

International Relations Begin at Home: A Humanitarian Learning Lesson from the Kingdom of Denmark

Prof. Dr. Anja Matwijkiw *

Indiana University Northwest, Gary, IN, U.S.

Dr. Bronik Matwijkiw **

Southeast Missouri State University, Cape Girardeau, MO, U.S.

Abstract

Extreme measures to reduce the number and cost of refugees and immigrants belong among the recent examples of the Kingdom of Denmark's illiberal responses to crises in the wake of third party armed conflict. Politically, the process of tightening the law and having a transparently unwelcoming attitude towards foreigners began in 2001, at least according to some experts on Danish foreign policy, e.g. Thomas Gammeltoft-Hansen. While the causes are controversial, the effects are clear. Denmark is undercutting its own history. However popular the current VLAKE-coalition government's Minister of Immigration, Integration and Housing may be among the Danes, the ongoing series of restrictive policies cannot but result in Red Flags. Irrespective of any motivationally deeper or underlying reasons for their adoption, the relevant legal and other measures constitute international relations events and changes; and, as such, they affect the order among states. In terms of regional and global politics, the question is whether there is an analogy between post-2013 Qatar and post-2001 Denmark? More precisely, the question is whether Denmark should be listed under past as opposed to present "small and influential states"? By using Mehran Kamrava's work on Qatar as a platform for a role reversal

* Professor of Professional Ethics & Human Rights, Department of History, Philosophy, Political Science & Religious Studies, Indiana University Northwest, Gary, IN, U.S. amatwijk@iun.edu

** Lecturer of Philosophy, Department of Political Science, Philosophy & Religion, Southeast Missouri State University, Cape Girardeau, MO, U.S. bmatwijkiw@semo.edu

claim, the authors present a muted subtle power argument for the need to downgrade Denmark, too. Furthermore, a tension between the official Danish image and the climate of cultural values in Denmark creates a complex us versus them disconnect which, in turn, makes it possible to provide or, more to the point, explain some aspects of the evidence for the state's precarious human rights capacity. Part of the argument derives from pre-2001 literary whistleblowing concerning Danishness – a strategy that accords with the popular Danish Minister's own use of satire as a truth-recognition methodology.

Keywords: Denmark, international relations, refugees and immigrants in general, restrictive policies, satirical measures, subtle power.

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Anja Matwijkiw *

Bronik Matwijkiw **

Introduction: From the “Small and Influential” State Phenomenon to Power Regression (Qatar) and Role Reversal through Restrictive Policies (Denmark)

In his article, “Qatari Foreign Policy and the Exercise of Subtle Power,” Mehran Kamrava presents an argument against realpolitik notions and categories in international relations that is as theoretically interesting as it is practically important, especially if true beyond too categorical Perception is Reality interpretations. In the case of certain small states, so Kamrava begins his argument, a transition from traditional soft (as opposed to hard) as well as smart power to modern and so-called “subtle power (Kamrava 2017:92)” has occurred.² Using

* Professor of Professional Ethics & Human Rights, Department of History, Philosophy, Political Science & Religious Studies, Indiana University Northwest, Gary, IN, U.S. amatwijk@iun.edu

** Lecturer of Philosophy, Department of Political Science, Philosophy & Religion, Southeast Missouri State University, Cape Girardeau, MO, U.S. brmatwijkiw@semo.edu

Qatar as his paradigm, Kamrava goes on to identify the source of Qatar's emergence as a subtle power state in, inter alia, the country's role as an "influencer (Kamrava 2017:92-3)" and, qua this branding, as a valid analogy to the "great powers (Kamrava 2017:97, 103-4)" that otherwise constitute the Primary Political Players in international relations.³ More concretely, Kamrava refers to Qatar's participatory transformation between 1995 and 2013. During this period of history, Qatar proceeded as a stakeholder that (pro)actively affected regional and global politics as opposed to being "relegated (Kamrava 2017:93)" to (the business-as-usual place of) the passive recipient of *their* foreign policy through one or more of the implied hard power (realpolitik) determinants: size of territory and/or population, military strength, wealth and/or economic capability, and stability.⁴ As an influential player, Qatar implemented a strategy that combined "a highly calibrated and carefully maintained policy of hedging; an equally aggressive global campaign of branding; significant capacity on the part of the state; and prudent use of the country's comparative advantage in relation to neighbors near and far (Kamrava 2017:94)" in a way that enabled Qatar to pursue *our* vision.⁵ In terms of power, therefore, Qatar's success can be viewed as a byproduct of the country's ability to set the agenda, that is, to shape the preferences of other states. Given that Qatar managed to secure such a Persuader Ace in an international context, it follows that the overall power balance shifted proportionally, thereby also redefining the place of (hard) winners versus (non-hard) losers.

One constant in the game between small-and-influential states vis-à-vis the great powers is prestige. As a meta-stake, this is "derived from and commensurate with norm entrepreneurship (Kamrava 2017:112)" or "from brand recognition and developing a positive reputation (Kamrava 2017:114)" or, for that matter, from any other tactic that produces a goodwill gain consistent with a favorable perception. Both theoretically and practically, the main points are that (i) prestige operates as a factor at the deeper (interpretation) level of state conduct and interaction and that (ii) prestige, *if used effectively*, may result in advantageous outcomes – for Self (cf. that individual state). In conclusion, so Kamrava's argument entails, it is possible to compensate for (a country's small) size – and even to assume a leadership status. In the case of Qatar, this coveted stake was co-facilitated by image-

building in targeted areas, namely mediation and conflict-resolution as an instance of “doing the right thing (Kamrava 2017:116)” (cf. norm entrepreneurship) for the purpose of establishing a positive reputation as a “good citizen (Kamrava 2017:114)” within the regional and global community (cf. alliances) and, as far as the national and, in stakeholder terms, more narrow interest of Qatar was concerned, securing a presence on the international stage (read: an ongoing opportunity to exercise subtle power).⁷ Rather than consolidating its progress after 2013, however, Qatar discontinued the combined strategy and, as a consequence of this (mis)step, the country was, once again, relegated to the margins of power politics.

The 1995-2013 case of Qatar’s success is rendered particularly interesting through the fact that it not only contradicts the traditional realpolitik link between power and size (although it does confirm the one between wealth and influence), but it also applies regardless of any considerations having to do with democracy. Even in the modern era – where global institutions like the United Nations (UN) engage in pro-democracy advocacy as an integral part of its rule of law philosophy – democracy cannot be construed as a necessary premise for subtle power.⁸

The question is, though, if a democracy loses out in circumstances where internal practices and policies must be said to contradict its official image, however well-established in the eyes of the world community?⁹ To take the example of Denmark, which Kamrava also mentions in his thought-provoking and synergetic power typology and analysis, the authors wonder if this country has to accept a substantial subtraction of its small-and-influential state status on account of the recent series of changes in the government’s responses to political crisis in the wake of third party armed conflict? More precisely, is Denmark’s treatment of foreigners, that is, refugees and immigrants in general an area that can invalidate prestige-ascriptions in circumstances where other states approve of the various developments?¹⁰ Although the authors think that it is possible to substantiate such a claim, they gravitate towards a special assumption in the case of Denmark: that prestige is not made to matter in international relations. Therefore, it would be naive, at best, to take too much for granted in this stakeholder regard.¹¹

While a positive reputation and (the implied gain in terms of) prestige may have operated as actual sources of subtle power in the past

and, furthermore, while Denmark may have been a forerunner or role model on “issues related to gender (Kamrava 2017:100),” the influence which the Nordic country in question amassed as a consequence may, upon scrutiny, reflect a primarily pragmatic interest.¹² Even if it did incorporate central elements from idealism (cf. vision), the consideration of the other gender (i.e., women) may still not correspond to an adequately persuasive stake in international justice. The potential paradox is as follows: On the one hand, Denmark may have promoted equality in the area where sexism used to prevail (cf. issues related to gender) and, with this, the official premise of men’s superiority may have changed. On the other hand, Denmark may have overplayed equality in one important sense, meaning that the path towards inclusion and non-discrimination was paved without the right kind of intention behind the initiative (cf. *mens rea*), viz., to maximize fairness at home *and* at the same time influence other states “to do the right thing” abroad.¹³

As a potential paradox, the hypothetical scenario works as a thought-experiment, a way of challenging Kamrava’s (too diplomatic) lack of a distinction between a good citizen in international relations that acts on the basis of principle and one that tends to disregard (by virtue of its irrelevancy) ethics in the game of politics. The point is that on a realist and traditional interpretation (cf. *realpolitik*), the reproduction of the current state of affairs as an incentive and indeed end-goal must be accommodated.¹⁴

An approach that allows a mixed or, per Kamrava’s terminology, combined analysis does not commit experts on international relations to subscribe to an assessment which imports normativity without any regard for a particular player’s (read: country’s) own way and outlook. Furthermore, and again concerning Denmark, the authors of this article wish to transfer some of Kamrava’s insights and findings to the discussion of Denmark’s response to political crisis in the case of refugees and immigrants in general and the manner in which global stakes like interdependency and humanity have been handled or, according to some observers and commentators, mishandled.

Certainly, it is not possible to derive a domestic preference for recognition as a global good citizen if Denmark’s response to political crisis is viewed on the basis of international humanitarian standards.¹⁵ To the contrary, the Danish government has embarked on a

comprehensive effort to reduce the number and cost of foreigners, including displaced people from other countries whose populations are otherwise victimized by war or armed conflict.¹⁶ Besides using the law as an instrument in ways that have been compared to the regime in Nazi Germany, the popular Minister for Immigration, Integration and Housing, Ms. Inger Støjberg has often defended Denmark's response, just as Denmark's justification of the implied restrictive policies "has long [and] openly (Gammeltoft-Hansen 2017:109)" consisted in a reference to *our* "desire to avoid asylum-seekers (Gammeltoft-Hansen 2017:109)."¹⁷ As one of the chief architects of the anti-refugee movement, Støjberg also launched a scare campaign in the Middle East the objective of which was designed to target refugees from Syria, i.e., to deter them from going to Denmark *in spite of* their status-related need for security and protection.¹⁸ In addition, Støjberg has posted one of the single most controversial drawings from a 2005 satirical cartoon serial about Islam on her iPad and thrown cake parties to celebrate her various victories in the fight against the foreign threat to Denmark and being Danish (cf. Danishness).¹⁹

The political paradigm-shift is indisputable; and Denmark is a *primus motor* for policy-making initiatives in other states.

Assuming that it is correct to claim, as Kamrava does, that different types of power may "reinforce (Kamrava 2017:112)" each other or, alternatively, cause a condition of general anemia through their shared absence of positive "drive (Kamrava 2017:121)," the implied negative re-branding of Denmark strictly translates into the loss of at least two soft power elements and effects, respectively "values expressed in a nation's culture (Kamrava 2017:105)" and "examples set by internal practices and policies (Kamrava 2017:105)."²⁰ Depending on interpretation, a recall of the third integrated source (cf. "the way a nation handles its relations with others (Kamrava 2017:105)") may have to be added to the list. If the modern criteria from the UN's contemporary approach to the rule of law are applied, no state can escape accountability for practices that ignore considerations having to do with legitimate statehood, or which turn other states into instruments for their own narrow stakeholder interests, or both.²¹

In the next section, the nature and scope of the restrictive policies will be detailed in the context of Thomas Gammeltoft-Hansen's account. Furthermore, the political and legal pattern of Denmark's new course is

going to be clarified with a view to understanding the (subtle power agency component of) the government's grand strategy as well as distilling the practical implications of this general game plan.

Denmark's Transition from Progressive to Reactionary Policy-Making: The Dual Strategy

Like Kamrava, Gammeltoft-Hansen describes Denmark as a country that warrants mentioning in connection with a discussion of states that have acted as forerunners or role models. However, unlike Kamrava, Gammeltoft-Hansen is skeptical about Denmark's contemporary contribution to the area of issues related to gender, as will also be made evident in this section. Gammeltoft-Hansen does mention foreigners, though.

