CANADA'S PERIODICAL ON REFUGEES

REFUGE

CRITICAL PERSPECTIVES ON REFUGEES

Introduction

Nevzat Soguk

As refugees occupy a more central and visible place in the landscapes of everyday affairs throughout the globe, they are increasingly seen as sources as well as agents of change and transformation in local and global politics. For example, at times they are seen as sources of instability and security threats worldwide. At other times, refugees are represented as economic threats undermining the economies of the host countries. As J. Bhabha and S. Shutter[1] stated, it is nearly as if the very word "refugee" has become an accusation against the refugee—a development that intimates a profound crisis in the inter-governmental refugee protection regime anchored in the modern state-system.

Reflecting this crisis in the material conditions of refugee lives throughout the world, but particularly in "rich" western countries, increasingly, governments are denying people the right to asylum. In its 1995 annual report on the state of the world's refugees, the United Nations High Commissioner for Refugees (UNHCR) observes this phenomenon: "states are increasingly taking steps to obstruct the arrival of asylum seekers, to contain displaced people within their homeland, and to return refugees to their country of origin."[2] In 1997, Dennis McNamara, UNHCR's international protection director, echoes the same observation but with a blunter language: "Today," he states, "refugee protection and the institution of asylum are probably facing the greatest global challenge in their history, with governments systematically, intentionally, and openly attacking the international system created to protect refugees."[3]

> Possibilities for obtaining international protection continue to be diminished as refugees and asylum seekers face border closures, armed violence, interdiction at sea, expulsions, and legal restrictions as well as premature return to an insecure environment.[4]

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Ironically, this draconian negation of refugee rights comes at a time when the "international community" proudly speaks of its grand achievements in the institution of the refugee protection regime. But in the circumstances of the realities of refugee lives, celebratory pronouncements fall short of the promises contained in them; refugee protection regime seems to exist increasingly more in name and less in real protections for refugees. It is a crisis in the making, a crisis of both ethics and humanitarianism and the politico-governmental system, the system of states, that paradigmatically undergirds the refugee protection regime.

What might be the reasons for such a crisis? What are the political-practical and ontological, that is, historical and contemporary imperatives of governance that inform the *raison d'être* of régime activities and determine their limits?

At one level, scholars and policy makers comprehend the difficulties in utilitarian terms which are instrumental in efforts to try to explain the crisis. Their explanations generally center around the claim that in recent years there has been a proliferation in the sheer number of refugees and internally displaced whose ever increasing, not always registered, numbers put unbearable economic and political burdens on the refugee protection regime in general and the resources of individual countries that underwrite the régime in particular. Not only is the "burden" issue raised, but also, we are told, the proliferating numbers of those who seek protection contain masses of people who are not "real refugees" in the conventional sense but are "bogus asylum seekers," "economic refugees" and the like, whose movements across the globe undermine and attenuate efforts to serve the real refugee populations. Starting from this representation, many then loudly justify deepening of controls in refugee landscapes in order to "put an end to the abuses," while also hastily expressing their commitment to the refugee protection regime and arguing that they are still doing their best to administer to the refugees.

Others are oriented to approach refugees and other displaced people more compassionately, or perhaps more generously, in spite of whatever practical difficulties there may exist to suggest that refugees should enjoy basic protections promised in the protection regime even if the regime can not properly establish the authenticity of their claims in and to displacement. Curiously the UNHCR is amongst those who ever so carefully and tentatively articulate and advocate such a position. "Behind the phenomena of moving," the UNHCR claims for instance, "lie deeper and often interrelated patterns of political, economic, ethnic, environmental, or human rights pressures, which are further complicated by the interplay between domestic and international factors ... There are as many reasons for moving as there are migrants."[5] Starting from this position, for some, as for the UNHCR, it becomes possible to propose practical expansion in the scope of efforts driven with a converging view to "studying, " "fully comprehending " and "treating" the "refugee" "problem."

No doubt these approaches are valuable and insightful. No doubt too, much more is to be said and written along these lines. But I think it can be said, and said fairly, that these approaches, for all their variety, share something in common. In language that I would borrow from a well-known article by Robert Cox, these approaches bespeak a widely shared problem-solving approach to the refugee (see also Nyers in this issue).[6] Like the approaches that Cox calls "problem solving," these approaches are formulated from the standpoint of one who would be at home and at one with prevailing relationships and institutions—in this case the institutions of the modern state system.

They project the subjectivity of one who would unquestioningly understand these institutions as, in Cox's words, "the given framework." Regarding these institutions as unproblematic, they display a readiness to do what Cox says problem-solving approaches do: they are oriented to make "particular relationships and institutions work

smoothly by dealing effectively with particular sources of trouble."

These approaches comprehend the refugee event in terms articulated to the modern notions of the sovereign territorial state and its proper counterparts, the citizen, and the domestic community. In problem-solving approaches, the refugee is defined as one who by virtue of some events of exclusion—events that are beyond the control of both the refugee and the state—lacks the citizen-subject's unproblematic grounding within the territorial space of a state and, so, lacks the state's effective representation and protection. The term "refugee" refers, in short, to an aberration of the proper subjectivity of citizenship. And the problem of the refugee, manifesting a certain dysfunction in the nexus amongst the citizen, nation and the state, is attributed to the proliferation of events and circumstances that exceed the limits of effective action within the given framework, that is, the context of territorial states, thereby depriving some people of the conditions and protections of citizenship. Probable solutions are then conceptualized in the emergence of international régimes, which, as vehicles of policy coordination among states, might work to regiment aberrant circumstances and restore the normal order of citizen/nation/state hierarchy. So the efforts are oriented towards the task of identifying and remedying the causes of refugee movements.

My purpose in pointing out this commonality within the diversity of approaches to refugees is not to diminish their usefulness or value, for these approaches highlight the profound hardships that millions of refugees have to endure day in and day out. Rather, my purpose in highlighting the prevalence of the problem-solving approach to the question of the refugee is to establish something of a background against which it may be possible to understand the place of critical perspectives on refugees that take the statist paradigmatic orientation to the task and lay bare its ontological-administrative imperatives that limit in the first place, the possibilities of refugee protection.

It is possible to suggest that, for all their variety and creativity, problem-solving approaches do one thing in common with respect to the refugee: they render the refugee as a marginal figure of aberrance in relation to the institutions, identities and subjectivities of the citizen/nation/state constellation, posited to be the categorical source of order and participatory politics in the world. The refugee is inscribed as one who is outside the fold of the state—in a "noneplace" where the refugee figures not only merely as marginal, but also without agency and, as one who is "agency-less," the refugee's salvation lies in efforts to bring him/her back to the fold of the state by way of establishing his/her ties with the state either through repatriation or through resettlement. In all this, keeping with the posited state-centric ontology, the state and its counterparts, the citizen and the nation are posited as a priori subjects in relation to the refugee, as if they are almost always and already firmly and permanently established in need of no historical affirmation.

In contrast with this ontological orientation, critical studies start by inverting the posited hierarchy to the practices that centre around the refugee. Arguing that the state and its constitutive parts, the nation and the citizen, are not historical givens in life but must be historically produced in and through statecraft, critical studies situate the refugee at the heart of the state, not outside the state. Challenging the claim that the refugee is but a marginal figure in need of salvation, critical studies start by awarding a centrality to the refugee in the "life of the state" as one of many modern subjects who is (made to work as) constitutive of the identities, relations, and subjectivities of the state-centric political community—the very community in relation to which the refugee appears as an externality, an aberrant figure, lacking the presumed qualities of citizens that make possible the community in the first place.

Relatedly, critical studies argue that refugee experiences, save the experience of displacement, are not a priori to the experiences and identities of subjects in the state-oriented territorial order (say, for instance, the identities of the citizen), but are contemporaneous with them, and even constitutive of them. To use Edward Said's terminology, they are "contrapuntal"[7] identities constructed in historical space in relation with the identities of the citizen. Thus, the specific historically idealized figure of the refugee, one who is considered outside the state, is never simply that, a refugee, but rather so inscribed or constructed in relation to the emergent identities of the presumably proper subject of the state's universal order.

These studies, in other words, claim that refugees are intimately and inextricably "internal" to the practices and processes by which the realities of the state-centric political community, its politics and its ethics, are articulated and empowered. They are central to the practices of modern statecraft by which the state's continued legitimacy and practical powers that are derived from that legitimacy are produced.

