech in which he warned against the external forces supporting migration and lashed out against human rights insofar as those could potentially lead to what he called “national suicide”. He dismissed human rights as mere “beautifully worded mumbo jumbo”, which should never be allowed to override the sovereign interest of protecting national culture and identity. Populist, soft-authoritarian leaders like Trump, Erdogan and Orban flaunt their credentials precisely by attacking international human rights treaties, and women’s rights, thus exposing the fragility of the liberal consensus that we until recently regarded as firmly embedded in unquestioned societal values.

These are often creeping transformations taking place under what I have called “soft authoritarian” practices that blur the line between democracy and autocratic regimes in that they slowly and subtly but systematically and incrementally, often imperceptibly hollow out liberal institutions using the formal legitimacy of large elected majorities. Democratic rights and the rule of law are thus dismantled and undermined by a “thousand cuts” [Tarun Khaitan] by instrumentally abusing the spirit of constitutionalism and law itself. This use of the law, courts, and parliamentary majorities deploys formally democratic and legal means quite effectively to dismantle minority rights, to redefine the demos or to restrict citizenships rights as well as to attack women’s reproductive rights.

At the same time, we also see how human rights have been renewed in the face of these serious challenges. Two powerful recent examples are the courage of Iranian women leading the movement for freedom and bodily autonomy and the resistance of Afghan women continuing to insist on their right to education. Just as the challenges to human rights span the Global North and South, so do

efforts to counteract them. Among the questions that I would like to pose and discuss with you are: What, then, might a truly global mobilization look like that would safeguard and deepen migrant's rights, women's rights, LGBTQI rights and reproductive rights? Secondly, given the use of the language of rights by opponents of women's reproductive rights in the name of the rights of the unborn child and the rights to motherhood, right to procreation, or opponents of LGBTQI rights in the name of the right to national cultural sovereignty, do we need to think of an alternative framing?

Finally, faced with new, unanticipated challenges, such as the recent pandemic or climate catastrophe, which threaten to divide humanity into a minority fortunate enough to possess the material and technological means of survival and a majority deprived of affordable, potentially life-saving vaccines or a habitable environment, should we broaden the rights agenda to include redistributive commitments? And if so, on what scale? Social rights (that is, social and *economic* rights) were historically just as central to the conceptualization of the Universal Declaration as political rights, but have shied away from issues of distributive equality, or rather, the prevention of ever-growing distributional inequality. One problem with the dominant regime of human rights is its indifference to the political economy of distributive justice beyond ensuring that basic needs are fulfilled. What kind of a more inclusive and ambitious agenda for social justice could we embrace instead? For example, the conventional framework of human rights is rather poorly equipped to protect individuals, let alone collectivities, from non-state actors, such as transnational corporations. And it may even be counterproductive to approach a wide variety of socio-economic problems in terms of rights when it is impossible to pinpoint specific parties or institutions responsible for, say, food insecurity, polluted drinking water, unaffordable housing or absence of action for climate justice. As Sally Engle Merry pointed out in her critique of these unjust, unequal conditions,

“To tell victims that they have rights does them little good. It simply places responsibility on them to mobilize and seek to improve their lot but does not articulate a collective responsibility”. As Sam Moyn has powerfully argued, human rights may have become an effective “global political language of long-distance solidarity,” but in the absence of planetary (re)distributive commitments this solidarity remains and rings rather hollow.

While much has been said about the causes and consequences of such hard and soft challenges to human rights, I would like to highlight a structural feature that often receives short shrift in contemporary debates: namely the role of demography. I wish to emphasize two interrelated facets. First, majoritarian electoral politics in which regimes seek to draw legitimacy based on the claim to speak in the name of the “pure” or “real” people or demos; coupled with whipping up historic or current ethno-nationalist grievances against minorities and migrants ( this is a feature we could call the “mimicry of marginality” (Ingo Warncke) by the ethnic or religious majority community). Second, demographic panics that are used to curtail women’s rights and reproductive autonomy in the name of an existential threat to the nation, couched in a rhetoric of demographic security. Together, these not only result in rights violations, but also justify them as necessary to ensure continued “national survival”.

State interventions into reproduction connect the personal to the personal. Questions of nationalism, immigration, citizenship and gender become inextricably entangled in the politics of procreation once the size and composition of the body politic is linked to body politics. Issues of reproduction and female fertility have always hinged on the relationship between state practices, capitalist economic structures, imaginations of the purity of the nation or the race. It is important to emphasize that even under the soft label of “family planning”, population policies and programs always were, and are, about planning someone

else's family.