According to Gammeltoft-Hansen's analysis, Denmark has historically been perceived as a liberal country in the area of "asylum policy and the protection of refugees (Gammeltoft-Hansen 2017:99)," especially on account of the fact that Denmark was the first country to sign and ratify the 1951 Convention Relating to the Status of Refugees, but also because it avoided the restrictive policies other states adopted in the wake of the "asylum crisis (Gammeltoft-Hansen 2017:99)" in the 1980s and instead introduced the 1983 Aliens Act.²³ While the 1983 Aliens Act was *not* politically motivated, again according to Gammeltoft-Hansen, by a legislative agenda to be more liberal than in the previous 1952 Foreigners Act, the implied formal and procedural measures "to regulate existing practice properly (Gammeltoft-Hansen 2017:102)" in the area of refugees and immigrants in general nevertheless resulted in substantive provisions for "positive right[s] (Gammeltoft-Hansen 2017:101)," *inter alia*, rights to asylum and to family reunification, just as it improved the legal guarantees for foreigners "in particular asylum-seekers (Gammeltoft-Hansen 2017:101)" with regard to removal from the country. At the same time, the 1983 Aliens Act made balancing provisions for control of immigration via administrative competencies to issue rules to reject asylum-seekers at the border in cases of mass influx and to deny asylum under certain conditions.

Less than two decades later, and beginning in 2001 according to Gammeltoft-Hansen, Denmark's overarching objective consists in an

attempt to tilt the weight-scales and make a “U-turn (Gammeltoft-Hansen and Malmvig 2015)” in favor of a new course. Thus, rather than continuing its liberal and progressive course, the country’s government has subjected the 1983 Aliens Act to 93 amendments between 2002 and 2016, first and foremost to aggressively politicize the issue of refugees and immigrants in general and, for the same reason, capitalize on various fear factors which, in turn, help to (re)incentivize the Danish electorate to vote once again for Støjberg’s coalition government together with right-wing supporters like the Danish People’s Party.²³ Admittedly, some of the amendments “relate to more technical matters (Gammeltoft-Hansen 2017:102)” or “reflect a requirement to adopt international law, in particular EU law (Gammeltoft-Hansen 2017:102).” Such norm-harmonization apart, Denmark’s domestic policy-making has been consistently and unambiguously geared towards a “hard line(Gammeltoft-Hansen 2017:109, 118)” response on behalf of the “non-frontline(Gammeltoft-Hansen 2017:104)” state in question.

As pointed out by Gammeltoft-Hansen:

[As a Nordic country, ...] Denmark is on the one hand geographically removed from the direct pressure that several south and east European countries face from irregular immigration, and it is at least partially insulated from the effects of secondary movement of asylum-seekers due to the Dublin System. On the other hand, as a Scandinavian welfare state subject to the EU’s law of free movement and wedged between Germany and Sweden – two of the most popular destination states in Europe for asylum-seekers in recent years – Denmark remains particularly vulnerable to secondary movements of asylum-seekers within Europe (Gammeltoft-Hansen 2017:104).

In response, the Danish government decided to engage in a unilateral effort to “discourage asylum claims or divert them to other countries (Gammeltoft-Hansen 2017:105).” In order to adopt such non-entrée policies, Denmark took advantage of the country’s “greater freedom (Gammeltoft-Hansen 2017:118)” compared to other member states, viz., its legal opt-out with regard to EU cooperation in the area of “justice and home affairs (Gammeltoft-Hansen 2017:102, 104, 118).”²⁴

In practice, the implied recovery of sovereign maneuverability has been

invested in a pre-emptive strike, which is partly designed to trump “legal geography (Gammeltoft-Hansen 2017: 118)” constraints. More precisely, Denmark has implemented a “dual strategy (Gammeltoft-Hansen 2017:106)” of indirect deterrence and border control – in order to secure that refugees do not enter Denmark and its realm of jurisdiction *in the first instance*. In this way, the responsible policy-makers’ aspiration is to be One Step Ahead of (secondary movements of) asylum-seekers, with a view to keeping them out and away. When the pressure on Europe’s borders was at its highest in 2015, Denmark arguably pushed the envelope in that the mass influx of people was not fingerprinted but passed through the country, although this strategy did not prevent Denmark from returning people “based on fingerprints (Bendixen 2017a).”⁷⁴ The point is that this simple but important tool is a cornerstone in the Dublin System, which includes Denmark. Denmark’s support of the Dublin System, so it appears, is precariously conditional on a numerical calculation that enables the state to keep the rejection rate higher than the acceptance rate; and this is the case, of course, if it transfers “three times as many asylum seekers to other EU countries as it accepts asylum seekers’ transfer from other EU countries (Bendixen 2017a).”⁷⁵ If the statistics ceased to be in accord with the political interest in *proactively and drastically lowering the number and cost* of refugees (cf. pre-emptive strike), Denmark would predictably withdraw its support. Similarly, Denmark is refusing to accept “U.N. quota refugees (Thomsen 2017).”⁷⁶ Furthermore, Denmark is threatening to exit the Dublin System all together in the event that a reform proposal to make the acceptance of quota refugees an integral and distributive solidarity component of the agreement cum protocol. Restrictive measures with non-entrée effects have also been synergized with Denmark’s membership of the Schengen area, e.g., in the form of temporary border controls (thereby upending the concept of free movement enshrined in the relevant 1985 treaty).⁷⁷

On Gammeltoft-Hansen’s premises, Denmark has been “part and parcel (Gammeltoft-Hansen 2017:103)” of developments to shift the burden to third parties, thereby also securing an “out of sight–out of mind (Gammeltoft-Hansen 2017:110)” effect. For example, Denmark’s support of EU efforts to secure an agreement with Turkey is motivated

by its inbuilt preventive measures as regards the influx of refugees.” In practice, the relevant arrangements serve to “block (Gammeltoft-Hansen 2017:103)” onward travel and/or contain refugees in place P (where P is a placeholder for “first country of arrival (Gammeltoft-Hansen 2017:103)”) and, ipso facto, block access to place P’ (where P’ stands for the destination state) and, with this, block access to asylum in P’. Translated into legal and restrictive terms, the ideal state of affairs not only entails enforcement of “first country of arrival” but also “safe country of origin (Gammeltoft-Hansen 2017:103)” and “safe third country (Gammeltoft-Hansen 2017:103)” measures because *together* they effectively close the so-called procedural door by virtue of constituting “grounds for rejecting asylum applications from applicants who came from or through such countries (Gammeltoft-Hansen 2017:103).” It is noteworthy that such inter-state arrangements “tend to link cooperation on border control to broader foreign policy arrangements regarding transnational crime, development assistance, trade privileges, labour immigration quotas and visa facilitation (Gammeltoft-Hansen 2017:103).” This suggests that a country like Denmark is first and foremost interested in reducing the number of refugees. Furthermore, it is willing to assume the cost of development assistance to countries in return for the favor or service they render.”

The effect of Denmark’s dual strategy can be summarized, in Gammeltoft-Hansen’s expert opinion, as a case of “institutionalised schizophrenia (Gammeltoft-Hansen 2017:110).”

An elaborate rights regime was maintained for those lucky enough to arrive, while at the same time developed states were doing everything in their power to ensure that the vast majority of the world’s refugees would never reach their territories (Gammeltoft-Hansen 2017:110).

If refugees have already arrived, Denmark’s regime include measures which, on closer scrutiny, seem to significantly subtract from the alleged luck factor and which, by extension, may therefore also help to explain why Denmark is *not* listed among “the most popular destination states in Europe for asylum-seekers (Gammeltoft-Hansen 2017:104).” For example, Gammeltoft-Hansen mentions “deliberately delayed or protracted processes to determine refugee status (Gammeltoft-Hansen

2017:107).” Compared to “time limits for submitting asylum applications (Gammeltoft-Hansen 2017:103),” the use of bureaucratic obstacles and indeed obstructions to justice signal the occurrence of intentional wrongdoing in terms of structural violence, whereas time limits prove that a particular formal and restrictive procedure is prioritized in circumstances where the applicants otherwise belong to a group of vulnerable stakeholders, according to the UN. “Decency, dignity and respect on the basis of humanity is inconsistent with treatment that aims to, as it were, outmaneuver victims of war and armed conflict, thereby in effect subjecting them to secondary victimization.

The negative rights effects are obvious and, unfortunately, not limited to a relatively small subset of problems and challenges. As already pointed out, indirect deterrence involves measures designed to discourage asylum claims or divert them to other countries. Therefore, making conditions for asylum-seekers and recognized refugees as “unattractive (Gammeltoft-Hansen 2017:100, 108)” or “unappealing (Gammeltoft-Hansen 2017:118)” as possible is a key strategy. It appears that Denmark is very successful in this regard. Consequently, the actual number of asylum-seekers has been drastically reduced.

In 2017, 3,479 persons applied for asylum in Denmark, and 2,390 cases were opened. This is around 300 per month, and this level has been very stable since spring 2016. It is the lowest number in 9 years, and a steep fall compared to the previous years (Bendixen 2018a).

Measures that are designed to send a Stay Away! or (if refugees have already arrived) Go Home! message include legal as well as other measures. In several cases, Denmark has tried to use non-legal measures to warn about the restrictive and legal measures that await refugees upon arrival. One example is the Ministry of Immigration, Integration and Housing’s international scare campaign of 2015. In a negative advertisement for Denmark, the following wording was published in Lebanese newspapers:¹⁶

The Danish immigration authorities are informing about changes of conditions regarding residence in Denmark being implemented by the new Danish government.
Denmark has decided to tighten the regulations concerning refugees in a number of areas.

The Danish Parliament has just passed a regulation to:

-Reduce the social benefits significantly. The social benefits for newly arrived refugees will be reduced by up to 50 percent.

The government will maintain and ensure that:

- Foreign nationals granted temporary protection in Denmark will not have the right to bring family members to Denmark during the first year.
- Foreign nationals can only be granted a permanent residence permit after 5 years at the earliest. Prior to this they risk having their residence permit revoked.
- In order to obtain a permanent residence permit in Denmark there are language requirements in terms of the ability to speak and understand the Danish language.
- When an application for asylum is regarded manifestly unfounded it is refused in accordance with a particularly expedited procedure.
- All rejected asylum seekers must be returned quickly from Denmark.
- There is a special return centre to ensure that rejected asylum seekers leave Denmark as quickly as possible (Damkjær 2015).

The “regulation” mentioned in the scare campaign is L 87 of 26 January 2016.

The fact, according to the Danish government, that there is a causal link between the scare campaign, the drastic cut in social benefits and the lower numbers of refugees and immigrants in general has been highlighted in public fora and conferences as well as the mass media. In the press statement that accompanied the 2017 figures, Støjberg exclaimed:

I am in no doubt that our strict line on immigration has become known well outside of our borders, and that is exactly the effect I wanted (Barret 2018).

She went on to say that:

I have never been in doubt that refugees differentiate between what welfare goods they can get in different European countries, and the government has now put a stop to the Danish gift shop(Barret 2018).

The drastically lower(2017) number of asylum-seekers has also been said to owe to the “Jewelry Law (Bilefski 2016)” which allows the

police to search refugees and seize their assets. The assumption behind this measure was the same as the one behind the closure of the Danish gift shop. While going through the alleged “travel catalogue (Damkjær 2015)” of countries and differentiating between the various welfare states, refugees made careful calculations. The Minister counted on these while being one step ahead of the refugees – first and foremost refugees from Syria whose comparatively higher number translated into higher cost. The underlying reasoning was that people did not arrive to share the economic goods they possessed. Instead, they wanted to maximize *their own* gain – by selecting a more tolerant (read: generous) country.

