

# Krisis

Journal for contemporary philosophy

---

JACQUELIEN ROTHFUSZ

AWOR NAN TA YAMA NOS CRIMINAL! (AND NOW THEY CAN  
CALL US CRIMINALS!)  
CIVIL DISOBEDIENCE AND THE DUTCH-CARRIBEAN TOP 50

Krisis, 2012, Issue 3

[www.krisis.eu](http://www.krisis.eu)

*Ta ken a mata nos? (Who has killed us?)*

*Makamba! (The Dutch!)*

*Ta ken a horta nos? (Who has stolen from us?)*

*Makamba!*

*Ta ken a gaña nos? (Who has lied to us?)*

*Makamba!*

*Ta ken a bende nos? (Who has sold us?)*

*Makamba!*

*Awor nan ta yama nos criminal! (And now they call us criminals!)*

– MC Pester, 1993. (Cited in: van San 1998: 256).

## The Top 50

‘...and so in this way the Caribbean people all retreat and they no longer trust anybody. You see? They stay within their own group, you know, and they do everything amongst themselves. You see, their own work...doing their own things, if anybody comes to them, you know, he has got to have

good reasons to mix with them and be able to prove it.’<sup>1</sup>

Groups of noisy Dutch-Caribbean men are frequently hanging around on the streets of Groningen, talking to each other in Papiamentu. Occasionally they flirt with girls passing by and often they are tinkering with their cars, while listening to loud music from the car radio. They hardly make any contact with people outside their own group. Police, social workers and many other professionals attempt to turn them into assimilated citizens, but almost never successfully. Their distrust of native Dutch people, and especially of institutions, appears to be strong. Most of these men belong to the ‘Top 50’.

The ‘Top 50’ refers to a list of the most problematic Dutch-Caribbean men in Groningen. To be included, a person must be Dutch-Caribbean, a repeat offender, jobless, dependent on benefits and in debt. These people often lack a permanent place of residence, a proper education and a stable relationship as well. Several professionals who work with these people, such as social workers and the police, have compiled this list. They called these men the ‘Top 50’, although the number of people on the list may vary.

The men in the ‘Top 50’ choose not to participate in mainstream society, but they do not explain why. Often their behaviour is labelled as criminal. I want to discuss, however, whether this behaviour can also be regarded as some kind of civil disobedience.

I want to use the ‘Top 50’ as a test case for the relevance of the concept of ‘civil disobedience’ in contemporary pluralistic democracies. I will begin by discussing Rawls’ and Arendt’s thoughts on civil disobedience. Using the work of Foucault, van Oenen and Žižek, I have uncovered two problems in Rawls’ and Arendt’s ideas. In the first place, many protest activities are not actually addressing government. In the second place, political protests often present ambiguous and unreasonable arguments to express discontent. Finally, I will use the ‘Top 50’ case to argue why the limits of civil disobedience need to be reconsidered.

## Civil Disobedience

Rawls and Arendt are considered to be the authoritative classic authors on civil disobedience. Rawls based 'A Theory of Justice' on the idea of a social contract (Rawls 1971). In his thought experiment, free and rational subjects are situated behind a veil of ignorance, where they deliberate about what the correct rules are in a just society. These subjects are similar to the Kantian rational modern subject. They are supposed to be universal citizens, lacking specific ethnic or historical roots, who are capable of deciding upon just principles for all. Based on those principles, the majority decides which laws and policies have to be put into effect. All citizens are participating in the implementation of these principles. A just society has to be democratic, according to Rawls, because democracy enables an open dialogue between citizens about the way society should be organized. According to Rawls, in a dynamic, pluralist society, government should justify its fundamental political choices in such a way that citizens from different backgrounds may be reasonably expected to accept them (Rawls 1999). This can be achieved by founding basic laws upon public reason. In 'What is enlightenment', Kant introduces the distinction between public and private reason (Kant 1784), a distinction that is adopted by Rawls. Private reason relates to a specific sub-set of the public as a whole, to specific religious convictions for example, which are not shared by the whole population. Public reason, however, is built on common sense, noncontroversial results of science and facts. As a result, Rawls reckons it to be acceptable for all reasonable citizens. But even majority rule, justified by public reason, may contain injustices, because the interests of minorities may be overlooked. In order to rectify this problem in near just societies, Rawls introduces civil disobedience in his theory of justice. This may serve to correct majority rule in a democracy, because minorities can signal injustices by being civilly disobedient and propose solutions to repair those injustices. John Rawls defined this concept '...as a public, nonviolent, conscientious yet political act contrary to law usually done with the aim of bringing about a change in the law or policies of the government.' (Rawls 1971: 364).