This inversion of the hierarchy of subjectivities (from the marginality of the refugee to the centrality of the refugee) not only allows for the ascent of studies that take to task the state-centric paradigm of the refugee and show its limits, but, in doing so, also opens new horizons for critical and productive reflections on refugees—reflections that explore the complexities of refugee lives to warn of the dangers of refugee lives but also to celebrate the promises of refugee lives for novel ways of being and becoming beyond state-centric cartographies.

Against the background of such an inversion, of such a centralization of the refugee, it becomes possible to argue that the causes of the crisis of the refugee protection system are rooted in the modern state-system itself, for regime activities are orchestrated primarily to serve the interests of states and less the interests of refugees. The statist epistemology that undergirds protection activities paradoxically and inevitably also limits the reach and effectiveness of

the activities. In just such a sense, Michael Dillon argues, for example, that in the régime of refugee protection, the existing legal community of states, which interprets the premises of the community for itself , may not apply them to itself, and may in fact choose to negate their practical force even as it ceremoniously celebrates them (see this issue). The community of states that makes the régime possible also establishes its limits.

Beyond criticizing this state-centricity, the inversion makes it possible to study the state-centricity not from the standpoint of the state, but from the standpoint of the refugee. It makes possible, for instance, to see how, even in their vulnerabilities in an inter-state environment increasingly inhospitable to their plight, refugees are transversal, transformative subjects whose movements bear on multiple processes of life,

including those processes by which the territorially bound, state-centric boundaries (real and imagined) of citizenship, ethnicity (see Turner in this issue), political community, welfare, humanitarianism, human rights, and democracy are defined and empowered.

This issue seeks to highlight the conditions of human displacement, both historically and in a contemporary sense, in terms of the extant and changing patterns of refugee experiences and the transformations in the nature and style of national and international responses to those experiences (see Warner and White in this issue). In all this, it starts with the refugee as one who can speak and be heard in spite of concerted statist limits imposed on her life horizons, limits which expose less the vulnerabilities of refugees and more the historical contingency of statism. ■

Notes

1. J. Bhabha and S. Shutter, *Women's Movement: Women Under Immigration, Nationality and Refugee Law* (Staffordshire, England: Trentham Books, 1994).
2. UNHCR, *The State of the World's Refugees: In Search of Solutions, 1995* (Oxford: Oxford University Press, 1995), 16. See also UNHCR, *Refugees: Asylum in Europe*, no. 101, 1995.
3. UNHCR, "Protection," *Refugees*, no. 109, 1997.
4. UNHCR, "Note on International Protection," 2 July 1997, A/AC.96/882.
5. UNHCR, *The State of the World's Refugees, 1993: The Challenge of Protection* (New York: Penguin Books, 1993), 13.
6. Robert Cox, "Social Forces, States and World Orders: Beyond International Relations Theory," in *Neorealism and Its Critics*, edited by Robert O. Keohane (New York: Columbia University Press, 1986), 208.
7. Edward Said, *Culture and Imperialism* (New York: Vintage, 1993), 32 and 51. □

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Refugee Rights:
Report on a Comparative Survey

By James C. Hathaway and John A. Dent

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Safe Places and Unsafe Places: Geography and the 1996 *Asylum and Immigration Act* in the United Kingdom

Allen White

Abstract

Over the last decade and a half the international refugee régime, as enshrined by the 1951 Convention and 1967 Protocol has come under sustained attack in western states. This is because of implicit assumptions about the universalism of the refugee identity and the rootedness of national identities by the framers, drafters and subsequent commentators on international refugee law (see Malkki 1992, and Hyndman 1998). Critical approaches to international refugee law have suffered from underdeveloped ideas about space and about the relationship between geography and law. In this paper I point to geographical and geopolitical assumptions and thinking that lies behind the passage and enforcement of accelerated asylum determination and appeal procedures in the United Kingdom. I conclude by suggesting how the moral landscape of refugee and asylum law might be re-oriented to stress connections between the United Kingdom and persecuted and oppressed peoples rather than stress the protection of the UK's boundaries.

Précis

Dans les quinze dernières années, le régime international des réfugiés, préservé par le convention de 1951 et le Protocole de 1967, a fait l'objet d'attaques intensives dans les états occidentaux. Cela tient à un certain nombre de prises de parti implicites, dues aux législateurs initiaux et aux divers commentateurs ultérieurs des lois internationales sur les réfugiés, sur la question de l'universalité de l'identité de réfugié et de l'enracinement des

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identités nationales (voir Malkki 1992 et Hyndman 1998). Les approches critiques des lois internationales en matière de refuge ont souffert d'idées mal élaborées sur l'organisation de l'espace, et sur la relation qui s'établit entre géographie et droit. Dans cet article j'attire l'attention sur les prises de parti et opinions de nature géographique et géopolitique qui sous-tendent la mise en place et l'application des déterminations accélérées du droit d'asile et des procédures d'appel afférentes, au Royaume-Uni. Je conclus en suggérant de quelle façon le dispositif moral des lois sur les réfugiés et le droit d'asile devrait être réorienté pour mieux refléter les liens entre le Royaume-Uni et les peuples opprimés et persécutés, plutôt que de s'en tenir à une emphase sur la protection des frontières du Royaume-Uni.

Introduction

The establishment and development of a international legal régime designed specifically to protect refugees cannot be totally isolated from a description, however brief, of the conditions and circumstances that lay behind its inception. In a certain light this history is a central part of the history of the 20th century, and is part of the horrors and carnage of what has been described as the "most terrible century in Western history" (Berlin, quoted in Hobsbawm 1994). Most commentators place the emergence of a recognizable "refugee problem" in the rise of nationalism at the end of the nineteenth century and especially in the first decades if the 20th century (see Marrus 1985, Loescher 1993, and Joly 1996). The consolidation of new and emerging nation-states required the re-writing of "community" and "belonging" around ideas of national unity on ethnic, religious and cultural grounds, these emerging nationalisms included and excluded spe-

cific populations in particular territories. The political map of the world changed from a pre-modern "riot of diverse points of colour … such that no clear pattern can be discerned in any detail" to a modern map of "little shading; neat flat surfaces … there is very little, if any ambiguity or overlap" (Gellner, 1983 quoted in Malkki 1992). In the first half of the 20th century refugees emerged as a relatively new international problem, caught between nation states that rejected them and states that would not accept them (Marrus 1985; Loescher 1993). At the end of the both world wars millions of people were homeless, stateless and deprived of their human rights, this had never been seen before (Marrus 1985; Loescher 1993). The international response to these stateless and rightless people was created and constructed in the context of these assumptions about citizenship, sovereignty and the nation-state.

The details of specific national myth building and the many different unfoldings of these nationalisms are not really the central or principal concerns to this paper, instead we should acknowledge that these processes form the backdrop to the establishment and development of the international legal refugee régime in the 20th century. Xenos (1993) writes for these reasons the refugee is the "modern political condition," a sentiment that echoes Arendt's more passionate description of modern refugees who

> unlike their happier predecessors in the religious wars, were welcomed nowhere and could be assimilated nowhere. Once they had left their homeland they remained homeless, once they had left their state they became stateless; once they had been deprived of their human rights they were rightless, the scum of the earth. (Arendt 1967, 267)

Underlying assumptions in international refugee law that claim the world can be easily divided into discreet units of sovereign states are not especially surprising given the common-sense practice of rooting particular peoples to particular places in Western political thought and culture and the ubiquity of territorialized concepts in everyday (and academic) language—"native soils," "homeland," "land" and "motherland" are cases in point (Malkki 1992). Naturalizing and botanical metaphors have been mobilized throughout history to conceive the relations between a "people" and a "place" producing a "sedentrisim" rooting people to places (ibid.). This is not an inert process; it actively pathologizes the displaced. Refugees, lacking a bodily connection to national territories, have been treated as having a lack of moral bearings (ibid.). This is most obvious in the post-war literature on refugees however modern refugee studies and international refugee law still construct refugees as a "problem," marginalizing other and alternative refugee identities (ibid.).