The end-goal, namely a drastically reduced number of refugees, has also been instrumentally secured with the introduction of “temporary protection status” in 2015.³⁵ Refugees, who are granted this status, are given one year whereupon their protection needs are subjected to review. The Danish scare campaign incorporated this legal measure because Syrian refugees were the main target of the relevant part of the law, which was deliberately designed to deter refugees from seeking asylum in Denmark in the first instance by making conditions in Denmark as unattractive or unappealing as possible.³⁶

Yet another effective policy cum legal measure can be found in the much tighter and (in terms of non-discrimination) problematic law for family reunification.³⁷ Once again, the scare campaign is informational to the extent that it describes the (unattractive or unappealing) conditions that await potential refugees. In particular, Syrian refugees in Denmark with the new temporary protection status are faced with a difficult choice between ensuring their own safety and that of any children or spouses still remaining in Syria or first country of asylum. To make matters worse, since most Syrian men and their families are granted “Convention status (Gammeltoft-Hansen 2017:117)” as conscientious objectors, the temporary protection status predominantly affect women and children. In practice, it follows that the relevant measure may also have “an arbitrary gender bias (Gammeltoft-Hansen 2017:117).” If so, this necessitates a proportionate recall of Kamrava’s claim that Denmark’s is a (liberal) model for issues related to gender.

In addition to the more restrictive measures for permanent residence (as also mentioned in the scare campaign), Denmark has introduced fees in the event that refugees do eventually apply – after the minimum

waiting period of six years. The tacit assumption is that it is appropriate to treat refugees like Danish Green Card applicants: people who hope to improve their social and economic conditions by residing in Denmark. Besides language requirements, the government has now adopted “full-time employment (Gammeltoft-Hansen 2017:106; Bendixen 2017b)” requirements. The language requirements have also been coupled with special constraints for people who live in ghettos, that is, areas whose population consists mainly of refugees and immigrants in general. For example, children in such areas *must* attend Danish nurseries if a 2018 proposal for a law to end the “parallel society... without Danish values (Larsen, Kaus, Nygaard 2018)” is adopted, whereas children outside of ghettos are not subjected to the same requirement because the assumption is that non-ghettos are culturally and socially pro-Danish environments in which parents are therefore able to attend to their own children’s needs, if they so choose. Given that employment requirements can be subsumed under the “structural factors (Gammeltoft-Hansen 2017:112)” that matter for refugees, together with safety, personal and cultural networks and a good human rights record, strong and pre-existing compliance incentives seem to pull in the direction of a perfect match between the positive pro-employment attitudes of refugees and the government’s requirements. However, appearances are deceptive. According to Gammeltoft-Hansen, refugees are at a serious disadvantage concerning access to the labor market. As a consequence of the ways in which they are blocked, *inter alia*, through a prior lack of access to education, the risk of destitution is a factor in the accumulative social and economic harm that ensures for the already victimized stakeholders.

Indirect deterrence not only impacts on the core rights of asylum-seekers and refugees, it is also more likely than other forms of deterrence to affect efforts at integration negatively (Gammeltoft-Hansen 2017:100).

In the light of this, any realistic foundation for an expectation of success in the case of refugees and immigrants in general is missing, thereby shifting the focus from integration to repatriation. As emphasized by Gammeltoft-Hansen, indirect deterrence policies structurally set up vulnerable stakeholders for failure. E.g., “automatic national dispersal policies (Gammeltoft-Hansen 2017:117)” deliberately and negatively

impact non-discrimination (for job-seeking refugees in the asylum phase) as well as well as the protection conditions.

Thus, the evolutionary pattern of the course in Denmark resembles a more or less undeclared War on The Other. Certainly, the Minister of Immigration, Integration and Housing, Støjberg has played on the fear of The Other, for example, by warning the Danes against the dangers of religious extremism, of Islam to be precise. Very recently, Støjberg had one of Kurt Westergaard's 2005 satirical drawings from a controversial cartoon serial that depicts the Prophet Muhammad with a bomb in his turban reprinted on Facebook media, *as if* this could serve to reconcile different stakeholders with different opinions about respect. Støjberg even went so far as to put the relevant drawing on her own iPad while entirely disregarding the foreign policy crisis that the original publication caused. Some international media responded with indignation in the wake of Støjberg's action. E.g., the German Deutsche Welle called the initiative "racist (Janjevic 2017)" and an instance of "Islamophobia (Janjevic 2017)."³⁸ In so far as the Minister's approach to the area of asylum policy and the protection of refugees is one that emphasizes particular political effects and outcomes, the criticisms misfired – and she went on to praise the civil and political rights that empower and entitle her to openly and transparently express her opinions as a non-Muslim. The Minister added that she was disappointed to learn that Skovgaard Museum in Viborg, Denmark, did not exhibit the very same drawing in their 2017 exhibition on blasphemy since the Danish Reformation. – She referred to "freedom (Reuters/Independent 2017)" as the value that required the (right form of) decision, at least following her own assessment and sense of appropriateness.³⁹ One of the premises for this related to the truth that (again according to her interpretation) could be found in the satirical drawing cum cartoon, namely that some Muslims are willing to go to extremes, to resort to physical violence to promote their cause. After this, the fact that she republished the satirical measure appears to function as a corrective remedy of Danish cultural entities (cf. Skovgaard Museum) that allegedly *should* have used their equal freedom in the exact same way she did.

In 2017, Støjberg celebrated fifty measures that "tightened (Fancony 2017)" the refugee and immigration area with a large cake upon which the number "50" was written next to an edible confectionary Danish flag. The symbolism was unmistakable – and the New York Times was among the media outlets that reported on the "populist backlash against

migration (Bilefski 2017).” By January of 2018, a total of sixty-seven (67) measures had been adopted within a three-year period (2015-2018). Meanwhile, Støjberg publicly announced that “it is not unnatural to celebrate political victories (Persio 2017).”

Internationally, observers and commentators responded with statements that partly confirmed the problem with Europe’s mass influx of refugees and partly highlighted the radical and de-constructivist humanitarian role that Denmark is proud to play, if at all possible, as a zero-sum game. For example, in the process of linking the “passive-aggressive tactics (Delman 2016)” (as opposed to a ban on asylum) with Denmark’s human rights predicament by virtue of being a member of the EU and a party to multiple conventions,⁴⁰ The Atlantic noted that:

Denmark’s reputation as Western Europe’s least attractive country for refugees—[is] a hard-earned title at a time when many of its neighbors are tightening border controls as people continue to flee conflicts in the Middle East, North Africa, and elsewhere (Delman 2016).

Under the headline, “Denmark already has a Muslim ban. It was just called something else (Brown 2017),” The Washington Post could not but link the Danish government’s anti-refugee and anti-immigration initiatives with the kind of xenophobia that specifically targets people from Muslim countries (cf. the Middle East and North Africa).

Rather than being critical of conformity with a politics of intolerance, the example has gained momentum. Gammeltoft-Hansen blames the anti-refugee and anti-immigration policies on “right-wing (Gammeltoft-Hansen 2017:110)” forces and dynamics, but the responsible political parties also include the Danish Social Democratic Party. Apparently, being in favor of restrictive measures is something that is directly linked with the welfare state ideology:

[T]here is a fundamental contradiction between a very liberal immigration policy and the survival of the welfare state. A welfare state simply cannot afford anything other than a restrictive immigration policy if welfare arrangements are to remain at a reasonable level. This has now been fully agreed upon by the Danish Social Democratic leadership (Nedergaard 2017).

Therefore, it is not just permissible to withhold a (welfare) state’s protection capacity in competitive circumstances that pose a threat to the resources that are needed for Danish citizens’ welfare, such as a

humanitarian crisis;⁴¹ it is required to be *first and foremost* ideologically reasonable, thereby relegating the implied No Solidarity responses concerning other people in need (refugees and immigrants in general) to non-welfare states, which may choose a more inclusive cum liberal arrangement on the basis of considerations having to do with respect and dignity on the basis of humanity. Obviously, if the Danish welfare state is ideologically unwilling although practically able to render assistance in a crisis because temporary measures threaten “our reasonable welfare” defined as the (same) level of welfare that is enjoyed here and now at time t, the (realpolitik) rationale and logic of human rights is seriously undermined. It is more likely than not that some sacrifices have to be made, a concession to minimal altruism. Welfare state prescriptions, so it appears, necessitate an opting-out from the international conventions that otherwise regulate regional and global politics.

The expert observer went on to comment that:

There are also certain indications that a similar change is in the pipeline in the other Nordic Social Democratic parties (Nedergaard 2017).

Irrespective of whether the Danish Social Democratic Party is paving the path for an inter-Nordic social democratic consensus in favor of a conservative welfare state response, the overall pattern is clear. The support for Denmark’s illiberal course is in place. Furthermore, other states are adopting similar policies and measures, including the Nordic countries. Denmark has emboldened them and, consequently, the restrictive signal is introducing a collective re-branding trend that may eventually change international (customary law via) the notion of state practice. For the same reason, talk about Denmark as the sole Nordic defender of “Trumpism (Motta 2016)” is rendered superfluous.

Ironically, the influence that this may secure is also a potential source of failure for the state. The point is that the kind of nation re-branding that is involved in the various initiatives to communicate, advertise and market a country as “a bad place to be” may be counterproductive in circumstances where other negative image-projecting states conform systematically.⁴² If the number is high enough to extinguish the “beggar-thy-neighbour Gammeltoft-Hansen 2017:100, 108, 114, 117” effect which would otherwise result from indirect deterrence and which

provides Denmark with its incentive to pursue the strategy, the restrictive signal becomes self-defeating.

Without the prospect of a win-win, Denmark may be better off in the long-term if its government was willing to rethink the way it currently manages Denmark's reputation. Viewed from a pragmatic perspective, Denmark has demonstrated – while Leading by Example – that indirect deterrence cannot be written off as a strategy that merely serves symbolic purposes. It is not just a matter of (illiberal) political rhetoric or paying lip service to a populist demand “to do something.” Indirect deterrence that utilizes negative nation branding is empirically effective up until a certain point. More precisely, indirect deterrence repeats the challenge from amoralism. While unpersuaded by an agenda about “doing the right thing (as a matter of principle),” the amoralist nevertheless relies on a morally upright community as a “parasite (Williams 2004:3)” in the pursuit of profit and/or power. The last thing the amoralist, A, wants is for The Other, B, *to be like A* (Self).

Besides a spillover effect on tourists and investors, the trend-setting implications of Denmark's post-2001 strategy encompass “wanted labour migration (Gammeltoft-Hansen 2017: 117).” Various other types of collateral damage that affect individuals within the domestic jurisdiction, e.g., “restrictions on a wider group of national citizens (Gammeltoft-Hansen 2017:117)” also count as unintended consequences. Qua restrictions, the relevant effects translate into setbacks of rights.