In the classic examples of civil disobedience, people protest against unjust laws and policies by addressing government. A clear example is Thoreau's

refusal, in 1840, to pay taxes, in order to protest against an unjust war. Gandhi's protest against the British rule over India is another classic example. A more recent one is the civil disobedience of the feminist punk rock band 'Pussy riot'. They gave a very short performance in Moscow's Cathedral of Christ the Saviour, in which they jumped around, punching and kicking, with colourful balaclavas over their heads, crying: 'Mother of God, chase Putin away!' After less than a minute church security men stopped them. Afterwards, a Russian court convicted them of hooliganism and they received a prison sentence. In this way, Pussy Riot made a political protest that was clearly directed at Putin, the Russian Prime minister, and the Russian Orthodox Church, which represents patriarchy and supports Putin. The band's protest was non-violent and the members accepted the legal consequences, although some of them fled the country. The conviction and imprisonment resulted in massive international attention for their political dissent.

Arendt values civil disobedience as a safeguard for plurality in society. In her essay 'Civil disobedience', she distinguishes civil disobedience from other examples of disobedience to the law (Arendt 1972). According to Arendt, people who enact civil disobedience should be distinguished from conscientious objectors, because conscientious objection is an individual statement, whereas civil disobedience is practiced by a group. Conscience is personal and a moral dilemma is primarily an intrapersonal, apolitical conflict. It is about being a good man. However, Arendt states that in civil disobedience the dilemma is between being a good citizen by obeying the law or disobeying the law because the law is unjust. Civil disobedience is a political conflict between objectors and the state. Arendt also distinguishes civil disobedience from criminal activities. Criminals avoid the public eye, whereas practisers of civil disobedience act out in the open. Moreover, criminal behaviour differs from civil disobedience because criminals act for their own benefit only.

'Civil disobedience arises when a significant number of citizens have become convinced either that the normal channels of change no longer function, and grievances will not be heard or acted upon, or that, on the contrary, the government is about to change and has embarked upon and persists in modes of action whose legality and constitutionality are open

to grave doubts.’ (Arendt 1972: 74)

Rawls and Arendt make a clear distinction between civil disobedience and other illegal acts. However, their conditions are rather strict. In order to categorise an act as civil disobedience, it must focus on governmental laws and policies. Furthermore, the protest has to be non-violent, based on conscience and substantiated by public reason. In Kant’s footsteps, Rawls considers citizens to possess universal reason, which enables them to think for others. Arendt differs from Rawls because she also takes the fundamental value of plurality into account.

Rawls’ and Arendt’s stringent conception of civil disobedience may have the effect of turning it into a rather elitist choice. Consequently it may cause us to overlook the political impact of protest signals that are not clearly articulated, or explicitly presented as resistance against the law or policies of government. In the last decade, we have been confronted with several manifestations of social discontent that do not fit Rawls’ and Arendt’s criteria. Often these manifestations are labelled as criminal or disruptive behaviour. As a result, elements of social critique are being overlooked. Therefore, I want to question the boundaries of the concept of civil disobedience, as proposed by Rawls and Arendt.

## Localization of the opponent

I want to question the requirement that civil disobedience is always directed at the laws and policies of a local or national government. In the last section, we have seen that, on the one hand, Rawls’ theory is liberally oriented in the sense that it gives people equal opportunities in designing their lives. On the other hand, van Oenen remarks, there is supposed to be ample room for government intervention (van Oenen 2011). Power and resistance seem to be connected to the relation between citizens and the government they have chosen. Thoreau, Martin Luther King, Gandhi and Pussy Riot clearly addressed their civil disobedient acts at the government and its policies. Several recent protesters, however, did not. The Occupy movement, for example, strives for social change. Local groups have dif-

ferent priorities, but these are all related to changing the economic structure and power relations. These groups consider large corporations and the global financial system to be their opponents. In our neoliberal democracy, according to the Occupy movement, these institutions favour a small financial elite at the expense of the majority of the people, ‘the 99%’. From the perspective of the Occupy movement, the economic interests of big companies prevail over the political decisions made by democratically chosen representatives. Therefore, ‘the opponent’ is no longer a government as such.