The differential fertility rates of ethnic and religious majorities as compared to minorities or migrants have been politicized since the nineteenth century, when eugenic agendas entered discourses of maintaining or improving the quality, purity or intelligence of the population of one's nation or race. Calls for pro-natalist or anti-natalist policies were always selective in targeting the fertility of various communities differently. Fertility, mortality and mobility are always layered or stratified with respect to biopolitical or necropolitical questions of who should live or die, and who should reproduce within any given territorial space. Tensions over the definition of the nation and the demos thus foster what one may call an "intimate geopolitics" in which the capacity to reproduce is marshalled for the purposes of defending the nation through population numbers defined in terms of "us" and "them". In a majoritarian ethno-nationalist context reproduction *is* politics.

Many of the victories with respect to reproductive rights, which we once took for granted, are under massive attack in almost all parts of the world. Thus there is a selective use by various states of pro-natalist policies in western and eastern Europe as well as Central Asia just as selectively anti-natalist ones are advocated by south Asian governments or private American foundations in Africa. Interestingly most of these states have today turned births and fertility into an issue of so-called "demographic security", thus curtailing reproductive rights by placing the burden on women's bodies to reproduce an ethnically pure nation. In Foucauldian terms we could describe this as a case of disciplinary mechanisms that are also security mechanisms that allow a governmentality of the life processes of a population. These new discourses on demographic security remind us that the fear of falling birth rates of ethno-religious majorities and the anxiety about thus being outnumbered in the future by minorities or migrants are

part of a political imagination in which the demographic composition and imagined continuity of the nation is seen to be at stake. This is as true of Russia where Putin recently exhorted Russian women to return to the values of their grandmothers and produce 4-5 children, as it is of France, where Macron called for “demographic rearmament” to stave off the threat of the French dying out.

Currently hard-won rights like the right to abortion or contraception are equally under attack in Poland, Turkey, Macedonia as in the US. These rights may be often enshrined in law but are unobtainable in practice not only due to lack of resources or service provision, but more recently also due to the refusal of doctors to provide services on grounds of conscientious objection. The practice of refusing lawful services in the area of contraception and abortion, voluntary sterilisation and prenatal testing as well as infertility care and assisted reproduction using the argument of a doctor’s right to religious freedom strongly supported by the Vatican is thus pitted against women’s rights to reproductive health. Such a refusal to grant women’s rights also uses the argument of state sovereignty on so-called public morality issues that shields countries in the EU from an obligation to follow EU policy. We are witnessing not only a competing understanding of rights but also a moral discourse that in a thanatopolitical twist holds women responsible for the death of the nation.

Demographic panics, and thus population policies, are inextricably entangled with ethno-nationalist agendas, which shape ideas of both the quantity and quality of the nation’s population. Ideas about the optimum size of a nation but also who belongs to the nation have always been tied into anxieties fuelled by migration, as the white supremacist rhetoric of the “Great Replacement” reminds us. Fears of depopulation in Europe in the 19<sup>th</sup> century were described in terms of the “plague of the white race” faced by the “Yellow Peril” of fast breeding Asians, who, moreover, were rising up against white nations as in the Boxer

rebellion, the Russo-Japanese war and the establishment of the Congress Party in India against British colonial rule.

Let us fast forward to Italy a hundred years later. The very idea of so-called “empty cradles” or an Italian demographic “emergency” as propagated by the right-wing Liga, e.g., is based on locating immigrants and their children in a position outside the body politic, in fact, as a threat to it. However, such alarm is also not a just an Italian, French or Hungarian preoccupation. Danish policy makers have been so concerned about the country’s low birth rate that they have started to offer sex education classes focused on procreation rather than contraception. One travel company even advertised with a campaign called “Do it for Denmark!”, encouraging couples to take romantic holidays in order to procreate based on the statistic that Danes had 46% more sex while on holidays. A Swedish councilman recently tabled a proposal recently to offer the municipality’s 550 employees the right to a one hour long paid break each week to go home and have sex. He argued that it would give a nudge to the dwindling local population. Though there was consensus on the need to raise birth rates in the county and the country, opinion on the council was divided on this particular solution. The New York Times reported that while some felt that it would be difficult to enforce this measure since employees could well go for a walk during the subsidized sex break, others felt that one hour may not be enough for the intended purpose.