We can argue then that the construction and framing of international refugee law depends on conceptions of a word divided into fixed units of sovereign states that peoples' identities are built within. International refugee law is stilted because it cannot take into account more open and fluid refugee identities because the refugee identity itself was pathlogized in the immediate post war period. To be a refugee one must have suffered persecution, this persecution takes a highly specific form (based on ideological priorities of the West in the Cold War) there is no space in international refugee law to recognize less fixed and sedentary identities as legitimate refugees. Thus environmental refugees, female refugees or other groups of refugees are "written out" of the Geneva Convention. Through rooting refugee identities within these fixed ideas about the nation, identity and place international refugee law allows national asylum and immigration laws to "silence" these refugee identities. Legitimate refugee identities and narra-

tives, at a stroke are deemed "bogus" or "non-Convention" refugees.

Another consequence of conceptualizing the world as divided into autonomous and sovereign states, is that international refugee law, and by extension international human rights law, is seen as means of delimiting state sovereignty (Malkki 1992; Hathaway 1991; and Goodwin-Gill 1983). The 1951 Convention guarantees refugees the right to seek asylum in signatory states but under international law it is an optional right of each state to grant or refuse asylum (Macdonald and Blake 1991; see also Lambert 1995). Thus, although it holds considerable symbolic power, the 1951 Convention does not explicitly challenge any signatory state's discretionary right to grant asylum (Macdonald and Blake 1991). The only obligation on states expressed in the Convention is contained in Article 33 which expressly forbids states from forcibly returning asylum-seekers to states, where they may face persecution, subject to certain conditions specified under the Convention. This principle of *non-refoulement* has evolved into a rule of customary law and has exposed tensions between aims and objectives of international and national legal systems such that:

> On the one hand, a State may choose to ensure compliance with its international obligations in various ways: there is no international requirement that the scope of these obligations be justicable in the State's own courts and tribunals. On the other hand a State is not entitled to rely on its domestic law to avoid its international responsibilities, and thus if decisions on those responsibilities are made by the executive government, it is the executive government which must ensure that the international law arguments are adequately dealt with. (Crawford and Hyndman 1989, 157)

Thus international refugee and human rights law act as humanitarian benchmarks for domestic legislation, while in practice state law is used to govern a international human rights régime by states who see themselves as self-governing (Hathaway 1991). There is recognition that the universal human-

ist rhetoric of the original Geneva Convention is flawed (see Greatbach, 1989; Crawley 1997; and Crawford and Hyndman 1989). Indeed the autonomous neutral and sovereign subject of humanism has been "widely accepted ... [as] a fiction" (Gregory 1994, 265, quoted in Hyndman 1998, 246). Many of these commentators seek to mobilize fresh interpretations of the Geneva Convention as part of a continuing project of using international refugee law as an exclusive site of struggle for promoting human rights around the world (and particularly in Western states) (Harvey 1997a). However this universalist humanitarianism that the Geneva Convention refugee definition and international refugee law is based upon acts to undermine the effective protection that international refugee law can promise refugees because it masks the unequal relations between states and groups of people—illegal immigrants, asylum seekers, economic migrants etc. (Hyndman 1998).

There are then at least two ways (pathologizing displacement and a universalist humanitarianism) in which implicit and explicit assumptions and discourses have informed and constructed an international legal refugee régime that effectively works against the role that international refugee law sees itself playing. The absence of any tradition of explicit criticism from within refugee law is noteworthy—Harvey (1997a, 507) has commented that there is a sense that refugee law is "intrinsically critical." Tuitt (1996) has made a convincing case that refugee law actively functions to bar many of those who need protection and refugee status. Using refugee law she argues that the west has consistently prioritizing the reduction of the external costs of refugee movements (ibid.). Refugee law reduces the definition of a refugee to include only very few applicants; refugee law shifts the burden to first asylum countries (who are often in no position to deal with large populations of refugees); refugee law emphasizes movement across international borders as a primary requirement of refugee identity containing the sick, the old, the young

and marginalized within the persecuting state (ibid.). Inequality is built *into* and *part of* the refugee definition and the international legal régime.

Tuitt's approach is strongest when directed at the inequalities and biases of the international legal régime. However her arguments become less original as the analysis turns to the UK's domestic asylum and immigration legislation. A more sophisticated conception of space in an analysis of refugee law might help reveal potentially emancipatory reflections on refugee law. A detailed analysis would reveal the geo-political assumptions and thinking that underpin the enactment and passage of asylum legislation in particular contexts. A detailed case study would also reveal the geographical and geopolitical thinking and biases that structure and inform practices in decision making and enforcement in particular places. Finally a case-study may help lead us to certain conclusions about how regulations and the law are formed and practiced and how they might be reformed in different ways to produce different conclusions and determinations of asylum cases.

With these points in mind I will see if looking at the UK's Asylum and Immigration legislation can help reveal how geographical and geo-political assumptions about social, political and economic realities have structured present legislation and practices. Firstly, however we need to examine the connections between geography and law.

Geography and Law—Interpretative Communities

There are progressive perspectives on law, informed by critical social theory and critical legal studies, that actively address the links between geography and law. The relationship between geography (meaning here in its broad sense—context) and law (acontextual) is inherently unstable, as Pue (1990) argues geography is *by its very nature* insurrectionary to the hegemonic view of law. The 1990s has seen a growing awareness about the relationship between geography and law (*Urban Geog-*

raphy 1990 is devoted to the intersection between the two disciplines, see also Blomley and Clark 1990; Blomley 1994; Chouinard 1994; Delaney 1998; and Cooper 1998). This interest in establishing and pursuing connections does originate from within both disciplines, although geographers have taken more interest in law and legal issues than lawyers and legal exerts have in geography (Pue 1990). There is no one dominant consensus over the ways in which law and geography interact, indeed there are almost as many different approaches as there are researchers in the area, which is, if anything a sign of the novelty of this area of research. The recent theoretical approaches and analyses have in common an expansion of ideas about the relationship between the legal and the geographical beyond the narrowly defined model of "impact analysis" of a law onto a static spatial structure e.g. the housing structure. Instead, adopting critical legal perspectives has lead some to argue that law is "an open textured arena of discourse" which conditions the way in which we conceive of social life (Blomley 1992, 238). Side stepping positivist critiques of such an interpretative analysis of law Clark argues that interpretation itself is a social act and a practice organized around shared social rules and codes of behaviour in particular spatial and social contexts (Clark 1989). Thus law is essentially an interpretative process that takes place in particular interpretative communities and contexts, for example government, the courts or the legislative.

So we can try and use these theoretical insights to reveal the unacknowledged discourses, assumptions and truth claims behind asylum law in the United Kingdom, and how these structure the ways in which asylum seeking is understood and viewed by policy makers. I am going to highlight two ways in which the system for asylum claims and appeals as laid out in the UK's *Asylum and Immigration Act* (1996) are based upon particular geographies and ideas about space. The parts of the acts I shall be looking at in detail are the accelerated procedures as set out by a)

the Short Procedure and b) Section One or White List appeal cases

The Short Procedure and Section One White List Cases

As the name implies the Short Procedure shortens the length of time taken over asylum applications and is aimed at accelerating the initial determination of claims for asylum. Section One of the 1996 *Asylum and Immigration Act* is another example of accelerated procedures to move cases quickly through the asylum system, unlike the Short Procedure, Section One is aimed at accelerating post decision appeal procedures of challenge and review. The Short Procedure was a Home Office policy shift and required no legislative changes. Section One aimed to accelerate the appeals procedure which had been outlined in the previous 1993 *Asylum and Immigration Appeals Act* (1993). This change then required primary legislation, Section One is part of the 1996 *Asylum and Immigration Act*. For a time, over 1995 and 1996, accelerated procedures were introduced for pre- and post-determinations of asylum claims in the United Kingdom.

The Short Procedure

Prior to the introduction of the Short Procedure the standard (London based) procedure for dealing with asylum applications made from within the United Kingdom was to go to the Asylum Screening Unit (ASU) at Lunar House in Croydon. There the asylum seeker was given a Self Completed Questionnaire (SCQ) on his/her asylum claim—returnable within 28 days. The applicant was given advance warning of the asylum interview, and representations and evidence could be presented to the Home Office up until the decision to accept or reject the asylum claim was made.

This arrangement changed under the Short Procedure. Under the new procedures the asylum seeker is not given a SCQ, the interview is held on the same day as the initial claim to the ASU, further representations and evidence must be presented to the Home Office over the next 5 working days and a decision is made within 3 weeks (Jagmohan 1996).