## Governmental power and disciplinary power

Foucault offers tools for correcting Rawls’ centralistic model. In *Discipline and punish*, he distinguishes between two models of power: sovereign and disciplinary power (Foucault 1975). Sovereign power is used in the relationship between a sovereign and his subjects, whereas disciplinary power structures everyday life. The latter normalises people, so they will fit into the format of ‘normality’, the domineering norms in their historical context. In this way, Foucault was decentralising power. Whereas Rawls’ theory of justice focuses on a central government, Foucault provides tools to recognise power and resistance in other places. Disciplinary power is a central element of the welfare state, a model of a state that intervenes in social processes. In order to do so, structures are developed in which citizens are the constant object of observation and evaluation. The boundaries between public and private become blurred because of the politicisation of private life and private relations. Biopower produces the modern subject. Whereas resistance against sovereign power is directed at the sovereign, or, in a parliamentary democracy, at government, resistance against a normalising power may be much more diffuse. People can resist being moulded into normality by stepping out of the system, if possible. Because normalising power is everywhere, not only in government but also in places like schools, hospitals and prisons, resistance can emerge anywhere and take many forms. The idea of normalising power enables us to conceive of the refusal to participate as resistance against dominant norms. In this way, the anti-psychiatry move-

ment in the eighties, which questioned the need to be ‘normal’ and tried to label madness as a positive experience, can be described as resistance. Willis offers a detailed account of ‘counter-school culture’, in which working class kids use several tactics to avoid learning, such as truancy, doing no work while being in class or making practical jokes at the teachers’ expense<sup>2</sup> (Willis 1983). All these actions can be explained as a form of resistance against the normalisation that takes place in schools. While normalisation strategies are aimed at incorporating people in the format of normality (Foucault 2008), deviant groups develop various counter-strategies that can be conceived of as social criticism.

## Democracy and interpassivity

In addition to the omnipresence of normalising power, the process of democratisation is also decentralising power. Citizens become more involved with the political process, as they are able to take part in discussions about policies. This is in line with Rawls’ ideas on the ideal society. Democratisation, however, can also contribute to a sense of alienation and impotence. The classic descriptions of civil disobedience predominantly come from Western Europe and North America in the seventies of the last century. This was a time in which many different groups struggled for emancipation: students were campaigning for participatory democracy in universities, for example in Paris in May 1968; feminists were trying to liberate themselves from the shackles of household work and child rearing; black people, with leaders like Martin Luther King, were fighting for equal rights, for example by going on marches or actions like taking a bus seat intended for whites. In addition to these emancipatory struggles, many people protested against the War in Vietnam. Rawls and especially Arendt were motivated by the post-war urge to fight totalitarianism and this political activism inspired their description of civil disobedience. As a result of the protest movements in the seventies, political participation in the Western world has grown. We can conclude that civil disobedience worked as a correction to the shortcomings of democracy, as it was intended to do. In the last decades, however, the political landscape has changed. According to van Oenen, the political culture of emancipation,

characterised by a high level of interactivity, has gone too far (van Oenen 2010). A counter-emancipatory turn into interpassivity, the inability to act on norms that the subject himself has chosen, has emerged. Van Oenen argues that citizens have become increasingly involved in policy-making, in order to attend to their own interests as well as to deliberate about social goals (van Oenen 2011). Citizen-participation leads to a strong focus on the democratic process, instead of on the ideals and results. People can take part in the deliberations, but the results remain unclear (Van Oenen 2006). According to van Oenen, the political dream in the United States used to be ‘a machine that would go of itself’, an organic metaphor of a sensitive system, encountering relays, feedback and control. It has changed, however, into ‘a machine that goes by itself’, a mechanical metaphor for a process that works without external corrections. Many citizens have mixed feelings about political participation. On the one hand, they do not feel as if they are in control, on the other hand they are so heavily involved that there is no way to address their discontent. After all, they themselves were the ones who made these political choices. Maybe this is the reason why so many recent political protests have been much more diffuse than the ones in the seventies, with their ideals being hardly recognisable. In this way, perfecting the democratic process may lead to alienation. This, in turn, may lead to diffuse expressions of unease about the political situation, as a clear opponent is lacking.

As a result, people may vote for ‘protest parties’, which play a significant role in several western countries. These parties, such as the Danish People’s Party in Denmark and the PVV of Geert Wilders in the Netherlands, set anti-European and xenophobic goals and pretend to offer a way out with a return to national values and the national currency. Most voters of the PVV, however, say they do not agree with the aims and strategies of the party at all. Some even remark it would be an atrocity if the PVV plans were to be realised. By voting PVV, they mainly want to send a signal that, for example, there are problems linked with the multicultural society, and express their distrust of the political elite (Aalberts 2012). Even as the Dutch and Danish belong to the wealthiest people in the world and consider themselves to be among the happiest people on earth, according to self-report questionnaires (OESO 2011), a lot of them are not striving for political ideals. In elections, their choice is determined by dissent and

their vote is a protest vote. So even if a political party is quite explicit in its policies, the parliamentary democratic system can be used for ambiguous protest signals. Where less than a century ago women and black people in western democracies were fighting for the right to vote, many citizens now give their vote to a party that does not represent their ideals, or refrain from voting altogether. This is far from the ideal rational citizens, in Rawls' theory, who deliberate, based on public reason.