President Orbán announced several financial and tax incentives in an attempt to increase fertility of ethnic Hungarians including subsidizing the purchase of large 5-6 seater cars for families with 4 or more children. One could also see this is an indirect subsidy to German car makers, who are producing cars in Hungary due to tax concessions and cheap skilled labour that is rapidly in short supply due to emigration of educated young Hungarians. Using more drastic



language, President Erdogan in 2014 described birth control as “treason”. Appealing to Turkish women to have four children, he proclaimed: “*One means loneliness, two means rivalry, three means balance and four means abundance.*” A booming Turkish population in his view would be the most befitting answer to what he termed as the EU’s “vulgarism and antagonism”. He encouraged Turkish families in Germany to “*Go live in better neighborhoods. Drive the best cars. Live in the best houses. Make not three, but five children. Because you are the future of Europe. That will be the best response to the injustices against you.*” By shifting his reproductive gaze from the nation-state to that of the Turks as minorities in European countries, Erdogan inverts here the logic of majoritarian nationalism. One could call this a turn to “reproduction as politics”.

So far, I have made three related arguments:

- 1) Issues of minority rights and migration have been inextricably intertwined with pro-natalist population policies, or selectively anti-natalist ones directed at minorities, with a view to preserve the mythical continuity and “purity” of the nation. State control of reproduction is thus intertwined with nationalist agendas, either ethno-nationalist or cultural nationalist. The presence of minorities, however, small in number is perceived as a sign of incompleteness of the desired complete homogeneity of the nation, as Appaduria has forcefully argued in “*The Fear of Small Numbers*”.
- 2) Secondly, demographic calculations and designs, therefore, are never simply about quantity but always also about who should constitute the population, and thus the demos. Several eastern European politicians have blamed George Soros for the declining birth rate in their countries due to his support for NGOs working for women’s empowerment and LGBTQI rights. What they fail to mention is that population decline and skewed demographic age structures are also due to the large out-migration of millions of disappointed young people.

Being in a demographic minority with little chance to affect democratic agendas and outcomes, the well qualified and talented among the younger generation often choose to vote instead with their feet. In the absence of the potential for voice, they choose exit, to use Albert Hirschman's famous distinction.

- 3) Finally, reproductive governance, whether anti- or pro-natalist, implemented through coercion, propaganda or persuasion, through laws or financial incentives, curtails the autonomy of women to decide on whether, when and how many children they would like to bear. Shrill political rhetoric of nationalism, as well as seemingly neutral numbers, obscure the fact that reproductive governance was and is everywhere also about questions of gender, sexuality, about the desires and choices of women

Against this backdrop of the politicisation of procreation and the instrumentalisation of reproduction, let me conclude by reflecting on current challenges for the struggle for women's reproductive autonomy.

Reproductive governance must be seen in an imperial and neo-imperial framework marked by the interplay of national and transnational, public and private actors. The struggle for women's rights, reproductive rights and reproductive autonomy has seen significant transnational mobilisation in the past. Thus the weakness of a transnational women's movement in the face of the current backlash against these rights is a matter of serious concern. Two possible factors may be at play here. The successful institutionalization of women's rights may have also led to a certain loss of political momentum with regard to issues around which there were important and successful struggles earlier. Secondly, broad-based women's movements that won some of these rights through large-scale mobilization on the ground as well as in protracted legal battles, have been

gradually replaced especially during the 1990s by professionalized, advocacy NGOs that now define and defend women's rights. Has the struggle for women's rights shifted from the streets to the courts? What does this shift towards institutionalization, professionalization and juridification mean for the protection of reproductive rights especially in the face of a serious backlash?

Reproductive rights offer an important platform and a resource for collective mobilization and action. Despite specific international instruments enunciating the human right to reproductive self-determination as in the Cairo and Beijing Declarations, we are witnessing the social reproduction of rightlessness due to the growing strength of neo-Malthusian concerns with so-called "over-population" in some parts of the world that is seen to threaten the "carrying capacity" of the earth and of anti-migrant, ethno-nationalist and eugenics based efforts to increase population growth in other parts of the world. Demographic panic seems to be all about seemingly neutral numbers: about anxieties associated with too large or small a population, the optimal reproduction of the right kind of families, of regional demographic asymmetries or religious communities in imbalance. The global boat seems to be perceived as at once too full and too empty. Like the desperately desired but unreachable ideal weight of our individual bodies, no national body seems to attain, or maintain, the ideal population size either. So beset with deep anxiety and fears of demographic decline, or of too many Muslims but too few whites, is this schizophrenic global scenario that the German intellectual Hans Magnus Enzensburger aptly termed our condition as one of "demographic bulimia".