On condition that Denmark is serious about downplaying its past idealism where international law and human rights were made to matter, the future presents a picture of a state that is making a “bad to worse” transition, inter alia, with an illiberal interest in limiting the power of international courts. If Denmark becomes exempt from the relevant legal constraints, it also gains free passage to reclaiming any liberal policy-making decisions that concern resource-allocation. This may be perceived as a high priority in the light of the fact that the German Constitutional Court ruled, in 2012, that asylum-seekers and refugees are entitled to the same level of benefits as German citizens. To the extent that the shared stake in “a humane level of subsistence (Spiegel 2012)” pertains to protection of basic needs, the ruling accords with the EU's integrative approach to the legality (as of 1 December 2009, as recognized in the Lisbon Treaty) of all human rights-conferring

norms.⁴³

As pointed out by Gammeltoft-Hansen, the Beggar-thy-Neighbor effect may be consistent with measures to assist other people in humanitarian need in their own place (read: at home) or, alternatively, outsourcing humanitarian initiatives (to Turkey, et al). However, if the underlying perception is that international public stakes are *not* consistent with national self-interest, the UN's global good citizen vision will be negated in a proportionate relationship to the state's unwillingness to proceed on non-Westphalian premises. Any intention to separate the public (cf. the shared interests of the global community) and private (cf. domestic stakes) domains predates the expectations of the modern post-World War II era. Furthermore, ethics does not belong on an agenda that subtracts minimal decency as a direct consequence of the implied insincerity pertaining to cooperation. The transformative role of ethics in international relations is first and foremost mediated by recognition and protection of intrinsically superior (legal and political) meta-norms like "You should give other stakeholders equal consideration on the basis of human needs." In the modern era, legitimate statehood is regulated by (the public stakes in) humanity and interdependency (as opposed to state-centricity) *for the same reason*. In turn, this is why the legal and political order is (first and foremost) interpreted as a global community. Economics may make protection of human rights practically impossible in certain places, but the rights themselves continue to exist and emit normative stimuli until the duties are fulfilled. Therefore, the least states can do is to contribute to programmatic strategies that aim at provisions that guarantee the objects of the rights. Ethical and indeed legal integrity assigns direction-posts for sovereignty or, per Gammeltoft-Hansen, sovereign maneuverability that match or at least do not discord with those guarantees. The point is that the responsibility to protect befall all states, and that the standards of justice ultimately derive from the "right reason (Matwijkiw and Matwijkiw 2013:353) rationale" that aims to combat practices that "shock the conscience of humanity (Matwijkiw and Matwijkiw 2013: 353). Conflict and subsequent crisis may be the outcome of different causes, but their effects are clear in terms of the most serious violations, namely violations of basic human rights. In turn, these correlate to jus cogens prohibitions against state-sponsored terrorism, according to the UN's rule of law notion.⁴⁴ The main point is

that the modern notion of fair law-enforcement is informed by principle. Reality must and, *mutatis mutandis*, should be balanced by substantive morality (cf. the right thing to do). Respectful treatment constitutes one of the building-blocks in the ethicized legal and political order: to treat others (states and individuals alike, *viz.*) as ends in themselves. Concerning inter-state arrangements, the UN's Principle of Mutual Benefit is not honored unless the reciprocity distributes *our* benefit and *their* benefit in a way that does not allow one stakeholder to utilize prior advantages that translate the relationship into an unequal one between weaker and stronger states on account of, for example, a history of colonialism or a long-standing wish to join a particular partnership (e.g., the EU). Exploitative elements may also occur through *quid pro quo* government calculations that turn out to be the real driving force at the expense of any (ethically required) benefit to the people they supposedly serve. It is not a trivial affair to demoralize the membership of the international civil community even if a particular national and political majority-constituency tend to favor the removal of their state's building-block, thereby threatening the stability of the whole order (cf. public stakes in international peace and security).

The fact that Denmark's illiberal approach also manifests itself as a selective deprivation-strategy pertaining to welfare implies, of course, that Denmark is faced with other community issues besides the unintended consequences from its own pragmatic agenda. That said, the Big Pragmatic Problem remains. Like any zero-sum game plan, state S's pursuit of an amoral strategy depends on the goodness of other states. If Golden Rule behavior is adopted so that the Beggar-thy-Neighbor is normalized, the amoral project is defeated for the simple reason that Denmark stands to lose out, *i.e.*, to see the original advantage, which the country secured by virtue of its leadership role in indirect deterrence, evaporate – *as a consequence* of the collective trend. Translated into international relations, this means that Denmark cannot possibly have an interest in exporting the Beggar-thy-Neighbor effect, in the final analysis, because the welfare state bar for affordability predictably is going to be adjusted with an ideologically tailored definition of what is reasonable, thereby alwaysmaking solidarity too expensive. Why the welfare state as a socialist phenomenon is divorced from the traditional International Workers' Movement test (cf. Karl Marx's outlook and humanity versus profit implication) is not a mystery in circumstances

that describe a right-wing agenda. However, there may be more to the anti-refugee and anti-immigration measures than just politics... something deeper than that is.

Observers and commentators on domestic policies and international relations disagree about what is, in the final analysis, made to matter. Some claim that an element of symbolism is inescapable through the fact that tribalism prevails in Denmark. Other counter-claim that tribalism is a reality but that it is insufficient as a causal account. To understand the No Solidarity response, it is necessary to draw on Aksel Sandemose's satirical novel about the Law of Jante.

Behind the Scenes: Deeper-Level Considerations

The belief that the recipients of welfare benefits and goods should be Danes is consistent with traditional versions of legal positivism, which emphasize nationality or citizenship as a rights-conferring criterion. Inclusion on the basis of humanity requires a notion of "natural desert (Feinberg 1973:67)" and the Danish government's treatment of refugees and immigrants in general does not reflect this.

Notwithstanding, it can be difficult to understand why a country would choose a strategy of deterrence, which includes restrictive law-making and law-enforcement measures that not only result in effectiveness but also in "ugly duckling (Gammeltoft-Hansen and Malmvig 2015)" notoriety, thereby polarizing and dividing the national civil community membership into concerned citizens cum pro-solidarity defenders as opposed to a majority of pro-government stakeholders who support a Denmark First approach. The country's post-2001 course may still be a reflection of the "frustration (Gammeltoft-Hansen 2017:119)" from the threat of a mass influx, but this alone cannot explain the acceptance of unintended consequences like adversely affected domestic and economic stakes (e.g., tourism).

Interestingly enough, a former Danish Minister of Integration, Mr. Bertel Haarder made an explicit reference to tribalism in a press statement in 2002. As a sociological explanation model, he limited the application of the notion of a "tribe (Haarder 2001)" to the Danish welfare state. He confirmed that a foreign policy course that changes the area of refugees and immigration in general is about welfare goods, but his confirmation was implicit and subtle. On the one hand, the

Minister stated that “it is not about having fewer foreigners (Haarder 2002).” On the other hand, Haarder established a link between foreigners and people on social welfare because, according to the government’s logic, an effort to reduce the number of recipients had to be coupled (for the sake of effectiveness) with an effort to reduce the number of refugees and immigrants in general.⁴ While it was not made clear exactly which demographic distribution of foreigners-and-Danes triggered the tribalism response, Haarder nevertheless resorted to an account that involved social control mechanisms among the Danes as tribal defense measures against too alien elements in society.

Given that the various statements were made at a press conference where Haarder defended the 2002 Danish government’s initiative to make it more difficult for foreigners to be granted, *inter alia*, family unification, the reference to tribalism cannot be ignored. This is particularly true in circumstances where tribalism targets characteristics that people cannot reasonably be said to control on the basis of subjectivist and/or relativist preferences, such as ethnicity. In such circumstances, tribalism entails violations of the Fair Opportunity Principle whereby it holds that “You should not discriminate against other people on the basis of facts (cf. characteristics) which they do not have a fair opportunity to un-do merely through their own choice (either because it is impossible or requires third-party intervention).” The more social cohesion is mediated by practices that i) derive from value-based homogeneity and ii) transcend (for the same reason) subjectivist/relativist preferences, the greater the injustice (cf. discrimination). If facts about victims concern so-called first nature (e.g., skin color) or second nature (e.g., religion), tribalism merges with xenophobia. Notwithstanding, it is the link between tribalism and tradition that justifies that same response.

Sociologically, the concept of “ideal types (Weber 1973:190)” encompasses tradition as an interpretation of legitimate domination. According to Max Weber’s methodological anti-positivism that transcends empiricism, tradition utilizes certain institutionalized practices, customs and mores that (re)produce a stable pattern of domination over a long duration of time. Setting aside the difficulty of fitting democracy into one of the three categories contained in Weber’s typology, it shows that a reference to tribalism can be incorporated into the explanatory equation. Furthermore, viewed as an account of a particular way within a particular society, tribalism cannot

but generate conservative outcomes and effects. More precisely, tribalism maintains the status quo *for the sake of* maintaining the status quo. Concerning the capitalist aspect of Denmark's mixed economy, this can be explained by Protestantism, according to Weber. The stronger the emphasis on capitalism, the less likely it is that economic rights are interpreted as stakes or interests that should go beyond protection of private property.

In addition, however, homogeneity per se has to be invoked as an integral (meta-level) part of the Danish way simply because of the overall social dynamics inherent in tribalism, i.e., the strong "we feeling" that accompanies this. On condition that Haarder's claim that "Denmark is not a country... it is a tribe (Haarder 2001)" is correct, it follows that Danishness is not so much about having Danish nationality, but instead it accentuates characteristics that are peculiar, if perhaps not always entirely unique to the Danes. In all circumstances, if an area has evolved in ways that (are perceived – by us – to) create tension between *us* and *them*, an "us first!" will trump all other considerations, including considerations having to do with international relations and international law. These areas depend on concentric-circle conceptualizations and/or adjustments (to fit our priority). As it happens, "Prime Minister Lars Løkke Rasmussen suggested that the 1951 Refugee Convention should be revised (Gammeltoft-Hansen 2017:99)." While the intention to "change the rules of the game (Kingsley 2016)" in the post-Holocaust era has not yet manifested itself in concrete initiatives, the call for reform was renewed in 2018, in the Council of Europe. If the in-flux of refugees were distributed among the member states, the numbers would be "very manageable (Kingsley 2016)," according to observers and commentators. Anti-refugee and anti-immigration measures, so it appears, are fueled by a deeper demarcation interest that accords with tribalism.

Irrespective of whether this conclusion is (empirically) true or false, the predecessor of Denmark's current Minister of Immigration, Integration and Housing may very well have laid one of the foundation stones for Støjberg's own recent and bold political maneuvers, namely the republication of the controversial and satirical drawing that depicts the Prophet Muhammad. In putting this on her own iPad, she responded with a Weber-like honor message (cf. tradition) when she praised the reputation of Denmark as a country that values freedom of expression.

Given the nature of the drawing she republished, she also confirmed, if only tacitly, the legitimacy of the use of satirical materials as a truth-recognition method whereby the link between Islam and violent extremism is freely-satirically expressed. After this, the question is if a satirical counterpart exists, which expresses the truth about the Danes? The answer to this (fair game) question can be found in the (in)famous novel by Aksel Sandemose (1899-1965), *A Fugitive Crosses His Tracks*. This is recognized as a work that uses satire to capture the essence of Danishness, to the extent where the Danes themselves interpret the “Law of Jante (Sandemose I-1968:15)” as *our way*. Consequently, they are forced to make concessions about a not-so-comfortable (if perhaps exaggerated cum satirical) truth about the Danes as Jante followers who devote time and energy on victimizing other people after having been victimized themselves in the past. Sandemose’s fugitive is attempting to flee from a merciless kind of collective mistreatment that targets that particular individual on the basis of the differences between him and the “gray masses (Sandemose 1968:II-174).” With flight as a Mission Impossible, the severely oppressed and traumatized individual can only *get back at them* by repeating the pattern, by emerging as a “terrorist (Sandemose 1968:I-94).” However, since there is no way out of Jante, which is a fictitious name for Sandemos’s own birthplace in Denmark (Nykøbing Mors), the main character in the novel is in desperate pursuit of an alternative to a slave-like existence, without any autonomous and authentic self-realization. Such a Tyranny of Uniformity is the consequence of the home-group’s non-inclusion of The Other. If effectively enforced, the way of the Jante people and their law entails a policy of zero-tolerance towards individuality and diversity. In the next paragraphs, the most relevant insights, however satirically expressed in the novel, will be outlined in an endeavor to understand more about Danish (Jante) people’s negative values and practices.