The meaning of these conflicts changes by including in the conception of civil disobedience conflicts that are not specifically directed at government, but have a more diffuse character. If, for example, we label the refusal by the 'Top 50' to participate in mainstream social arrangements as a partly political act, we can no longer put them away as criminals who isolate themselves from society. In this way we can pull their encounters with social workers into the realm of the political. The conflicts have a meaning that is relevant for the political context, and appeal to other citizens to re-assess the justness of their arrangements.

## Reasonable arguments

Rawls argues that actors should be serious, sincere and have a moral conviction in order to be classified as civil disobedient. Disobedient citizens should present public reasons that can be derived from a reasonable political conception of justice, sufficient to support their unlawful behaviour. I want to question whether civil disobedience can only be accepted if it is well-argued. Is violence always incompatible with civil disobedience? Should riots or movements in which people express their resistance against the social-political situation always present substantial arguments and unambiguous political goals in order to count as civil disobedience? Should the protesters be constructive in changing the political situation? On several occasions, activities have been labelled as social protest, even when the aim was ambiguous or even quite unclear.

## Violence

Kaulingfreks analyses the political meaning of urban violence by groups of young men, who hang around in problematic neighbourhoods in Utrecht and Paris (Kaulingfreks 2009). Media and policy papers portray the behaviour of these men as incomprehensible, elusive, threatening and opposing the political ideal of participation. In this way, these groups are labelled as outlaws. Kaulingfreks, however, argues that what might appear as aimless violence could also be conceived of as a form of social engagement. The refusal to be incorporated can, as such, be interpreted as a critique on a society that these men experience as unjust.

Unlike the Parisian students in May 1968, rioters in the Parisian suburbs in 2005 were not making demands, carrying banners or formulating explicit political messages. They were burning cars instead. Evidently these riots were not firmly based on social criticism or substantial arguments, nor did they meet the criterion of non-violence. Only the expression of their discontent was clear. Žižek describes these actions as 'Neither offering a solution nor constituting a movement for providing a solution' (Žižek 2008). Their aim was to create a problem, to signal that they were a problem that could no longer be ignored. 'This is why violence was necessary' (Žižek 2008: 66). Žižek labels the behaviour in riots like these as 'subjective violence', which is different from the 'normal' situation. This should be contextualised, however, against a background of 'objective violence', which is inherent in the normal state of things. Objective violence is similar to what physicists call 'dark matter', the context in which we live; we do not recognise it as such. Žižek distinguishes two types of objective violence: symbolic and systemic violence. Symbolic violence is present in language, in the universe of meaning. Language can divide people by assigning different labels to them, which may result in different opportunities. Systemic violence consists of the consequences of economic and political systems. If we consider violence to be 'always already present' and thus determining which opportunities individuals get, subjective violence is no longer a fundamental break from the normal situation. It can be placed on a continuum between verbal and non-verbal acts, which can all be more or less violent. Burning cars may thus be a logical reaction to symbolic and systemic repression.

Roy makes a similar argument, when she analyses the relationships between the Indian government and minority groups in the province of Kashmir (Roy 2009). According to Roy, the interests of big companies determine Indian politics. In her eyes, the Indian neoliberal democracy is far from perfect since it became associated with the free market. ‘What happens now that democracy and the free market have fused into a single predatory organism with a thin, constricted imagination that revolves almost entirely around the idea of maximizing profit?’ (Roy 2009: 2). Those opposing the progress of the free market, mainly poor Indians, are labelled as criminals, gangsters, Maoists or terrorists. In this way, their activities are criminalised and excluded from the political debate. The poor Indians can only choose between resistance and surrender. If they do not leave their land voluntarily in order to make space for dams or industrial plants, the Indian army evacuates them from their territory. Dissenters are frequently prosecuted in court. According to Roy, the combination of progress – interpreted as economic determinism – and union – interpreted as ethnic, religious and national uniformity – forms a dangerous mix in India. This results in the marginalisation of minority groups, such as Muslims, Adivasis and Dalits. In this manner, the poor lose their chance to employ non-violent civil disobedience in order to express their discontent. Referring to Gandhi’s non-violent protests, which are classic examples of civil disobedience, Roy asks how people who are already starving can carry out a hunger strike, how people can boycott foreign products if they do not have the money to buy things, and how someone can refuse to pay taxes if he does not earn anything. Here again, as in Žižek’s work, the origin of violence is assumed to lay in the situation in which the protesters are living, in the policies of government and, closely related to that, in the power of big multinational companies. They change the environment in such a way that it becomes unfit to live in. Water is polluted, land is dispossessed and the course of rivers is changed in such a way as to cause droughts, floods and landslides. These conflicts are usually in remote areas, such as Kashmir, where they are kept from the public eye.