Short Procedure interviews are shorter and less detailed than other interviews and suffer from a range of problems that typify asylum interviews; the chronology of the interview is backwards; translation and interpretations can be inaccurate; the asylum seeker is often exhausted after a long and tiring journey; the interview is the main source of information for the asylum claim a fact that the asylum seeker may not be aware of (Refugee Legal Centre 1997a). Often the procedures are indeed "short," proper representation in interviews is important but impossible because interviews are often held on the same day as the initial asylum claim, this can disorient asylum seekers (Jagmohan 1996). Under the Short Procedure asylum seekers are coerced into asylum interviews, which are usually the sole occasion for telling their story, without any allowance made for trauma, fatigue, distress, confusion and unfamiliarity with the asylum procedures (Refugee Legal Centre 1997a). When held at the port of entry the Short Procedure interviews are carried out by immigration officers who have no specialized training in asylum law and the political and social situation of other countries. In addition the place and site of the interview itself, in airports or ferry ports can be threatening environments.

The Home Office has argued that if asylum interviews take place immediately after the initial claim for asylum the asylum seeker's memory of events will be fresher (Jagmohan 1996). This rationale fundamentally misunderstands the nature of asylum claims. Asylum claims are rarely the result of particular *persecution events*, claims are more usually made after many events, often years of incremental acts of harassment, marginalization and persecution (ibid.). Home Office thinking is illustrated during the interview when asylum seekers are asked, "What particular event caused you to leave your country" after covering travel and family details (ibid.). A question like this, that prompts the respondent to highlight a single event or events, is an inappropriate means of drawing the full details about an asylum claim. In many

cases follow up questions may not be asked, asylum seekers (without good representation) have no indication of the level of detail required to successfully claim asylum and may (reasonably) assume that details are not needed as the interviewing officer hasn't asked for them (ibid.).

The Home Office, when moving people through the Short Procedure, implicitly acknowledges the need for advice for asylum seekers by giving them, before their interview, a leaflet entitled *Information about Your Asylum Claim* (Jagmohan 1996). However the information contained in the leaflet is far from satisfactory. There is no mention of the 1951 Convention definition, the criteria for being recognized a refugee, asylum seekers are told to give details of harassment and detention and not to give general country descriptions as their interviewing officer will be familiar with the situation in their home country — often not the case (ibid.). The leaflet fails to mention the right to an interpreter, to a copy of the interview notes and the procedure for submitting medical evidence, in sum the leaflet, published only in English, falls short of the advice available from a competent representative in a situation when circumstances can act to deny the presence of a representative (ibid.).

In May 1995 the Home Office introduced a pilot short procedure scheme to accelerate determinations of asylum claims from the nationals of eight countries, covering asylum claims whether they were made on entry or in country. Those countries were: Ghana, Nigeria, Uganda, India, Pakistan, Romania, Poland and Sri Lanka.

Reservations about the pilot scheme were voiced, on its introduction the Asylum Rights Campaign protested that the scheme would "impair the ability of a genuine refugee to properly represent his or her testimony" (ibid., 1).

All applications for asylum determined under the pilot Short Procedure were rejected, the scheme was declared a success by the Home Office and was expanded to include another 28 countries It covers asylum claims *from all countries* bar a selected few and those

specific cases that, at the Home Office's discretion, could be considered substantively. The countries that are exempt are: Iraq, Afghanistan, Iran, Libya, Gulf States (bar Kuwait), Somalia, Liberia, Bosnia, Rwanda, Croatia, former Yugoslavia and Palestine (ibid.).

However exactly how the Home Office assessed the success of the pilot scheme remains a mystery to outsiders-there were no external assessments of the interviews held or of decisions made by the Home Office, there were also no consultations with asylum seekers put through the scheme. The Home Office pointed to the 100 percent refusal rate as evidence that the scheme properly pinpointed fraudulent claims and expanded the scheme before any appeals to these refusals were heard (ibid.). It is likely that the scheme would have been expanded regardless of the findings of any report.

Section One White List Cases

Section One of the 1996 *Asylum and Immigration Act* sought to establish the criteria whereby claims could be certified as bogus or without foundation after consideration by the Home Office. An asylum claim rejected and certified under Section One is put into an accelerated appeals procedure: asylum seekers were only given two days to lodge an appeal after a rejection; appeals could only be taken to the Special Adjudicator level with no further appeal allowed; adjournment rules were tightened; and the Special Adjudicators rulings had to be ready within 10 days (Harvey 1997a). Invariably questions were raised about the UK's commitment to efficient administration at the expense of competent adjudication.

The drawing up of a "white list" of countries where the Secretary of State has determined that there is "in general no serious risk of persecution" raised some of the loudest objections. The countries named were Bulgaria, India, Cyprus, Pakistan, Ghana, Poland and Romania (Young 1997). The only credible interpretation of this "white list" of countries is that the nationality and origin of the asylum seeker automatically precludes the application from

being genuine which raises questions about the commitment of the United Kingdom to individualized consideration of asylum claims (Refugee Legal Centre 1997a; and Harvey 1997b).

Section One certificates are also issued in cases that do not raise 1951 Convention grounds for persecution, where the Home Office considers the case to be "unfounded or frivolous" or where the asylum seeker has failed to either produce proper documentation or to have given a valid explanation for not producing proper documentation (Harvey 1997b). Clearly these are extremely wide grounds for restricting appeal rights but the rationale for certifying cases under Section One that has raised the most objection has been the "white list" of safe countries (Young 1997).

Used in conjunction the Short Procedure and Section One can mean that an asylum application from country X (for example Romania) is put through an accelerated determination procedure, the claim is viewed as unfounded, certified under Section One of the 1996 act and put through accelerated appeal procedures, reducing an appeal's chance to overturn the refusal, so fewer cases are granted asylum (Jagmohan 1996).

Legal Geographies

A significant detail about the introduction of the Short Procedure and Section One of the 1996 Act is that both are dependent on particular assumptions about "persecution," politics and human rights in the world. Both are based on some kind of assessment of different parts of the world, dividing the world into "safe and unsafe" places, countries and regions, In other words the Short Procedure and Section One are based on specific political geographies organized and defined by the Home Office.

For the Short Procedure the production of these country lists was secret and not debated in public. The Home Office has so far refused to explicitly state why some countries were added and others taken off, except to state that the Short Procedure exists independently of the "White list" of safe countries. Clearly

though geo-political goals are playing a role—the inclusion of some countries (e.g., Algeria) and the omission of particular countries (e.g., Iraq) from the Short Procedure shows an awareness of political sensitivities rather than any firm commitments to protection from human rights abuses (Jagmohan 1996). This is not just about particular foreign policy imperatives—Sri Lanka was included on the original list for inclusion into Pilot Short Procedure scheme—it was withdrawn after a government assault on the Jaffna peninsula increased Western media attention on the civil war that has been ongoing for many years (ibid.).

Because the introduction of Section One and the use of a "white list" of countries presumed safe required the introduction of legislation the construction of this legislation was debated in the Houses of Parliament. These debates have been examined elsewhere to reveal how they centred on the criteria for assessing and categorizing particular countries as safe or unsafe, which in turn depended on the deployment of politically constructed ideas about the geography of human rights (Young 1997).

The debates about this part of the act centred on the criteria for determining if a country there is "in general no serious risk" in particular countries. They include: the stability of the country; state adherence to international human rights; the presence of democratic institutions and the media; the availability of legal avenues for protection. Thus a country is designated onto or of the "white list" once the "reality" of its socio-political characteristics were evaluated (ibid.). The evaluations of these different "realities" were based on a number of different assumptions. Firstly, the specific socio-political realities for particular countries was assumed to exist for all people at all times in each country, ignoring the specific situations and positions of minority populations. Secondly, regional disparities in persecution that may be related to ethnic or religious affiliations were also ignored. Thirdly, different and contradictory "realities" were mo-

bilized in debates to argue for and against the inclusion of specific countries onto the white list.

In effect, then, the introduction of the Section One White List has seen the deployment and mobilization of specific geographical and geo-political knowledge's about different countries in an effort to evaluate and assess social political realities in each country (ibid.). Realities that are held to apply to all people in all parts of societies and across all parts of particular states (ibid.). In short then implicit and explicit geopolitical knowledges and geographical discourses about the nature and development of civil and political society in different societies and contexts across the world were mobilized over 1995–1996 to introduce a range of accelerated procedures.