What the Danes do to each other and the domestic examples they set in the course of applying the Law of Jante are summarized in the “Ten Commandments (Sandemose 1968:I-78).” Each of these serve to satirically convey the reverse Bible imperative Do not Love Thy Neighbour because, in the final analysis, your neighbour is your oppressor, that is, a Jante follower who will put you in *your place* whenever needed. In Sandemose’s opinion, this happens so often and

for so many reasons that the Law of Jante or, more generally, “Janteism (Sandemose 1968:I-159)” merges with terrorism defined as an everyday social practice of bullying The Other into submission – to become *like us*. And, this is where the rub is. Coexistence contains an element of deception. This is to say that Danish citizens, on Sandemose’s premises, are taught to lead a double life. On the one hand, the official way is a pro-human rights form of democracy. On the other hand, socialization in accordance with the Law of Jante is tantamount to developing personhood and agency that draw on a deeper and, on comparison, *much more fundamental* anti-democratic subculture. In turn, this means that atypical or unusual beliefs, convictions and thoughts cannot be absorbed and accommodated in Janteism. The same is true of unusual traits, characteristic and features, together with special talents, especially if these are of an intellectual kind.⁴ Democracy may welcome and even celebrate and reward the various differences, but the Law of Jante will attempt to correct them, ultimately to undo any (wrongful) presumption of having equal worth. Satirically, Sandemose writes:

This is the Law of Jante, *their* Ten Commandments for you:

1. You shall not believe you *are* anything [special].
2. You shall not believe you are as much as *us*.
3. You shall not believe you are wiser than *us*.
4. You shall not imagine you are better than *us*.
5. You shall not believe you know more than *us*.
6. You shall not believe you are more than *us*.
7. You shall not believe *you* are good for [much, if] anything.
8. You shall not laugh at *us*.
9. You shall not believe anyone [unselfishly] cares about *you*.
10. You shall not believe you can teach *us* anything (Sandemose 1968:77).

The possibility of an “eleventh commandment” ((Sandemose 1968:I-124) in the satirical analogy to the Supreme Law is a question which *a priori* calls an individual’s bluff: – Perhaps you think that *we* don’t know about you? Jante people are not easily fooled, nor are they receptive to negotiating settlements pertaining to *our* versus *their*

values. Jante people do not feel sorry for those who belong to a minority. The (Jante) assumption is that The Other feels entitled to deviate from the majority and its average citizen standards, as if (we don't know) *your* zero-sum game plan... if we let our guard down.

The Ten Commandments that comprise the Law of Jante are all preventive or pre-punishment measures that are intended to *individualize* that particular individual or person to make certain that he never dares to see himself as being *One of a Kind*. He is *not* (anything special). The emphasis on (individuality) means, of course, that if and only if a person is made in *our image* is he good enough.⁴⁸

Typically, therefore, the Danes are in agreement whenever The Other gets “the boot” simply because he constitutes a *foreign body*.⁴⁹ The stigma of the outsider, however, reaches further. Martin Heidegger's notion of *Das Man* permeates the idealization of the average citizen to the extent that no person should deviate from the measurements defined by the Majority Ruler – an almost-literal ruler that gives rise to the notion of a millimeter democracy.⁵⁰ It is bad “form (Sandemose 1968:I-30)” to deviate, generally speaking, to not look, think, behave, believe exactly the way *we* do. One must and indeed should accord with the right (form of) measurements, i.e., “not stick out.” Furthermore, Sandemose's constellation of average form-and-size suggests that “sticking up” is a cardinal sin. Any type of non-conformity is undesirable because one inch of difference is, as a norm, one inch *too many* (by virtue of giving rise to The Other). Nobody is allowed upwards social mobility unless *we* allow this; and we only allow this in certain circumstances and only on condition that our actual or potential capabilities are represented in the *allegedly* extraordinary person, thereby making it true to claim that “He is made (in Jante) by us.”

According to Sandemose, formalism (cf. right form as the ideal) and its usual (equality through) sameness impositions are linked with a subtle and unorthodox version of feudalism as a consequence of the meta-norm ban against (daring to) think of oneself in the same terms as the Ruler. As previously alluded to, the law works like a measurement tape that always registers and, whenever needed, arrests-and-stops individuals who try to make something of themselves simply on the basis of merit, although enforcers primarily use psychological means of coercion when they teach or, more precisely, dictate The Other *his place*. At the same time, The Other is, here using another of Heidegger's

expressions, *already always* more or higher on comparison and, for the same reason, the “revenge (Sandemose 1968:I-42)” that Jante people seek is indirect proof of the fact that *they* (perceive themselves as people who) do not measure up (cf. inferiority complex). That said, the existence of non-victimized victimizers is an illusion. One of the discoveries that inspired Sandemose’s book of revelations consists in the subconscious and primitive stimulus-reaction scheme that motivate the small(er) one to attack: envy. The vicious circle of retaliatory behaviour – with the goal of correction, negation, and/or elimination in mind – elevates the Jante mentality and response to, per Hannah Arendt, a fundamental condition of coexistence. Obviously, this is cause for pessimism. Worse still perhaps, proper religion cannot be a source of comfort or consolation. In Sandemose’s opinion, religious faith is “a [magical form of] stage (Sandemose 1968:I-62)” which, if anything, reinforces the dialectics between sentimentality and brutality.

In Jante, there is equality before the law. In practice, this means that anybody who does not fit in because they do not comply with the criteria for belongingness, recognition and respect (cf. be like us) are made to feel how much this offends Jante people. The Law of Jante is not just a code of conduct. It is a deep-rooted value system, an ingredient of the very soul or make-up of the citizens (cf. national psyche). Typically, citizens have internalized the Jante culture to the extent where they have become norm-carriers and -transmitters and, if the Law of Jante is breached, norm-enforcers, thereby introducing the social control measures that Haarder also emphasizes in connection with tribalism. The Law of Jante is as effective as any strict order system. Nobody rises above the law – not as a requirement from political cum liberal democracy, but because of its inbuilt and overwhelming pressure to conform (cf. right is might). Alternatives to *Made in Jante* will hang on the cross metaphorically speaking, doomed to” martyrdom (Sandemose 1968:I-207).”

The fact that Jante is also a place that teaches its citizens the democratic values that are associated with legitimate statehood in the modern era, inter alia, inclusion and tolerance for diversity, adds to the painful experience that consists in resentment, rejection and exclusion of different stakeholders. The resulting socialization-pathology splits the Danish way into an official confirmation of democratic principles – “You should respect the personal and individual freedoms of other

people,” “You should extend fair consideration on the basis of merit and humanity” and “You should not discriminate against other people on the basis of features, traits or characteristics which they had no fair opportunity to acquire or un-acquire (through subjective or relative preferences)” and a simultaneous negation of these in Jante practices concerning otherness in appearances, attitudes and abilities, which eventually become so habitual that victims take over the implied oppression, thereby rendering external measures superfluous for each person is convinced that he gets what he deserves.

Satirically alone, Sandemose’s novel makes use of the idea of “stunting growth(Sandemose 1968:I-111)” by cutting everybody (within the home group) down to one and the same size and, as an auxiliary strategy, to limit choices. Once Jante people have assumed the right or appropriate form, it is reasonable to expect that they feel content and happy in that the structural factors cum constraints benefit the majority. After all, the premises for formalism are so strict as to reverse the Jante notion of Being Somebody, meaning that it is the average, mediocre and allegedly modest people who are in power, sanctioned by tradition and the homogeneity that underpins this. Most Danes “worship (Sandemose 1968:I-196)” the high and mighty, but this reality is dialectically synthesized with practices like slander (cf. severe and unfounded criticisms), thereby also cutting down the superior (upper classes) without eliminating them completely. The point is that the class system is untouchable because it is strictly *not supposed to be* and because it *has to be* – from the perspective of formalism. Social stratification along the lines of the class system, especially if coupled with a monarchy, secures stability, i.e., a static society. Forces that pull in the opposite direction are resisted – even politically. For example, the (Danish People’s Party) Speaker of the House, Ms. Pia Kjaersgaard has openly attacked the elite while arguing in favour of lowering the number of educated people and increasing the membership of ordinary people in the Danish Parliament.⁵¹

Less satirically, the insights from Janetism help to identify the fear driven (socialization) process of standardization and uniformity-promotion because “people believe that there are forms which express what is right (Sandemose 1968:I-197).” This belief creates a direct parallel to tribalism. Furthermore, it does not require much of a stretch of the imagination, if any, to understand what happens if the Law of

Jante is applied to Danes with a different ethnic background, guest workers from abroad, asylum-seekers, refugees and immigrants in general: They fail the test of Danishness.

Finally, making the complete leap from the satirical to the empirical, the Law of Jante can help to explain why refugees and immigrants in general are suspected of arriving in *our* country (or, per Haarder, tribe) with the objective of taking *our* welfare (away from *us*). Janteism is consistent with, stronger still, consists in the expectation that *if given an opportunity* The Other will mistreat and abuse *us*, in essence, do to Danish (Jante) people what Danish Jante people do to those who cannot make a valid claim to membership. There is no reason for envy in the case of refugees and immigrants in general and, therefore, a dis-analogy must be accommodated. However, if a sufficiently large number of foreigners were to consolidate in our group, Jante followers would expect to be driven out or made extinct because they would also expect that the hostile response would be reversed – to *their* disadvantage.

It appears, therefore, that it is the “cultural DNA (Bohlander 2014:21)” which makes the Danes too afraid to engage in what *they* perceive as too large-scale humanitarian or, for that matter, integration efforts at the national level. Among the Danish government’s 2018 initiatives to protect Danish values, a proposal to ban full-face veils in public spaces is taking center-stage, especially because the relevant culturally alien garments may also be interpreted as symbols of oppression of women... whose choices will nevertheless have to be limited if the proposal is adopted.⁵²

The literary whistleblowing effect Sandemose’s “behind the scenes (Kamrava 2017:112)” account accomplishes can be extended to the regional level. To understand the Law of Jante is a way of understanding Danish culture and, with this, tradition. However, it also provides the key to the typical mind-set of other small states in Scandinavia. More precisely, Sweden and Norway perceive themselves as Law of Jante territories – just like Denmark. In turn, this can help to explain why Nordic countries like Sweden and Norway try to copy Denmark’s illiberal responses to refugees and immigrants in general. If so, Sandemose’s verdict that “solidarity cannot be expected (Sandemose 1968:I-85)” is the (psycho) logical (Jante) implication. As for the similar and more “systematic response (Gammeltoft-Hansen 2017:106)” within Europe, a deeper analysis of context-specific

factors(through the use of art, literature, etc.) may and may not produce comparable links between causes and effects. In all circumstances, it is undeniable that relativist culture and tradition too often “fail to respect (Nussbaum 1999:36)” equal humanity because of racism, sexism, and other positions that negate the universalist “community of solidarity (Nussbaum 1999:37)” project.

Speaking Truth to Power: Connecting the Dots

Admittedly, satirical materials – cartoons as well as novels – may stereotype a particular population or a particular group and, ipso facto, necessitate a subtraction from the truth they are otherwise trying to capture with their distinct form of humour, which sometimes hurts rather than amuses those it depicts or blows the whistle on by portraying less noble characteristics. Notwithstanding, a truth or a part of the truth is likely to have been recognized if the audience can connect the satirical interpretation to real-world experiences or events. In the case of the Law of Jante, most Danes can address the topic of this Danish tradition, culture and way while drawing on examples from the private, professional and/or public domain – of how they have observed and witnessed the effects on others or when, why and where they themselves were exposed to its strict conformity messages and measures. For one conclusion is inescapable: the Law of Jante is a deterrent. When the current Minister of Immigration, Integration and Housing republished the satirical 2005 drawing by Kurt Westergaard that depicts the Prophet Muhammad on her iPad and Facebook to show the world how different *we* are from *them*, Støjberg was implementing a special version of the unattractive (Jante) conditions for refugees and immigrants in general. The fact that her strategy relied on a liberal core premise (cf. exercise of freedom) adds, of course, to the complexities in Janteism. The liberal/illiberal distinction is activated by trigger mechanisms that also explain Danish foreign policy experts’ reference to “institutionalised schizophrenia (Gammeltoft-Hansen 2017:110).” While it is possible to infer that 300 asylum-seekers per day is still perceived as a not-so-good demographic distribution of foreigners and Danes (for why else continue the restrictive policy-making effort in 2018?), certain characteristics, features and traits are beyond control through preferences and, therefore, discrimination,

exclusion and intolerance on the basis of the differences they (characteristics, features and traits) give rise to is wrongful as a matter of principle. However, the more social cohesion (through values) and social control mechanisms are mediated by concentric-circle homogeneity, the more the resulting Our Kind First reasoning clash with the area of international law and justice. Therefore, Sandemose's satirical account of the Danish form-and-size measurements may function as a way of Speaking Truth to Power. The implied criticism, that a too rigid and narrow-minded perspective on The Other will generate perpetual conflict – without any hope of finding a conflict-resolution – is not, of course, the ideal humanitarian starting point. If anything, literary whistleblowing along the lines of Sandemose's novel makes it true to say that the Denmark for (Ethnic) Danes grand strategy it is consistent with introduces the problem of “nationalism (Kamrava 2017:107)” in the context of small states.