## Diffuse goals

As we have already seen in the case of the rioters in Paris in 2005, several protest groups do not always present clear goals, based on public reason. They often express their discontent with society in a diffuse way. The Occupy movement wants to reconsider the economic structure, but the precise goals vary from place to place. In London, in the summer of 2011, a peaceful protest against the police killing of a 29-year-old Afro-Caribbean resident of London escalated into extreme riots, arson and looting. Journalists and scientists offered many interpretations, just as in the case of Paris in 2005. Should we understand this sudden unrest as moral decay, expressed as a need for excitement and an opportunity for looting by bored youngsters? Or as a social protest? But then, a protest against what? Against the increasing social and economic inequality in the UK? Against the rising youth unemployment? Against the moral decay of the rich and powerful? As a black protest against years of frequent ‘stop and search’ actions, particularly of young black men, by the police, combined with continuing social deprivation, growing unemployment and a feeling of a lack of opportunity? As a general discontent with the police? Unlike in Paris 2005, the rioters were not specifically marginal citizens with poor prospects. Some of them were successful students from wealthy families. One of the prominent activities in the London 2011 riots was looting. The criminologists Hall and Winlow offer as an additional explanation for this behaviour the suggestion that the rioters were of the ‘post-political’ age, as proclaimed by neoliberals (Hall and Winlow 2012). Citizens are no longer motivated by political ideals, such as equal rights. They do not identify themselves as people who adhere to specific ideals; instead, society is dominated by consumer culture as the source for personal identity. According to Hall and Winlow, this explains why the rioters did not express their discontent with marginalisation and injustice in political terms, but started looting. As Arnon Grunberg wrote, nowadays, the one and only ideal is the latest iPhone. We may conclude that protesting against the social-political order may take many forms. In many cases, arguments and solutions are not reasonable and remain unclear, but the actions obviously signal the dissatisfaction of the parties involved. These signals have a political meaning, which should be taken seriously in the political discourse.

## The Top 50: a controversial case of civil disobedience

Returning to the Dutch-Caribbean men, also known as the ‘Top 50’, who spend their days hanging around on the streets, it seems clear that Arendt’s and Rawls’ conception of civil disobedience does not include their behaviour as they do not present any explicit political ideals that aim at changes in laws or policies. They refuse to assimilate and this makes them clash with neighbours and several professionals in social care and law enforcement. I want to argue, however, that their discontent should be given voice in the political discourse.

In the period between 2009 and 2012, several students<sup>3</sup> and I interviewed people who belonged to the ‘Top 50’ or were personally or professionally involved with them. I also studied policy papers on this group, in order to get more insight into the practices which were used to normalise the behaviour of the ‘Top 50’ and the ways in which they reacted to these attempts (Rothfus 2012). In policy papers and in the media the ‘Top 50’ is usually described as a problem for society. One social worker mentioned that it is remarkable nobody ever mentions anything positive about this group<sup>4</sup>. The behaviour of this group is usually not considered to have a political aspect and the men themselves do not pretend to be acting politically either. Their motives definitely include non-political ones, such as material profit or status seeking. Although some men in this group live on welfare and have considerable debts, others earn a lot of money in illegal activities such as coke dealing. Their expensive cars and golden necklaces are often more tempting for young Dutch-Caribbean men than the prospect of a decent job, offered by the social workers. Several activities that others experience as annoying are quite normal in Caribbean culture. Living on the street, talking loud, showing off valuable possessions such as cars and scooters or gold chains, or neglecting strict appointments are quite acceptable in Caribbean culture. And for people who do not have a lot of money, it is quite normal to avoid expensive garages and repair their car on the street instead. By labelling this behaviour as deviant, Caribbean culture is placed outside the ‘normal’ social order. In some cases it is even criminalised, as assemblies have been banned on the square where the men used to meet. Though much effort is invested in involving these men in ‘normal’ social life, they retreat into their own social habi-

tat, which can be conceived of as a counterstrategy to normalisation strategies.