Conclusion

To conclude, we can place the introduction of recent asylum legislation and the construction and organization of the asylum determination and appeals procedures in ideas about the "moral landscape" of refugee and asylum law in the United Kingdom. Recognizing persecution and offering safe haven from persecution constructs the world into "safe" places (states) and "unsafe" places (states) and the legal texts that do this are interconnected with other complex linguistic and cultural representations of the nation state, morality and power, producing a moral landscape of asylum (Kobayashi 1995). "We" are a morally good nation when we accept "the persecuted" and do not "persecute" others (ibid.). Refugee law and the establishment of asylum procedures are part of a whole series of linguistic representations and cultural activities that help define the moral authority and sovereignty of modern states (ibid.). Thus the United Kingdom, because it is a "moral," "good" and "democratic" state, offers "sanctuary" to victims of persecution from "immoral," "illegitimate" and "despotic" régimes. This moral landscape, most obviously associated with the certainties of the Cold War, in the post Cold War 1990s is itself being invaded, by "illegal immigrants"

and "hordes of bogus applicants" who wish to abuse the United Kingdom's "proud tradition" of offering asylum. You might notice that the debate, such as it is, is more likely to concentrate on asylum seekers as opposed to asylum itself.

When examined in a critical light and in any detail this moral landscape of refugee law in the United Kingdom crumbles. International refugee law has been constructed and designed to reflect Western interests and since its inception has sought to cater for Western Europe's geo-political interests (Tuitt 1996). The international legal régime's "international/humanitarian" ethos has been the means and the ends of this process, dismissing rival conceptions of the refugee while at the same time legitimizing Western interests through the universalism of the "international/humanitarian" ethic (Tuitt 1995). The 1951 Convention definition has replaced all other pre-existing and competing definitions of the refugee—the Convention definition has *fossilized* a partial definition of the refugee (Tuitt 1996).

Through this asylum law in the United Kingdom has acted as a medium and context for the contraction of the refugee identity through a combination of the restriction of refugee rights and the exercising of state power in an asylum determination system that systematically "others" and humiliates asylum seekers and refugees (Paliwala 1995; for a Canadian example see Kobayashi 1995). This systematic and oppressive rewriting of refugee and asylum seeker's rights is not inevitable, however. The law has also acted, or has at least held the potential to act, in *emancipatory ways*, and can act in ways to perpetuate and also significantly to challenge " lived relations of oppression" (Chouinard 1994, 430). As an example an Immigration Appeals Tribunal hearing ruled on an appeal lodged by two Albanians from Kosovo that breaches of specific fundamental human rights amounted to persecution by the Serbian state, linking the 1951 Convention with International Human Rights legislation in a ruling that pro-

vided a new analysis of the meaning of persecution in British law (Refugee Legal Centre 1997b). The adjudication of cases of asylum has represented an important space where, occasionally significant legal victories have provided a context where rights for asylum seekers can be defended and sometimes gained. A significant example of this is the recognition of gender based persecution in Canadian Immigration Law after a number of successful appeals to asylum refusals were argued before the Immigration Appeals Board, a ruling that has important implications for international law (Kobayashi 1995)

Asylum law acts is an important agent in the complex web of discourses that define and express the moral landscape of the nation, law is intimately involved with questions with what is good or bad for society, it is not always about punishing wrongdoing. There is no reason why laws as moral discourses cannot be utilized to make connections between the United Kingdom and marginalized and persecuted people, rather than establish the boundaries and borders of a sovereign state. This might be based on ideas about geography and asylum, the inversion of the Short Procedure and the White List. Geo-political representations may be employed to target and highlight asylum claims from specific countries, or from particular parts of different countries as urgent and in need of attention. The moral locus of refugee law and its interpretation can be related to specific circumstances in particular places. In other words, refugee law can (potentially) be mobilized to make a connection between principles of social justice in areas of UK law (for example in rulings in Industrial Tribunals), with important developments in asylum jurisprudence in other countries and the social and political conditions in other parts of the world. This would require a re-writing of the social and political realities that have been alluded to, a project in which geography could play an important role.

A re-writing of the moral landscape of asylum law in the United Kingdom would also dispel the myth that flows of

asylum seekers and refugees are something that "just happens" to the United Kingdom (and other western states). In many cases western countries have played important parts in the creation of the social and political circumstances whereby people are persecuted and forced into fleeing their homes. For example the UK's arms trade to Sri Lanka, or the European Union's promotion of the ethnically divisive Vance-Owen peace plan in the Bosnian conflict (see also Black 1996).

Although I am describing a culture change in Home Office practice from a culture of disbelief to a culture of belief this could have beneficial effects on the present asylum system. Shortening the procedures to protect in specific cases would a) reduce appeals b) reduce costs as system would not be so overloaded during determinations and appeals and c) abusive cases could be given extra attention and dismissed. A recognition of the complex geographies of persecution and oppression across the globe would, at least, point out the problems of the universalist humanitarianism built into the present asylum determination system as well as acknowledge that different people and different groups *are* placed in unequal relation to each other. ■

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Refugees, UNHCR and Human Rights: Current Dilemmas of Conflicting Mandates

Daniel Warner

Abstract

There continues to be an increase in concern for human rights in different areas, and refugees are no exception. Specifically, UNHCR has become more concerned with human rights issues. This article reviews the standard phrases used to indicate the relationship between human rights and refugees before examining the specificity of refugees in terms of human rights. The point of view taken is that the specificity of the refugee situation is different from normal human rights concerns, and the conclusion is that including refugees within a human rights framework may actually weaken refugee protection. That is, we propose that although human rights in and of themselves cannot be argued against, the inclusion of refugees within a human rights régime may actually weaken the kinds of protection necessary for refugees and their particular situation. UNHCR would do well to focus on its limited mandate rather than including refugees within the human rights régime.

Précis

L'inquiétude pour le respect des droits humains dans différentes zones continue d'augmenter, et les réfugiés ne font pas exception. Plus spécifiquement le Haut Commissariat des Nations Unies pour les réfugiés (HCR) se soucie de plus en plus des questions de droits humains. Le présent article passe en revue les formulations usuelles utilisées pour indiquer la relation entre droits humains et refuge, puis examine la spécificité de la question des réfugiés en terme de droits humains. Le point de vue adopté est celui selon

lequel la spécificité de la situation des réfugiés est différente des problèmes habituels de droits humains. La conclusion est que l'inclusion de la question des réfugiés dans un dispositif formulé en termes de droits humains risque d'affaiblir la protection des réfugiés dans les faits. Ainsi, nous proposons que, en dépit du fait que les droits humains en soi et par eux mêmes ne peuvent pas faire l'objet de la moindre objection, l'inclusion du refuge dans le cadre d'un régime des droits humains risque d'affaiblir de facto les types de protections particulières requises pour les réfugiés dans leurs situations spécifiques. Le HCR ferait bien de concentrer son attention sur son mandat étroit, plutôt que de se lancer dans l'aventure d'une inclusion du refuge sous le régime des droits humains.

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In spite of the fact that many efforts have been and are being made to show the complementarity of human rights and refugee protection,[1] I would like to develop an alternate position to indicate where I believe there are major problems in their relationship. The reason for this analysis is that I believe that imprecise conceptual frameworks lead to imprecise operational mandates that can cause serious confusion on the ground. In the last 7 years, the United Nations High Commissioner for Refugees (UNHCR) has had enormous success in terms of expansion of budget and mandate. It is now the time to re-examine many of the activities of UNHCR, and the relationship between human rights, refugees and UNHCR is a most appropriate venue for one aspect of that exercise.

My argument will be in three parts. First, I would like to briefly mention the standard phrases used to indicate the relationship between refugees and human rights. Then, I would like to analyze those phrases to show where and why they are mistaken. Finally, based on that

analysis, I will offer a different line of reasoning and develop its operational implications.

The core international instrument describing the rights of refugees, the 1951 *Convention Relating to the Status of Refugees*, says in its first preambular paragraph that it is derived from the UN Charter and the Universal Declaration. Article 14 of the *Universal Declaration of Human Rights* says that: "Everyone has the right to seek and to enjoy in other countries asylum from persecution." That is the basic human right central to the refugee régime. One can thus easily establish a hierarchy with the UN Charter and Universal Declaration as the overarching structures within which the refugee régime exists. That is, within the general framework of the UN Charter and the Universal Declaration refugees are specifically referred to in Article 14 of the Declaration and the 1951 Convention.