The more truth there is to tribalism and Janteism, the stronger the connection between their underlying aversions and antipathies and the adoption of anti-refugees and anti-immigration measures. Consequently, any concern about the Danish “protection capacity (Gammeltoft-Hansen 2017:104)” in circumstances of mass influx of asylum-seekers is secondary, if not entirely irrelevant, in comparison to the desire to avoid asylum-seekers *in the first instance*, especially if they are from the Middle East or North Africa. The effects are clear, that is, the various legal and non-legal measures that the Danish government has resorted to. As for the causes, these may be controversial, but much less so in an environment where the split in the Danish way was has already tilted in the direction of illiberalism as opposed to global stakes in humanity and interdependency. The philosophy of the right (read: intolerant) form pulls in the diametrically opposite direction. Given that it was Støjberg's own use of satirical materials and measures that led to the authors' experiment of incorporating Sandemose's Law of Jante, it is important to note that their appropriateness is pre-sanctioned by one of Denmark's most influential policy-makers.

Conclusion: Denmark's Increasing Human Rights Incapacity

Besides refugee protection and immigration policy, Denmark is no longer a “brand name (Gammeltoft-Hansen and Malmvig 2015)” when it

comes to human rights, democracy or, for that matter, development aid.⁵³ In the country's hardline transition from internationalism and back towards the national state, neighboring states "hedge against (Gammeltoft-Hansen and Malmvig 2015)" the restrictive policies by preemptively adopting their own. With the implementation of the negative nation branding approach, the Danish state is accepting the same risks as the amoral game strategist (cf. counterproductive final outcome) while, at the same time, presenting its U-turn from a liberal to an illiberal state as a necessary trade-off. The official argument even elevates this into a prescription:

According to the prime minister, Denmark should, as a small state, no longer aim to "change the world" or focus on lofty ideals of democracy and human rights; rather Denmark should prioritize its "national interest" and make the country a secure and safe place for the Danes. (Gammeltoft-Hansen and Malmvig 2015).

As a policy decision, the choice between national safety and security for *us* and international justice (through fair humanitarian provisions) for *them* boils down to a deeper conflict behind the armed conflict and crisis. In both cases, the assumption of a "value-neutral (Bassiouni 2008:17)" response is either too naïve or too cynical.

Evidence of the Danish state's precarious human rights capacity emerges through its decision to withhold *as much as is possible* its humanitarian protection capacity at the national level by resorting to the dual strategy of border control and measures of deterrence. In particular, the Danish post-2001 policies emphasize "wealth and/or economic capability (Kamrava 2017:102)" and stability. The decision to reserve Danish welfare for Danish citizens is perceived as a case of "doing the right thing – for us" and, for the same reason, "that which should be done." Normatively and pragmatically-prescriptively, tilting the weight-scales of internationalism/universalism and nationalism/relativism in favor of nationalism/relativism justifies a (positive) rights-recognition and -protection grand strategy for "*our own kind* of people."

To manage the perceived (unmanageable) burden of people fleeing war or armed conflict, the Danish government engages in "prudent use of the country's comparative advantage in relation to neighbors near and far (Kamrava 2017:94)." However, prudence precludes ethics to the extent that Denmark capitalizes on an asymmetry of interdependency. If Gammeltoft-Hansen's Beggar-thy-Neighbor effect is interpreted in the traditional sense (cf. the policy to make *them* worse

off to protect Self), there is no escape from Other-regarding preferential wrong-doing and, therefore, both the deontological element (cf. mens rea) and the teleological and required (non-exploitative) application of the Principle of Mutual Benefit reduces to an unfair practice. Turkey makes it possible to practice a form of Refugee Concentration *out and away* from Denmark. This reinforces the country's own social and cultural capability and stability and, in turn, this strategy functions as a long-term measure for economic capability and stability. Refugees are preferably blocked from entering the Danish jurisdiction or blocked within the Danish territory and, more importantly, they are not counted among potential new Danes with a different ethnic background (who may think, look, behave and, if integrated, vote differently). If “visual nodal points, such as tent camps, queues and news stories about separated families, destitution and rigid requirements (Gammeltoft-Hansen 2017:110)” makes it necessary to address any domestic opposition, policy-makers adjust their narrative in accordance with need, thereby prioritizing political expediency over humanitarian dilemmas.

Denmark, it seems, has thought about every aspect of its grand strategy. Furthermore, the negative rebranding that aims to secure a Denmark for (Ethnic) Danes outcome disregards, by definition, all attempts to build a positive image and reputation in the area of refugees and immigrants in general. Unlike its own pre-2001 policy and indeed unlike Qatar's pre-2013 good citizen role, Denmark's (muted subtle power) proactive presence on the international stage is rooted in the (muted soft power) attraction of No solidarity norms. Again unlike Qatar, Denmark is not a “newcomer (Kamrava 2017:VII)” to regional and global politics, and this manifests itself in the self-confidence and (psycho-)logically correlative boldness that accompanies the various measures of deterrence. The introduction of “temporary protection status” is one example. If possible, prestige matters even less in circumstances where a Nordic block consisting of Sweden and Norway are adopting similar policies. This may sound like a paradox; but it is not. The Danish government is perceived as a problem-solver at the national level. That is what matters – and *not* whether values, practices and policies may be antitheses to democracy and human rights.

Globalization is the trend among modern and civilized states. However, the values that globalization depends on, e.g., international

constitutionalism and verticality, that is, shared democratic governance at the international level, are still evolving. Certain practices are sporadic and rudimentary, such as collective guarantees. As long as the global law-enforcement trend remains in its embryonic stage, a certain Missing Link between the national self-interest and public stakes like humanity and interdependency seems as unavoidable as it is desirable for the Danish government.

Germany's role in the 1940s is sufficient to prove the point that it only takes one bad building-block to undermine the order. Some international stakeholders have explicitly condemned the Danish government's restrictive policies. Portugal is one example. The relevant country's response to the Jewelry Law made the negative associations with Nazi Germany's treatment of the Jews evident, but the condemnation still did not make the Danish government rethink its illiberal course. Instead, the Danish Speaker of the House (Kjærsgaard) defended the welfare state's right to enforce the law, although she did "nuance the initial proposal, setting a threshold of EUR 1,350 and underscoring that personal assets such as wedding rings would not be seized (Gammeltoft-Hansen 2017:110)."⁵⁴

Denmark anno 2018 is a hard power winner at the national level, but a subtle power loser at the international level. While Denmark i) did rebrand itself and ii) did (re)shape the preferences of other states, the country did not manage its reputation in a fashion that is consistent with a positive role as a good global citizen. It shaped preferences and their underlying perceptions with realpolitik and pragmatism, and not with a humanitarian agenda inspired by principle – "doing the right thing for the right reason." Denmark's concentric-circle approach (as opposed to ethical criteria that matches the modern rule of law) and small state nationalism/relativism made it clear that international relations begin at home. Arguably, the tribal/Jante constellation of values, practices and examples at least preclude deceptive types of Perception is Reality interpretations, such as "they are not really like that." The satirical truth stands: The Danes do not separate conflict and coexistence, neither pre- nor post-2001. Worse still, since policies that negatively affect basic economic rights have to be subsumed under the notion of structural violence, there is but a formal difference between the satirical findings the current Danish Minister of Immigration, Integration and Housing makes use of (cf. *them* and their extremist cum physical violence) and

the No Solidarity conclusion that follows in the wake of Denmark's comprehensive and systematic effort to maximize the negative effects of protection conditions for vulnerable stakeholders like refugees and immigrants in general.

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Endnotes

- 1 Any type of power that is supported by (preference and perception that derives from) incorrect or inadequate information qualifies as a political instance of (Perception is Reality) naiveté or cynicism in so far as it presupposes an element of (self-)deception, either ignorantly-uncritically seeing/hearing X=P and therefore perceiving X=P or willingly-uncritically seeing/hearing X=P and therefore making the choice of perceiving X=P to secure an agenda that goes beyond the declared or official goals and interests. To the extent that perception is shaped by political expediency, Perception is Reality arguably contains a realpolitik modality. If so, the implied interpretations rely on elements that open up to truth-based reasoning that evades foundational question-begging exercises (cf. naiveté or cynicism). In the case of Denmark, this entails disclosing and deconstructing fact ambiguities, which may enable secondary and traditional (realpolitik) games like “we believe in modern democracy” and, with these, minimize, if not ridicule accountability for (tribal and Jante) reactions in circumstances that challenge legitimate statehood. Excuses that amount to subtractions of full promotion of public international law, i.e., international humanitarian law, international human rights law and/or international criminal law, introduce proportionate failure-ascriptions regardless of “perceived legitimacy of culture” by Self or The Other(states). See Kamrava 2017:105; Bassiouni 1996:11-12; Matwijkiw and Matwijkiw 2008:34, 52, 66-7, 73, 75.
- 2As an explanatory premise, Kamrava adopts Joseph Nye’s approach. This means that the various distinctions between the various types of power do not amount to dichotomies. One type or form of power may be infused with one or more components from (an)other type/s or form/s. See Kamrava 2017:105, 107-8 (for hard power/tangible (re)sources like force/coercion and money, soft power/intangible (re)sources like institutions, ideas, values, culture and perceived legitimacy of culture, and the smart power synthesis of hard-and-soft (re)sources which Nye maintains Qatar has been particularly adept at employing); Kamrava 2017:VII, 94, 110, 119-20 (for sublepower --- in the case of 1995-2013 Qatar and Kamrava’s interpretation and thesis --- as a combination of military protection and security, branding, hedging and proactive diplomacy, and international investments (four components that also entail state autonomy and capacity). For Nye’s approach, see generally Nye 1990; Nye 2004; Armitage and Nye 2007; Nye 2011.
- 3According to Kamrava’s analysis, a contrast between realists like Kenneth Waltz (cf. power as a combination of “the size of population and territory, resource endowment, economic capability, military strength, political stability and competence (Kamrava 2017:102)”) and theorists like Robert

Dahl, Steven Lukes, Peter Bachrach and Morton S. Baratz appears in so far as the last-mentioned emphasize the exercise of influence (Dahl) through the ability to create conditions (favorable to that individual state's goals) while relying on the use of values as opposed to threats (Lukes) so as to shape the preferences/perceptions of other states (Bachrach and Baratz). See Kamrava 2017:102, 119; Waltz 1979; Dahl 1957; Lukes 2005; Bachrach and Baratz 1962.

4 Kamrava links realpolitik determinants with that particular state's advantage. See Kamrava, 2017:102. For "national interest" as a deceptive justification of realpolitik and the consequence of amoralism, see Mawijkiw and Matwijkiw 2013:349.

5 Note that "*our* vision" is tantamount to Sheikh Hamad Al-Thani's aspirations and goals. In Qatar, the relationship between ruler/s and the ruled is synonymous with one between controller/s and the controlled. Democracy is *not* a premise. See Kamrava 2017:93; Ziccardi Capaldo 2001:119.