The ‘Top 50’ does not express explicit social critique. However, in interviews many Dutch-Caribbean men, including those who are integrated and successful citizens, mentioned experiences with discrimination and unfulfilled promises by public services and employers. This resulted in distrust of white Dutch people in general and the administration in particular. The wife of a former ‘Top 50’ Dutch-Caribbean told about her experiences with rehabilitation:

‘In general, he always went to the probation officer properly and I always accompanied him and, well, in court they said he didn’t show up, so then he was really angry. Because he, I knew myself because I always accompanied him because I am a person of ‘appointments should be kept’... Once they visited me at home, but his scooter was in front of the door, so I put it inside in the evening, but next to my house it was perfectly tidy, quite clean, and this probation officer, he wanted to write a report and he said: “Oh, you made it perfectly tidy here with the four kids” and this and that and he wrote a report and in court they said: “Yes it is a big mess and the scooter was in the room, not the perfect environment for kids”.’<sup>5</sup>

Another example was the availability of a ‘tinkering workplace’ on an industrial site. The council provided a place where the ‘Top 50’ could tinker with their cars without annoying neighbours. It was a great success. In Foucault’s terms, it could be explained as an effective disciplinary strategy. The ‘Top 50’ was separated from their neighbours and in the workplace they created their own social order, where the men corrected deviant behaviour of other participants. However, the council closed the place, because of a change in financial priorities. What annoyed the participants most was not the fact that it was closed down, but the fact that it was closed down before the end of the project period upon which they had agreed. Due to experiences like this, some of the Dutch-Caribbean men lost their faith in the social system. In interviews with the ‘Top 50’ and people who are involved with them, it becomes clear that they withdraw into their own group and try to become invisible for the administration and for professionals who try to assimilate them into a regular life

style. In this way, disciplinary control is hampered. This might be interpreted as an expression of discontent with their place in Dutch society. Even though the 'Top 50' does not give a political dimension to their refusal to assimilate, there are other Dutch-Caribbean men who do so by pointing to the blind spots in the perception of the 'Top 50'. The rapper MC Pester, who is cited at the beginning of this article, expresses their discontent. In this rap, which was written in 1993, after police officer Nordholt declared that fifty per cent of all street robberies in Amsterdam were committed by people from Dutch-Caribbean and Suriname descent, MC Pester is trying to change the perspective. Contrary to what the police and the public thinks, people like the 'Top 50' are not the (only) criminals, he says. Like Žižek, he signals the objective violence that is already present, both in history and in present society. In this way, he provides a context for the 'Top 50', which is absent in most analyses of their behaviour. The think-tank OCaN, an advisory board of integrated Dutch-Caribbeans, has been asked for advice by the government (OCaN 2007). They pointed out that defining the 'Top 50' problem as an exclusive problem of a group of Dutch-Caribbean men causes a blind spot for the contemporary and historical relations between this group and the white majority in the Netherlands. Most men in the 'Top 50' grew up in a poverty culture in which they had few means to influence their own situation. Their presence in the Netherlands and their social position are the result of a long history of slavery and exploitation in Curacao. Although the Dutch used to be very active in the Atlantic slave trade, slavery has never been a major issue in the Netherlands (Oostindie 1995). In the eighteenth and nineteenth centuries, Dutch authors defended the slave trade with an appeal to its economic profitability, but also because the slaves were considered to be lazy, unreliable, lascivious and lacking a normal family life. These stereotypes are still present in the dominant image policy makers, the media and many non-Caribbean people use when talking about the 'Top 50'. Still, the slavery past remains a subject that is hardly present in the white Dutch consciousness. On the other hand Oostindie argues that slavery still plays a crucial role in the way Afro-Caribbeans think of themselves and of contemporary issues, such as racism and social achievement (Oostindie 2008). The different valuations of history may contribute to the afore-mentioned distrust of the Dutch-Caribbean people. Recognition of this black page in Dutch history might contribute to the restora-

tion of mutual trust. Thus, the refusal by the 'Top 50' to participate may open the eyes of the white Dutch people to injustices in history and in the present.

In 'Justice, Deviance and the Dark Ghetto', Shelby discusses the critics of poor people in black ghettos in the United States, who demand that they take greater 'personal responsibility' for their choices in life (Shelby 2007). They want them to stop blaming the government for their problems. Shelby examines whether the situation in black ghettos can be considered to be a near just society. He points out how those who grow up there are disadvantaged by material deprivation and institutional racism. Shelby refers to Rawls, who makes a distinction between two types of injustice: on the one hand, the injustice of institutional arrangements in a society in which the basic structure is just, and on the other hand injustice in a society in which the conception of justice only serves the interests of the corporate and political elite. Shelby argues that in the first situation non-violent civil disobedience, as practiced in African-American activism by people like Martin Luther King, may help to make fellow citizens aware of the difference between political ideals and reality. If the political ideology mainly supports the elite, however, other means may be necessary and justified to convince the majority. In the case of the 'Top 50' of Dutch-Caribbean men, we may doubt if the situation in which some of them grew up, in a poor neighbourhood in Willemstad, Curacao, or in a broken family in a Dutch suburb, provided them with sufficient opportunities in life. Their social context is part of the problem.