More specifically, in a recent internal policy paper by UNHCR, it was noted that: "Refugees are, by detention, victims of human rights violations."[2] The paper went on to say that: "UNHCR, as the principal UN agency which is tasked with providing protection to refugees, has a global mandate to ensure that the human rights of this distinct group of beneficiaries are upheld."[3] The basic policy consideration of this analysis is that protection work for refugees is in essence human rights work on behalf of a specific category. This position is consistent with the hierarchy mentioned above in that refugee protection is within the human rights domain but targeted to a specific group.

In a speech to a recent Executive Committee meeting of UNHCR, the UN High Commissioner for Human Rights, Mary Robinson, confirmed this hierarchy when she said that

> Human rights are deeply connected to the problem of refugees: first and

foremost because human rights violations often represent the root causes of refugee flows and, secondly, because the problem of refugees can be properly managed and effectively solved only through an improvement in the standards of protection of human rights. In this regard, I completely share the High Commissioner's opinion that refugee protection should be considered within the broader framework of international human rights.[4]

What does this all mean? Beside the obvious hierarchical positioning, what is the exact nature of the relationship? The refugee is a specific category of people within the global consideration of human rights. That is, since human rights applies to all people, refugees, as people, are obviously covered by human rights norms. That much is obvious. Next, since refugees are victims of human rights abuses, they merit special attention in different situations along the humanitarian continuum: averting refugee flows, allowing people the right to flee or seek asylum from persecution, guaranteeing rights in camps, and helping return to home, integrating into the country of asylum, or resettling in a third country. That much is clear from Mrs. Robinson's comment.

All this is well and good and sounds just fine, but it lacks a clear level-of-analysis basis. The major problem is the incapacity of the two High Commissioners to define the situation of the refugee, to understand the specificity of the refugee behind the legalism of the refugee definition and broad generalizations about human rights leading to calls for cooperation. What happens along the humanitarian continuum to make the refugee a specific category? From the High Commissioner for Human Rights perspective, this lack of clarity is politically understandable—after all, one does not want to exclude a given category of persons from under her umbrella because of overly specific categorization. From UNHCR's perspective, by contrast, this lack of clarity is dangerous because it weakens the very focus of what the organization is supposed to be doing. As with many things

going on at UNHCR today, the original mandate continues to be watered down with refugees the unwitting victims. The danger we are calling attention to is that the lack of clarity by UNHCR in its relationship to human rights threatens its operational effectiveness.

What is the nature of the level-of-analysis problem that worries us? The problem is locating the refugee within a specific set of circumstances located within time and place. In essence, the problem is the lack of focus by UNHCR on the "refugeeness" (specificity) of the refugee. Temporally, refugees have been the victims of an upheaval. The cause of refugee flows is not just any human rights abuse, it is a fundamental suspension of accepted practice. In this sense, the refugee is in between the normal functioning of society and a new, stable situation, whether it be once the conflict in country of origin has settled down, or somewhere else where settlement in dignity can be assured. The refugee represents a significant temporal rift,[5] a radical discontinuity with the past. All people are of concern to the human rights régime, refugees are in a legal limbo. Refugees are neither members of a stable, original community nor are they stable members of a new community.

And, because the refugee is a victim of this radical discontinuity and in limbo, the refugee has the spatial problem of finding a place and legal protection because of the upheaval and uprooting. The refugee needs both physical and legal protection from the given situation. In this sense, UNHCR and its protection régime takes the place of a government during the temporal rift until a specific place is found wherein there is a direct relationship between the place the refugee resides and the government responsible for that people and territory. Being in refugee camps, in this sense, is a form of suspended animation. Refugees in camps remain in protection orbit until they are resettled and some government takes responsibility for them from UNHCR.

There is a difference between a normative system of protection and instrumentality. Special circumstances call

for different instrumentality. While most régimes are state-centric and only indirectly international, the mandate of UNHCR is directly international. UNHCR becomes responsible for the protection of people in given situations without the consent of a government. That is the consequence of the specificity of the refugee situation and what makes refugees different from other vulnerable groups.

How does this description of the "refugeeness" of the refugee situation clash with the human rights régime? Human rights treaties are standard setting instruments. They carry a set of prescriptions about how people should be treated, with what rights individuals are endowed. While one could argue that the weakness of this régime is the lack of clear obligations on states to ensure that individuals are guaranteed those rights, there is no question that states have the primary obligation under the human rights régime. Also, human rights standards are general norms that codify certain rights that are to be actualized in the lives of all peoples. In sum, human rights are standards meant to codify what should happen in a functioning society where the government is responsible for its activities in terms of its citizens.

Refugees are a specific category of people because the very situation they find themselves in is the result and continuation of dysfunctional politics. Not only are refugees victims of human rights abuses, they are victims of the inability of a government to protect them, in the most basic sense of the term, because the normal legal framework that guarantees protection is not functioning. In another context, and to argue by analogy, humanitarian law deals with norms during conflict—that which is essentially the antithesis of a legal framework. Humanitarian law establishes a legal framework within a situation that is basically illegal, or a second order of legality.[6]

The refugee régime is meant to establish rules of conduct for people in an analogous situation, where the normal laws have broken down. Refugee law protects those who are outside a func-

tioning system just as humanitarian law establishes rules of conduct during war. Both humanitarian law and refugee law deal with abnormal situations where normal international rules are necessary but not sufficient to deal with the inability of the local government to function effectively.[7] In humanitarian and refugee law, specific organizations are designated to oversee the functioning of the treaties dealing with specific situations, whereas in human rights law the government of the country itself is ultimately responsible. In this sense, the International Conflict Resolution Centre (ICRC) and UNHCR have different mandates than the High Commissioner for Human Rights.

In sum, the human rights régime sets standards, but is not meant to deal with situations in which those standards break down. The refugee is not just a specific category within the human rights régime; the refugee represents a specific situation which is outside the standard human rights framework. This is why whereas human rights norms are meant to be implemented by governments, refugee law is sometimes carried out by UNHCR in the absence of or even contrary to governments. Refugee law can function in failed states.

To include the refugee régime within global human rights is to weaken the specificity of the refugee situation and to deny the difference between the source of normative protection and the instrumentality of that protection. By moving the refugee mandate closer to human rights, just as would be moving the humanitarian mandate closer to human rights, one denies the power of the particularity of those victims and their needs in particular situations. Refugees need special help in situations where governments are no longer able or willing to ensure that human rights norms are effective. The entire refugee régime is an edifice carefully constructed in situations when the human rights régime has broken down. While it is obvious that the breakdown of the system and the victims are somehow connected, the refugee régime was constructed to deal with the victims of the temporal/spatial breakdown, some-

thing the human rights régime does not do.

By moving the refugee régime closer to human rights and searching for complementarity, the UN High Commissioner for Refugees is running the risk that refugees will become another category of human rights abuses, like children and women, and that its own role will be diminished. While it may be tempting to UNHCR officials to draw closer to the human rights régime for various political reasons, it is insufficient to render service to the specificity of the refugee situation we have described. The upheaval and uprooting that causes refugees and inhibits their return in dignity is much deeper and complex than merely speaking of human rights abuses. Yes, refugees are a category within human rights, and certainly the human rights régime should apply to refugees. While UNHCR says that it wishes to distance itself from certain aspects of human rights monitoring because of fear of becoming too political,[8] the problem with incorporating refugees too closely to the human rights régime is that politically it will weaken UNHCR and the needs for refugee protection.

In other words, our perspective is that while the entire spectrum of humanitarian assistance must be considered, from preventive diplomacy and early warning to reconstructing war-torn societies, it should only be considered in terms of protecting people when thinking of refugees. When UNHCR began to deal with early warning and preventive diplomacy—moving it closer to the human rights régime—it moved away from protecting individuals who were victims. Obviously, preventive diplomacy serves to avert victims. But, UNHCR was designed to deal with a special category of people within a special situation, not the special situation itself. By looking at the spectrum of the situation from preventive diplomacy to rebuilding war-torn societies, UNHCR has lost its vision of its original mandate and risks losing its specificity and effectiveness.