6 On Kamrava's analysis, the case of negative (re)branding is not accommodated because this phenomenon deconstructs rather than establishes subtle power. As an intangible asset, goodwill is a phenomenon that is inconsistent with negative (re)branding.

7 For a "Do the Right Thing" call on behalf of Bahrain, see Bassiouni 2017; see generally Matwijkiw and Matwijkiw 2018.

8 With democracy, political legitimacy at the national and international levels is expressis verbis at stake, according to the United Nations (UN) rule of law. There is "agreement that the concepts of the rule of law, democracy, and human rights (and increasingly others, such as development) are indivisibly linked (2012-Declaration on the Rule of Law, para. 5)." At the same time, there is no universally agreed definition of or approach to the concept of democracy. In the light of this, the International Law Society's Committee on Islamic Law & International Law Committee proposes the International Covenant on Civil and Political Rights (ICCPR) as "a useful starting point (ILA 2012:13)" although various countries among the States Parties have submitted reservations to art. 18 (cf. freedom of thought, conscience, and religion). Thus, the "wide stakeholder participation (2012-Declaration on the Rule of Law, para. 41)" fails for some norms.

9 The logic is that although a perception/image is well-established in regional and global politics, this may reduce to a realpolitik factor, meaning that it relies on a nominal sense of a value, e.g., democracy.

10 Invalidation would require a distinction between ethical approval and judgments of prudence as based on *our* national interest. In turn, this would create a match with the more general distinction between idealism and

pragmatism in international law and international relations. See Matwijkiw 2009:1, 24-5, 28, 35-7; Kamrava 2017:101 (for “economic pragmatism”).

III To apply Kamrava’s criteria, post-2001 Denmark – unlike 1995-2013 Qatar – is *not* trying to perpetuate a “positive image by doing the right thing,” that is, by acting as a good global citizen along the lines of idealism. According to Gammeltoft-Hansen, refugee policy in post-2001 Denmark can be interpreted in terms of “negative nation branding” See Kamrava 2017:116; Gammeltoft-Hansen 2017:99.

12 The deceptive perception of legitimacy results from “doing the right thing for the wrong reason.” In the case of women and the history of Denmark, rights-conferment has, in reality, functioned as an effective tool (cf. pragmatism) to cover post-industrialization labor market needs, thereby using women as a means to remedy the supply-demand gap. Current challenges for women’s rights like sexual harassment, higher unemployment and lower wages together with a structurally-determined lack of equal opportunities (cf. the glass ceiling effect) show that the Danish state is failing to promote full equality among men and women. Furthermore, female refugees and immigrants in general face many more “barriers,” e.g., structural factors that distribute attractive jobs to Danes and (if any, then only) unattractive jobs to job-seeking candidates from places like Afghanistan, and Syria. See Smith 1989; Mølgaard 2016.

13 If a pro-rights movement for *our* women is not an integral part of a push for rights for *all women*, a justice deficit is unavoidable. To sign and ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is not sufficient. According to the UN’s rule of law criteria, (women’s) human rights constitute global imperatives. Individual states may choose context-specific measures for rights-protection, but legitimate statehood is not consistent with a rule that withholds basic (human) rights-recognition and -protection. This is why the concept of law per se refers to a singular definition (cf. law at the national *and* international levels), thereby also requiring solidarity and collective guarantees of rights-enforcement in circumstances where public interests (cf. basic human rights) are at stake. Unless effective in practice, expressions of condemnation and other deterrents do not secure integrity, but reduce to empty rhetoric or, worse still, victimization of the innocent and powerless (e.g., economic sanctions that deprive citizens of the necessary goods for rights-protection). The main point is that idealism regulates pragmatism. States (should) have opt-in responses to CEDAW *because* this legal measure can enhance (human rights) effectiveness, and not because signing and ratifying the convention is convenient for other (realpolitik) objectives. See Ziccardi Capaldo 2008:9-14, 112-14 (for integration, legality,

verticality, and collective guarantees as the four pillars of proper law); Ziccardi Capaldo 2015:630 (for a broad and integrative approach towards stakes in peace and security, development, and human rights); 653 (for economic sanctions that constitute violations of obligations erga omnes which correspond to basic human rights that are integral elements of jus cogens norms).

14 This give rise to “power for the sake of power” arguments. However, any form of reproduction, be it based on political or economic or other criteria (e.g., military capacity) competes with justice, which is often used as a bargaining chip (to conserve realpolitik interests). See Matwijkiw and Matwijkiw 2014:147.

15 According to the 1951 Convention Relating to the Status of Refugees (1951 Convention), the core principle is non-refoulement whereby refugees should not be returned to a country where they face serious threats to their life or freedom. This principle has status as a rule of customary international law. In Denmark, people seeking asylum can be granted the following three types of protection (as set out in Danish immigration law):

Firstly, people who qualify as refugees under the 1951 Convention, that is, those who have a well-founded fear of persecution due to race, religion, nationality or membership of a particular social or political group, are eligible for the so-called Convention status. This grants leave to remain for a maximum of two years at a time. Secondly, if an individual is not at immediate risk of persecution but may face torture or the death penalty upon returning to the home country, the individual in question can be granted a protection status that builds on art. 3 and the Optional Protocol 6 of the European Convention on Human Rights of 1950. This grants a one-year leave to remain, subject to renewal for a maximum of two years at a time thereafter. Thirdly, if the risk of torture or death derives from a specific and serious situation in the home country, which poses a violent threat to the civilian population at large, individuals fleeing affected areas may be granted “midlertidig beskyttelsesstatus (Abrahamsen 2017)” [in English translation: “temporary protection status”] initially for one year at a time for the first three years and subsequently, and on condition that the situation has not improved sufficiently, for two years at a time.

16 87 – Law to Amend the Law about Foreigners, a legal package to reduce the number and cost of refugees and immigrants in general was adopted on January 26, 2016. See Folketinget 2016; Legarth Schmidt 2016.

17 As a Minister who is more popular than all other Danish Ministers, including the Prime Minister of Denmark, Støjberg does not believe that, for example, the so-called Jewelry Law is problematic. The relevant legal measure allows police officers to search refugees and seize their belongings.

Some observers and commentators counter-argue that the Jewelry Law warrants comparisons to Nazi Germany's treatment of Jewish people. When a well-known Danish novelist, Mr. Christian Mørch, publicly remarked that his grandmother would have been shocked to hear about the Danish (post-2001) developments since her own arrival in the country as a refugee, strong criticisms were levelled against the novelist himself. Interestingly enough, some of the critics expressed the opinion that Mørch had no right to comment on the issue because he lives in New York and, therefore, "does not understand Danish politics (Hartung 2015)." In the opinion of the authors of this article, such criticisms are, at best, examples of tribalism – as discussed in this article's section entitled Behind the Scenes: Deeper-Level Considerations. See Matwijkiw 2014:682-83 (for Judith Shklar's justification of legalism on the basis of the law's instrumental service to liberal as opposed to non-liberal values); Ulveman 2016; TNS Gallup 2015.

1 See Damkjær 2015. Note that the newspaper article contains the English version of the Danish Minister's scare campaign.

19 As non-legal measures, their effectiveness is objectively indisputable. The satirical measure caused a foreign policy crisis when it was originally published. Nevertheless, Støjberg decided to reuse/republish it on her own iPad and Facebook (see Støjberg Facebook 2017) "to spark discussion (Buch 2017)." As for Støjberg's cake celebration, this implemented a symbolism that overlaps with tribalism. On the cake, she had put two powerful victory indicators *against them*. One consisted in the number "50 (Fancony 2017)" to celebrate the fact that the Danish government had introduced fifty measures to reduce the number and cost of refugees and immigrants in general. Another was a Danish flag right next to "50," thereby reinforcing the *us (Danes) against them* effect. See also Kusnitzoff 2017; foreign staff 2015; Janjevic. 2017 (for a photo of the Danish Minister's cake); DR/Reuters 2017 (for the Danish Minister's own iPad and Facebook picture and her protest against Skovgaard Museum which did not want to show the controversial and satirical 2015-cartoon serial by Kurt Westergaard in its exhibition on blasphemy in art because of the polarization it causes).

20 The term "strictly" is used to convey the interpretative link between positive reputation (with a corresponding gain in prestige) and (positive) branding through a (positive) image as a global good citizens. In the words of Kamrava: "This positive reputation is in turn reinforced by a third element of subtle power, namely proactive presence on the global stage. International branding and marketing efforts may be done by state owned or even private enterprises with indirect support by the state. But they are complemented by a deliberately crafted diplomatic posture aimed at

projecting—in fact, reinforcing—an image of the country as a global good citizen (Kamrava 2017:115).” It does not follow from this that there is no “attraction of norms (Kamrava 2017:VII)” that is mediated by another image (besides the one of a global good citizen). If so, the power is won negatively and therefore, the second part of the statement “[When the overall image that a country thus acquires is on the whole positive—when, in Nye’s formulation, it has soft power—then it can better position itself to capitalize on international developments to its advantage.] By the same token, soft power enables a country to ameliorate some of the negative consequences of its missteps and policy failures (Kamrava 2017:114)” misfires (cf. muted subtle power).

2A reference to “we honor conventions” is not rule of law evidence. This presupposes a concept of justice at the national and international levels which concerns fair law-making (cf. substantive justice) and law-enforcement. In turn, fair law-enforcement entails not only formal fairness but also a policy of zero tolerance towards jus cogens norm-violations, meaning that accountability for the most serious types of crimes must and, *mutatis mutandis*, should be secured. In addition to legal requirements, modern rule of law criteria for legitimacy treat democracy as a political imperative while permitting context-specific interpretations and applications for that particular state’s domestic level. At the international level, a vertical model of shared governance based on global constitutionalism ideally provide political limits on state-centric arrangements, including legal opt-outs through national and political sovereignty. See generally Ziccardi Capaldo 2008; Matwijkiw and Matwijkiw 2014:147-48 (for human needs as international pro-solidarity incentives).

2Note that some observers and commentators have described Denmark’s 1983 Aliens Act as “the world’s most liberal asylum legislation,” a claim that Gammeltoft-Hansen neither refutes nor disputes. See Gammeltoft-Hansen 2017:99.

2Denmark is currently ruled by the VLAK-coalition government consisting of the following parties: the (center-right) Venstre (V), (libertarian and right-wing) Liberal Alliance (LA), and (right-wing) Conservative People’s Party (KFP). Furthermore, the Speaker of the House, Ms. Pia Kjaersgaard, is the former leader and founder of the right-wing and nationalist Danish People’s Party (DFP). By virtue of being the largest party in the so-called Blue Bloc (consisting of V, LA, KFP, and DFP), she secured this position with the support of Siumut (S) and the Danish Social Democratic Party (DSDP) whereas the three other members of the Red Block either voted against Kjaersgaard or abstained from voting. The Danish Social Liberal

Party (DSL) also opted for the latter course, arguing that the fact that Kjærsgaard would become the first woman to assume the prestigious office was insufficient. Those parties that voted against were not convinced that Kjærsgaard was suitable because of her extremist views (cf. polarization effect). Note also that some members of Venstre (V) left the party in protest against the restrictive measures against refugees and asylum-seekers. See Local DK 2016; Gormsen 2015; Hvass and Rytgaard 2016.

24“Several of Denmark’s policies on asylum and family reunification would not have been possible if it had had to comply with EU law in this area (Gammeltoft-Hansen 2017:104).”

25Note that Michala Clante Bendixen is the head of the humanitarian organization Refugees Welcome (<http://refugeeswelcome.dk/>). This organization has a special link to the current 71 restrictive policies. The policies, so the organization remarks, are ones that “favor (Bendixen 2018b)” highly educated and paid individuals to an extreme degree.

26See generally European Commission, Migration and Home Affairs, EURODOC. Available from: https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/identification-of-applicants_en. Accessed April 1, 2018.