## Conclusion

According to Rawls the role of civil disobedience is:

'[...] to address the sense of justice of the majority and to serve fair notice that in one's sincere and considered opinion the conditions of free co-operation are being violated. We are appealing to others to reconsider, to put themselves in our position, and to recognize that they cannot expect us to acquiesce indefinitely in the terms they impose upon us.' (Rawls



1971: 382-383)

In order to reach this goal, Rawls' definition of civil disobedience should be expanded by including ambiguous social critique into the political discourse. In his theory, Rawls acknowledges the plurality of societies. In the hypothetical original position, the subjects behind the veil of ignorance are cut loose from their historical and cultural context (Rawls 1971). In his description of political deliberations in a democracy, Rawls is attempting to overcome the conflicts involved in different comprehensive doctrines, by presenting the ideal of public reason (Rawls 1999). This ideal is based on the idea of a universal reason that is supposed to be convincing for all citizens. Based on the cases described in this article, however, I want to argue that plurality is a fundamental aspect of modern societies, which cannot be exceeded by a universal reason that is acceptable to all citizens. This is in line with Arendt, who pleads for plurality instead of undivided sovereignty. Homogeneity is fatal for democracy, according to Arendt, whereas conflicts fortify it. According to Arendt, civil disobedience is an important factor in strengthening the democratic process by limiting the authority and sovereignty of the state (Arendt 1972 and Hannah Arendt Center 2011). It raises the awareness of injustice and, as Kaulingfreks argues, outlaws – people who are placed outside the dominant order – are often the ones to offer opportunities for innovation (Kaulingfreks 2009). So, civil disobedience is a valuable contribution to society. Part of this value is lost if the lines are drawn too rigidly, expelling protest and utterances of discontent that are not clearly addressed to governmental laws and policies, as well as unreasonable and sometimes violent actions from the political discourse. These actions and this behaviour signal situations which, according to the people involved, are serious infringements of the principle of equal liberty or of an equality of opportunity, the first and the second principle of justice (Rawls 1971). In this way, these actions can help us to reassess the moral parameters of our society. Furthermore, the times and circumstances have changed since Rawls and Arendt wrote their classic accounts, and this has resulted in a change of political power strategies. I want to argue that this consequently also results in different counterstrategies, which should be recognised as such. On the other hand, I would not like to include all forms of disobedience into the realm of the political. Dealing drugs, looting shops

and fighting the police are often mainly criminal activities, devoid of political meaning. Shelby warns that 'The urban poor should not be demonized, stigmatized, or otherwise dehumanized, just as surely as they should not be romanticized' (Shelby 2007: 160). The same applies to the other cases that have been mentioned. The line between criminality and civil disobedience should not be drawn too strictly, by assigning activities exclusively to the criminal or the political realm. Instead of a sharp dividing line, a broader borderland should be identified, in which politically recalcitrant behaviour can contain both political and non-political elements. By listening to the political messages in unruly behaviour we can bridge the gap between different groups and enhance the opportunities for the improvement of democracy.

Jacquelien Rothfusz<sup>6</sup> is a senior lecturer at the Hanze University of Applied Sciences in Groningen, in the programmes of Applied Psychology and Social Work and is a member of the Labour Participation Research Group. She has published books on professional ethics and integration of immigrants. She is a PhD candidate at the University of Groningen, in the Faculty of Philosophy, Practical Philosophy research group. Her PhD supervisor is Prof. dr. R.W. Boomkens and her second supervisor is dr. L. Polstra. Email: [j.g.rothfusz@rug.nl](mailto:j.g.rothfusz@rug.nl)

## References

- Aalberts, C. (2012) *Achter de PVV* (to be published) as cited in: Dool, P. van den (2012) 'Meeste PVV stemmers zien niets in voorstellen Wilders.' *NRC*, 2012, 9 August [viewed 10 August] <http://www.nrc.nl/nieuws/2012/08/09/meeste-pvv-stemmers-zien-niets-in-voorstellen-wilders/>
- Arendt, H. (1972) *Crises of the republic*. San Diego, New York, London: Harcourt Brace & Company.

# Krisis

Journal for contemporary philosophy

Jacquelien Rothfusz – Awor nan ta yama nos criminal!

Hannah Arendt Center Bard College (2011) Civil Disobedience & O.W.S. [viewed 12 August 2012] <http://www.hannaharendtcenter.org/?p=2705>

Kant, I. (1784) 'Beantwortung der Frage: Was ist Aufklärung?' In: *Berlinische Monatsschrift*. Dezember-Heft 1784: 481-494. [viewed 3 October 2012] <http://www.unipotsdam.de/u/philosophie/texte/kant/aufklaer.htm>

Kaulingfreks, F. (2009) "'Rebel without a cause" anno 2009'. In: *Tijdschrift voor Humanistiek*. 10/2009, 37, 44-53.