Why has the ICRC maintained the specificity of its mandate in time and

place? It has done so because it recognizes that the laws of war deal with a very limited and limiting situation. UNHCR has gotten away from its mandate of protection of refugees in a way that can easily lead to confusion of mandates with other organizations. While it has been tempting for UNHCR to become the lead agency in different situations, such as the Former Yugoslavia,[9] this pattern has been at an enormous cost to the organization and those it is supposed to serve. Now that the expanded mandates are being reduced, there is growing fear at UNHCR that the heart and soul of the organization—protection—has been lost.

UNHCR is going through a serious organizational downsizing. No one imagines that it will ever return to its budget and size of the early 1990s. What is unfortunate is that because it has spread itself so thin, the downsizing goes across the board and will affect its protection mandate, which has already been weakened. If the downsizing were to affect those areas added on to protection there would less worry.

Our final point, therefore, is that UNHCR must re-examine its priorities and return to the very simple, but daunting task, of protecting refugees. While this may not seem current or particularly ambitious—indeed, there is a certain protection fatigue within the organization (after all, one does not want to seem to be doing the same thing over and over again)—this must be measured against the bureaucratic overstretch that went on in the absence of any organizational threat in the early 1990s. UNHCR had its moment in the sun, and perhaps now it is becoming the victim of its own success. An organization that cannot say no to very different mandates will inevitably overstep its bounds. The new Emergency Relief Coordinator will certainly try to limit UNHCR's range of actions in an attempt to establish clear guidelines for humanitarian assistance. For if anyone understands the dangers of overlapping mandates and UNHCR overreach, it is Sergio De Mello, former Assistant High Commissioner for Refugees.

But the question will remain as to the relationship between human rights and refugee protection and UNHCR. The resolution of that situation is not limited to operational activities. Indeed, the message should be coming from Mrs. Ogata that her priorities are clear and to the point. Without that voice—which has not been clearly articulated—we will continue to hear speeches about coordination from numerous High Commissioners, and to little avail. The UN system is bogged down in coordination problems. The reason for this is that agencies like UNHCR refuse to specify clear objectives and limit themselves to those objectives. And the end result is that the victims of abuses, in this case refugees, become caught up in a web of political overreach and endless calls for coordination. A little self-discipline on the part of the organizations will go a long way to clarifying mandates and helping those in need, which is, after all, the primary purpose of the organizations. ■

Notes

1. *Human Rights and Humanitarian Law: The Quest for Universality,* edited by Daniel Warner (The Hague/Boston/London: Martinus Nijhoff Publishers, 1997), where it was attempted to show certain commonality among the human rights, humanitarian and refugee régimes in the name of overall individual protection. Another example to show complementarity would be Erica Feller, "UNHCR and Human Rights," *Osterreichische aussenlpolitische Dokumentation,* Special Issue 40th International Seminar for Diplomats 28th July–1st August 1997, 201–5. This current paper tries to suggest the limits of that cooperation and complementarity as it applies to the refugee régime.

2. "UNHCR and Human Rights: Policy Considerations and Proposals," UNHCR document, 1 and 4

3. Ibid., 5.

4. Statement by Mrs. Mary Robinson, UN High Commissioner for Human Rights, before the Executive Committee of UNHCR, 14 October 1997, 1.

5. For a more complete discussion of what I mean by rifts here, see Daniel Warner, "Voluntary Repatriation and the Meaning of Return to Home: A Critique of Liberal Mathematics," *Journal of Refugee Studies 7,* no. 2/3 (1994): 160–74.

6. See for example, Dietrich Schindler, "Le Comite international de la Croix-Rouge et les droit de l'homme," *Revue Internationale de La Croix Rouge* (Janvier–Fevrier 1979): 3–15; Maurice Aubert, "De la Declaration des droits de l'homme et du citoyen du 26 août 1789 au droit international humanitaire actuel," *Revue Internationale de La Croix-Rouge* (Juillet–Août 1989): 1–12; Louise Doswald Beck, Sylvain Vite, "Le droit international humanitaire et le droit des droit de l'homme," *Revue Internationale de La Croix Rouge* (Mars–Avril 1993): 99–128; Rapport Final du Groupe d'Experts sur les Droits de l'Homme adopté par la Commission sur la Croix-Rouge, le Croissant Rouge et la Paix, à sa XXVIe Session, Avril 1989.

7. As Professor Schindler notes, "... the humanitarian treaties relevant in cases of armed conflict contain dispositions for individual protection more extended and more precise than the human rights treaties." Schindler, *Revue Internationale,* op. cit., 11. Schindler, for various reasons, argues for a distinct separation between the two régimes.

8. The dichotomy between political and humanitarian is as fraudulent as the one between practitioners and academics.

9. For recent criticisms of this role, see Michael Barutciski, "The Reinforcement of Non-Admission Policies and the Subversion of UNHCR: Displacement and Internal Assistance in Bosnia-Herzegovina (1992–1994)," *International Journal of Refugee Law* 8, no.1/2 (1996): 49–110; Alex Cunliffe, "A Mandate too Far? The UNHCR as Lead Agency in the Former Yugoslavia," paper presented at the conference on Refugee Rights and Realities, University of Nottingham, 30 November 1996; Erin D. Mooney, "UNHCR and the Shifting Paradigm of Protection," paper presented at the conference on Refugee Rights and Realities, University of Nottingham, 30 November 1996. □

Refugees, Humanitarian Emergencies, and the Politicization of Life

Peter Nyers

Abstract

The concept of "humanitarian emergency" has come to be largely synonymous with contemporary refugee situations. The purpose of this paper is to critically explore the connections between the categorization of refugees as an "emergency" situation and the way in which "humanitarianism" has come to constitute a hegemonic discourse in which academics, policy-makers, international organizations, and refugee advocates must formulate their arguments and actions. Humanitarianism is often portrayed as posing a challenge to the codes and practices of state sovereignty because it is a form of action which is purportedly motivated by a sense of obligation and responsibility to "humanity" that goes beyond the responsibility one feels for fellow citizens. This paper analyzes a series of recent UNHCR representations of refugees to suggest that humanitarianism must instead be understood as an inherently political concept. Drawing upon the writings Giorgio Agamben, this paper demonstrates how humanitarianism is always already (bio)political to the extent that it relies on a conception of "bare human life" which is consistent with the practices of state sovereignty. From this perspective, framing the refugee phenomenon as a "humanitarian emergency" works to sustain constitutive practices which stabilize and reproduce statist resolutions to questions of political identity, community, and world order.

Précis

Le concept d'«urgence humanitaire» est devenu une sorte de synonyme général de «situation contemporaine des réfugiés». Le but de cet article est de procéder à une exploration critique des liens entre la catégorisation du refuge comme situation d'«urgence» et la façon dont l'idée d'«humanitarisme» en est venue à se constituer en discours hégémonique, dans le cadre duquel les universitaires, les décideurs, les organisations internationales, et les défendeurs des droits des réfugiés se voient obligés de formuler leurs arguments et leurs actions. L'humanitarisme est souvent dépeint comme posant un défi aux codes et pratiques de la souveraineté des états, car c'est une forme d'action qui serait motivée par un sens de la responsabilité et des obligations envers l'«humanité» qui outrepasserait les responsabilités que l'on aurait envers ses concitoyens. Le présent article analyse une récente série de représentations de réfugiés du HCR visant a suggérer que l'humanitarisme devrait plutôt être compris comme in concept fondamentalement politique. Fondé sur les écrits de Giorgio Agamben, le présent article démontre comment l'humanitarisme est toujours déjà (bio)politique dans la mesure où il se fonde sur une conception de la «vie humaine minimale» qui est conforme à les pratiques des états souverains. Dans cette perspective, formuler le phénomène du refuge en terme d'«urgence humanitaire» tend à perpétuer des pratiques constitutives qui stabilisent et reproduisent la résolution étatiste des questions d'identité politique, de communautés, d'ordre mondial.