According to the Dublin system, the first country refugees arrive to is also the country that, as a rule, processes an application for asylum. The reason for Denmark’s support of this arrangement consists in the fact that “it has sent more [refugees] out of Denmark than into Denmark (Ritzau 2017).”

27Denmark has a restrictive practice in Dublin cases: if the Danish state can dismiss a person to another European country, then it will try to do so (Bendixen 2017a).”

28Between 1989 and 2016, Denmark received 1,500 resettled refugees every period of three years; the so-called quota refugees. The programme was suspended indefinitely in 2016, and the suspension included “those with disabilities (Skærbæk 2016)” who earlier enjoyed a special protected status within the quota system.

“Under the new [2017] law, the immigration minister will decide how many refugees will be allowed under the U.N. program, with 500 now the maximum except in an ‘exceptional situation’ (Thomsen 2017).”

In the event that the European Parliament makes the EU quota distribution an integral component of the Dublin system, as suggested in a 2017-reform proposal, Denmark will be forced to cooperate or, alternatively, reconsider its place within the EU.

Note that other countries that refuse to accept quota refugees are Poland, Hungary, Slovakia, and the Czech Republic.

29See Gammeltoft-Hansen 2017:102-4. Note that Denmark’s rationale for the (12 Nov. 2017 – 12 May 2018) measure is based on the “security

situation in Europe and threats resulting from the continuous significant secondary movements; internal border with Germany.” See European Union, Migration and Home Affairs. Available from: <https://ec.europa.eu/home-affairs>. Accessed April 1, 2018.

30 As a member of the EU, Denmark is a partner to the 2016 agreement with Turkey whereby migrants and refugees who arrived in Greece from Turkey after 20 March 2016 and who are considered not to require protection are sent back to Turkey. In response to the Syrian humanitarian and refugee crisis, the Danish Minister of Immigration, Integration and Housing said that “I hope that we will receive very few refugees in the coming years (Barret 2018).”

In a 2017 report on a durable solution for Syrian refugees, the United Nations High Commissioner for Refugees (UNHCHR) shared the following facts:

“Syria is the biggest humanitarian and refugee crisis in the world today. In 2011, before the start of the crisis, the population in Syria was estimated at 20.5 million. The conflict is in its seventh year, with 6.15 million people internally displaced and a total of 13.5 million people in Syria in need of humanitarian assistance (UNHCHR 2017:2).”

“As of September, there are 5.2 million Syria refugees hosted in Turkey, Lebanon, Jordan, Iraq and Egypt. Lebanon and Jordan host the largest number of registered Syrian refugees relative to their respective populations. In Lebanon, one in five people is a refugee, and in Jordan one in 15 is a refugee. Turkey hosts the largest number of refugees in the world (UNHCHR 2017:2).”

The UNHCHR “does not promote or facilitate refugee returns to Syria because conditions for safe and dignified returns are not in place (UNHCHR 2017:2).” In the case of refugees from Syria, the UNHCHR’s recommendations for a durable solution to the international displacement are “resettlement and complementary pathways of admission to a third country, voluntary return to Syria in safety and dignity, and protection and assistance in countries of asylum (UNHCHR 2017:2).”

31 The “safe third country” measure, whereby pre-procedure rejections at the border are allowed, is known as “the Danish clause (Gammeltoft-Hansen 2017:104).” Furthermore, Denmark was among the first states to “introduce carrier liability legislation and to post immigration liaison officers to transit countries in order to block onward travel by asylum-seekers. Since 2016, Denmark has similarly actively contributed to joint operations under the auspices of the EU’s border agency, Frontex (Gammeltoft-Hansen 2017:104).”

Generally, Gammeltoft-Hansen remarks that: “Both the EU-Turkey

agreement, ensuring Turkish cooperation with regard to border controls and readmissions from Greece to Turkey as a ‘safe third country’, and the individual border closures of several Balkan countries fundamentally changed migratory patterns from 2015 to 2016. Reports of *refoulement* and violence against asylum-seekers at the Hungarian-Serbian border have similarly limited access to the EU, and several initiatives have been introduced aimed at preventing secondary movement from first countries of arrival in the EU, such as Greece and Italy (Gammeltoft-Hansen 2017:112).”

32o the extent that the UN Principle of Mutual Benefit (ICCPR, art. 1) requires a win-win outcome, the arrangement may be justified in a formal sense. If equitable outcomes (cf. substantive justice (principle)) are used as a criterion, however, inter-state unfairness is consistent with voluntary cooperation among stakeholders that respect the sovereign equality of the other participant.

33Secretary-General’s Report 2004:para. 25; Matwijkiw and Matwijkiw 2013; 365-68 (for a victim-centered approach to the rule of law, which accommodates all types of violence that jeopardize basic human rights).

34Note that observers and commentators criticized the whole idea of a scare campaign as being “deeply immoral and unethical (Dankjær 2015).”

35f refugees believe that they are still at risk of personal persecution they can complain about their temporary protection status.

36observers and commentators not only argue that temporary protection status is a direct response to the situation in Syria but also that it is out of line with international conventions. See Abrahamsen 2017.

37Unless special circumstances prevail, family reunification is removed for the first three years.

Note that the 1951 Convention does not guarantee family reunification, but art. 8 of the ICCPR and art. 8 of the European Convention on Human Rights makes provisions for a right to family life.

Note also that the Strasbourg-based European Court of Human Rights sided with Biao in *Biao v. Denmark*, arguing that the state discriminates (cf. violation of art. 14 of the ECHR) against non natural-born citizens by giving a dispensation to the so-called connection requirement (*tilknytningskravet*) to those who have been Danish citizens for 28 years. See European Court of Human Rights, Strasbourg, Grand Chamber, Judgement, Case of *Biao v. Denmark*, application no. 38590/10 (24 May 2016). Available from:

https://www.nyidanmark.dk/NR/rdonlyres/3238ECC8-2622-4C7F-9983-EFA2B71E9D92/0/Biao_dommen_af_24_maj_2016.pdf. Accessed April 1, 2018.

Yet another 2016 discrimination case that Denmark lost is *Caner Genc v.*

Integrationsministeriet. According to the relevant ruling, Danish immigration law illegally limits the rights of Turkish workers to bring their families to Denmark. See Court of Justice of the European Union, *Caner Genc v. Integrationsministeriet*, Case C-561/14, Grand Chamber, Judgment, (12 April 2016). Available from: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62014CJ0561>. Accessed April 1, 2018.

38 In addition to the various sources that have already been mentioned (Støjberg Facebook 2017; Buch 2017; Kusnitzoff 2017; Foreign staff 2015; Janjevic 2017), a number of international media linked the Danish Minister's action with a threat of increased instability and insecurity by analogy to the foreign policy crisis and violence that followed in the wake of the original publication of the controversial cartoon (in 2015, in the Danish national newspaper *Jyllands-Posten*). See Reuters/Independent 2017.

39 Note that the "right form" coincides with formalism, as presented by Aksel Sandemose in his satirical novel about the Danes and Danishness, *A Fugitive Crosses His Tracks*. See this article's section entitled *Behind the Scenes: Deeper-Level Considerations*.

40 For concerns related to Denmark as a party to international conventions, see Kingsley 2016.

41 It follows that basic social and economic rights are proportionately and negatively affected in spite of the fact that the relevant norms are an integral part of human rights law, including the 2000 Charter of Fundamental Rights of the European Union (which the Treaty of Lisbon recognizes as having legally binding force on the Union and on all Member States as of 1 December 2009), the UN Universal Declaration of Human Rights of 1948, the European Social Charter of 1961, the Community Charter of the Fundamental Social Rights of Workers of 1989, the statement on the protection of minorities of the Conference on the Human Dimension of the Commission on Security and Cooperation in Europe (CSCE) of June 1990, the European Convention on Human Rights of 1950, the European treaties, the case-law of the Court of Justice of the European Union, and the Conventions of the Council of Europe.

42 Gammeltoft-Hansen points to a "systemic response (Gammeltoft-Hansen 2017:106) in Europe.

43 For the ruling of the German (Federal) Constitutional Court, see BVerfG, Judgment of the First Senate of 18 July 2012 – 1 BvL 10/10 – paras. (1-113). Available from:

http://www.bverfg.de/e/ls20120718_1bv10010en.html. Accessed April 1, 2018.

Note that an exception has been confirmed by the Court of Justice of the

European Union, in effect, to combat the practice of so-called benefits tourism. In 2015, the Court ruled that “foreigners who go to Germany to obtain social assistance or whose right of residence arises solely out of a search for employment are excluded from entitlement to German benefits by way of basic provision (Court of Justice of the European Union, *Jobcenter Berlin Neukölln v. Alimanovic and Others*, Case C-67/14, Judgment (Sep. 15, 2015). Available from: <http://curia.europa.eu/juris/document/document.jsf?docid=167661&doclang=EN>. Accessed April 1, 2018).” Hence, the freedom of movement is not the same as the right to claim benefits.

- 44 The 2012-Declaration on the Rule of Law accommodates a dual notion of state-sponsored terrorism, which incorporates traditional types of political tyranny or violence as well as welfare-deprivations whereby the basic (economic and social) rights to subsistence are violated (cf. structural violence). In both cases, crimes that are inconsistent with legitimate statehood are committed. See Matwijkiw and Matwijkiw 2013:361, 365.
- 45 Haarder predicted that the 5,7 percent would be increased to 10 percent over the next twenty years. See Haarder 202. Note that this form of statistics makes it possible to apply the terminology of envy, according to Sandemose.
- 46 The Danish Prime Minister argued that reform was necessary, inter alia, to clarify issues pertaining to interpretation of the 1951 Convention. See Council of Europe Newsroom 2018.
- 47 For the criticism of the elite that is implied by formalism and Janteism, see Sandemose 1968:I-127.
- 48 Although “being good enough” is not saying very much on account of the fact that a perpetual and incurable feeling of inferiority is a component of the Jante person.
- 49 The boot is used as a symbol of oppression on the novel’s front cover, cf. Ib Spang Olsen’s drawing.
- 50 Talk about the ruler, therefore, entails measurements on the basis of size. We, the majority, constitute the average and nobody should rise above that same average, according to the Law of Jante. It holds that “You should be like us --- not an inch more (read: higher)!” The majority ruler is the “right form” (cf. formalism) and this, in turn, imposes a type of feudalism. No matter how The Other rises above the average by virtue of being different, the implied violation of the Law of Jante translates into the reality of a “wrong form.” Measurements of the majority ruler can also be translated into the characteristics of the tribe.
- 51 Kjærsgaard, The Speaker of the House aspires to reduce the number of educated people in the Danish Parliament and instead replace these with

members of the working class, those she perceives to be more representative of ordinary people. For Kjærsgaard's criticism of the elite as a threat to Danish values, see Jensen 2013.

⁵See Gronholt-Pedersen 2018.

⁵This is a serious subtraction from a claim about the possibility of combining the strategy of deterrence with a liberal approach, thereby rebutting – on behalf of Denmark – that “restrictive domestic policies [may therefore] go hand in hand with increased budgets for humanitarian aid and development assistance abroad (Gammeltoft-Hansen 2017:116).” As far as development aid is concerned, Denmark “is now back to 0,7 percent of the GNP (Gammeltoft-Hansen and Malmvig 2015).”

⁵See Vote of Condemnation No. 35/XIII 2016; Speaker of the House (Denmark) 2016.

At the national level, prominent individuals and humanitarian organizations offered a dissenting voice, including Dansk Flygtningehjælp [Danish Refugee Organization]. See Dansk Flygtningehjælp. Available from: <https://flygtning.dk/frivillig/nyheder/nye-regler-for-familiesammenfoering-permanent-ophold-og-udvidelse-afintegrationsydelsen> (for general criticisms); <https://flygtning.dk/om-dfh/det-mener-dfh/hoeringssvar> (for specific criticisms of L 87 and pre- and post-L 87 changes or proposals). Accessed April 1, 2018.