OCaN (2007) *Adviesrapport OCaN. Change the mindset. Ter bestrijding van bijzondere armoede en sociale uitsluiting onder Antillianen en Arubanen*. [viewed 7 June 2012] [www.kennisnetwerkantillianen.nl/dsresource?objectid=164832](http://www.kennisnetwerkantillianen.nl/dsresource?objectid=164832)

Oenen, G. van (2006) A machine that would go of itself. *Theory & Event*, 9/2006, 2. [viewed 14 August 2012] [http://Muse.jhu.edu/journals/theory\\_and\\_event/v009/9.2vanoenen.html](http://Muse.jhu.edu/journals/theory_and_event/v009/9.2vanoenen.html).

Oenen, G. van (2010) Three cultural turns: how multiculturalism, interactivity and interpassivity affect citizenship. In: *Citizenship studies*, 14/2010, 3, 293-306.

Oenen, G. van (2011) *Nu even niet! Over de interpassieve samenleving*. Amsterdam: Van Genneep.

OESO (2011) *OESO, your better life index 2011* [viewed 15 September 2012] [www.oecdbetterlifeindex.org](http://www.oecdbetterlifeindex.org)

Oostindie, G. (1995) 'Same old song? Perspectives on slavery and slaves in Suriname and Curaçao'. In: Oostindie, G. (ed.) *Fifty years later. Antislavery, capitalism and modernity in the Dutch orbit*. Leiden, KITLV Press, 143-178.

Oostindie, G. (ed.) (2008) *Dutch colonialism, migration and cultural*

*heritage*. Leiden: KITLV Press.

Rawls, J. (1971) *A theory of justice*. Original edition. Cambridge Massachusetts: Harvard University Press.

Rawls, J. (1999) *Collected papers*. Cambridge Massachusetts: Harvard University Press.

Rothfusz, J. G. (2012) 'Hanging around in suburbia. Understanding normalizing power in professional relationships with Dutch Caribbean migrants'. In: *Journal of Social Intervention*, 21/2012, 2, 63-82. [viewed 3 September 2012] <http://www.journalsi.org/index.php/si/article/view/284/266>

Roy, A. (2009) *Field notes on democracy. Listening to grasshoppers*. Chicago: Haymarket Books.

San, M. van (1998) *Stelen en steken. Delinquent gedrag van Curaçaose jongens in Nederland*. Amsterdam: Het Spinhuis.

Shelby, T. (2007) 'Justice, Deviance and the Dark Ghetto'. In: *Philosophy & Public Affairs*, 35/2007, 2, 126-160.

Willis, P.E. (1983) *Learning to labour. How working class kids get working class jobs*. Aldershot: Gower Publishing Company.

Winlow, S. and S. Hall (2012) 'A Predictably Obedient Riot: Postpolitics, consumer culture, and the English riots of 2011.' In: *Cultural Politics*. 8/2012, 3, 465-488.

Žižek, S. (2008) *Violence*. London: Profile Books.

© This work is licensed under the Creative Commons License (Attribution-Noncommercial 3.0). See <http://creativecommons.org/licenses/by-nc/3.0/nl/deed.en> for more information.

<sup>1</sup> Interview with Dutch-Caribbean man who supervises Top 50 Dutch-Caribbean's. Translation by the author.

<sup>2</sup> Surprisingly these tactics and the corresponding values become the ideal preparation for a life in the working class, according to Willis (1983). Here resistance turns out to have a normalizing effect.

<sup>3</sup> These students were studying social work or applied psychology at the Hanze University of Applied Sciences.

<sup>4</sup> In interviews, several neighbours, however, were neutral or positive about the presence of these men in their streets. Some reported that the liveliness of the neighbourhood was greater because of their presence and some remarked how the plurality in the neighbourhood improved tolerance, which made them feel freer to go out in casual wear, for example. Others however reported harassment and criminality, such as bicycle thefts.

<sup>5</sup> Interview with Dutch-Caribbean partner of a (former) 'Top 50' man. Translation by the author.

<sup>6</sup> The author would like to thank all interviewees and interviewers for their involvement; René Boomkens for his supportive and critical supervision; Marieke Borren and other members of the Practical Philosophy research group at the University of Groningen, the participants in her presentation at the 7th Annual International Interdisciplinary Conference of the Centre for Applied Philosophy, Politics and Ethics of the University of Brighton and Louis Polstra for their critical feedback on several versions of this article; the Hanze University of Applied Sciences and the University of Groningen for providing funding for her PhD research; Helena Vis for transcribing the interviews; Hermien Lankhorst for editing this paper; Lastly, she is grateful to René Gabriëls, Robin Celikates and the anonymous peer reviewers of *Krisis* for their valuable comments.