A Crisis Vocabulary

The phenomenon of the refugee has a long history of being subsumed within discourses of crisis and danger. Words such as problem, crisis, "complex emergency," challenge, and control are commonly invoked when the subject of refugees and their movements arise. Refugee situations today are usually provoked by a complicated configuration of political, socio-economic, and environmental forces which have conjoined to create to a crisis situation. The suddenness and severity of post-Cold War refugee flows has prompted a prominent UNHCR official to characterize these situations as "mega-crises" in a statement to the UN Security Council (Jessen-Petersen 1998, 65). It is therefore not surprising to find that "humanitarian emergency" has come to be one of the most popular concepts in the refugee studies literature, dominating the vocabulary of the officials, aid workers, advocates, academics, and journalists. The concept attains further credibility for the way it connects the urgency of crisis situations with a heightened sense of moral obligation for individuals and groups caught in such situations. This emphasis on ethical responsibility is especially pertinent given the recent changes to the immigration and refugee policies of Western states, where increased restrictions, tightened procedures, and shortened time-lines have drastically undercut the asylum cultures of these countries (Carlier et al., 1997). These changes, moreover, come at a time when both the number of refugees and crisis situations are proliferating. Indeed, the 1.5 million refugees the UNHCR recognized in 1951 had increased to 13.2 million by 1996, together with an additional 8.5 million internally displaced persons, returnees, and others of concern to the agency (UNHCR 1997). The financial costs of providing humanitarian assistance and protection to refugees has similarly increased: the UNHCR's original budget of U.S.$300,000 has been dwarfed by recent budgets in excess of some U.S.$1.3 billion (Cunliffe 1995).

The problem of refugees, however, does not lie in their numbers alone. It is a problem, first and foremost, of categorization, of making distinctions. All classifications have social conditions for their production and historical circumstances which make them credible.[1] However, the immediacy—indeed, the "emergency"—of refugee situations has left little time for critical

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self-reflection on the conditions and circumstances that make such a system of discrimination possible. Daniel Warner (1995, 372) speaks to this point when he recalls the reaction of the High Commissioner of the UNHCR to an academic exegesis of refugee discourse: "That was all very well Professor, but what am I to do with the problem tomorrow morning?"

One of the enduring consequences of being defined in crisis terms is that the refugee phenomenon, not surprisingly, has been typically incorporated into what Robert Cox (1996) has identified as "problem solving" discourses—an approach which is generally practical and operational in nature, and where a short-term, crisis-oriented attitude is encouraged. As Cox recognized, however, the major concern with "problem solving" perspectives—and I would add, especially when they operate under the strict temporal constraints imposed by "emergency" situations—is that they invariably concentrate their attention on the practical ways in which order and normalcy can be reinstated. Critical questioning of both the unequal power relations and desirability of this order are de-emphasized, marginalized, or ignored. Also de-emphasized is any attempt to question the role of such key foundational concepts as citizenship and state sovereignty. Such critical questioning, however, seems to be crucial if we are to be in a position to identify and explain how refugees figure into debates about current and possible transformations of world order.

A useful way to begin such questioning is to think of emergencies as Walter Benjamin suggests. In his "Theses on the Philosophy of History," Benjamin (1968, 257) writes:

> The tradition of the oppressed teaches us that the "state of emergency" in which we live is not the exception but the rule. We must attain to a conception of history that is in keeping with this insight. Then we shall clearly realize that it is our task to bring about a real state of emergency ...

Benjamin's diagnosis of the "state of emergency" loses none of its relevance when it is applied to contemporary questions about humanitarianism, multilateral cooperation, and the global refugee crisis. Situations deemed emergencies are always interesting for how they reveal the often unquestioned and undertheorized assumptions about what constitutes a "normal" state of affairs. Consequently, to think of emergencies as "not the exception but the rule" means paying attention to those practices which work to reproduce and sustain prevailing conceptions of "normality" and "order."

What, then, is this "normal" state of affairs with respect to refugees? A 1939 review of international co-operation on the "refugee question" offers a conventional answer that is still relevant today. The author, an international lawyer, comments on how the refugee condition should be understood as a temporary condition: "The status of the refugee is not, of course, a permanent one. The aim is that he [sic] should rid himself of that status as soon as possible" (Jennings 1939, 98). The lawyer probably felt justified in so easily incorporating the phrase "of course" into his discussion because, as mentioned above, a crisis mentality prejudices one toward a shortened temporal horizon. His casual acceptance, however, can also be interpreted as a claim about the "proper" and "enduring" form of political identity and community—that is, the citizen and the nation-state. It is because the refugee is displaced from these "authentic" identities and communities that she is seen as no more than a temporary aberration to the norm, a hiccup which momentarily disturbs the "national order of things."[2] But to assume that the concepts of "citizenship" and "sovereign state" are somehow unproblematic, foundational principles of modern political life is to engage in an act of reification which obfuscates the real, historical political practices of identity and community formation and contestation (Magnusson 1996). From this perspective, state sovereignty is not so much a thing, a static juristic principle to be invoked, as an effect of various practices. As such, state sovereignty should not be assumed so much as ex-

plained. As Cynthia Weber (1995, 3) explains,

> It is not possible to talk about the state as an ontological being—as a political identity—without engaging in the political practice of constituting the state. Put differently, to speak of the sovereign state at all requires one to engage in the political practice of stabilizing this concept's meaning.

If conventional perspectives on the refugee phenomenon work according to an emergency logic that blocks critical reflection on foundational assumptions, how is the identity of the refugee affected by such a discourse? What constraints and possibilities exist for individuals finding themselves labelled as refugees? In the next section I will examine how humanitarian assumptions work to further the aberrant status of refugees by examining some recent UNHCR visual representations of the refugee condition.

Representing Refugees: Emptiness, Lack, Silence

The first representation opens the UNHCR internet website of refugee images.[3] This website sees itself as providing a visual supplement to the rather abstract legal definitions that are typically employed to explain the condition of the refugee. As such, its purpose is summed up by its title—What is it like to be a refugee? The ensuing photographs attempt to answer this question. And so, on one screen we see a Rwandan refugee family, fleeing the country with 250,000 others all on the same day in April 1994. On another, there is a photograph of an elderly Bosnian woman who has become 'internally displaced' within her own community. These photographs—and others representing the struggles of Tajik, Somali, Vietnamese, and other refugees—reflect how the recent proliferation in refugee numbers has been matched by an unprecedented polymorphism and complexity in the causes, underlying dynamics, and effects of global refugee flows. Consequently, viewing the visual archive can leave one with the sense that no simple or singular answer to the question of refugee identity (or "refugeeness") is possible. Cur-

rent conditions strongly suggest that the answer to the website's initial question must necessarily be plural, ambiguous, and historical.

The diversity in the lived experiences of the refugees represented in the UNHCR's visual catalogue gives testament to the sheer scope and complexity of contemporary refugee flows. At the same time, however, the organization insists that behind these experiences born out of particular contexts and circumstances lies a common underlying identity which is universally shared among all refugees. This universalist, humanitarian perspective is well represented in the title page photograph. At first, the photograph seems to be a rather enigmatic choice for a title page representation. No actual person—refugee or otherwise—can be found anywhere in the picture. Portrayed rather is a single long-sleeved shirt suspended in front of a make-shift shelter. The shirt, moreover, hangs in a way that produces the illusion that a human body—the body of the refugee—is occupying it. We expect to see the refugee, but that individual is missing, absent, invisible. However, the essential humanitarian message is clear—the emptiness of the shirt signifies the emptiness that all refugees feel when they are forced to sever their ties with their home. To the question "What is it like to be a refugee?" the conventional humanitarian answer is presented in terms of a profound sense of lack. Like the empty shirt, the life of the refugee is typically seen as suffering from emptiness.[4]

Such a perspective is also apparent in a second UNHCR representation found in the organization's most recent report, *The State of the World's Refugees: A Humanitarian Agenda* (UNHCR 1997, 50). Each chapter of this publication has an accompanying photograph chosen for how it compliments and further conveys the chapter's central theme. The second chapter, entitled "Defending Refugee Rights," is accompanied by a photograph of a Sri Lankan refugee child in Tiruchi, India. The child is standing beside several large trunks, which hold, no doubt, the only possessions the child's family could transport during the flight from their homes. What is most striking about the photograph is that its subject—the refugee child, standing behind a backlit curtain—can only be seen as a shadow. Absent is any indication of even the most basic physical features—not even the child's gender can be discerned. What is the significance of this? Why would a photograph chosen to illuminate the challenges of defending refugee rights present an anonymous, two-dimensional outline of a child's human form? Liisa Malkki (1996, 388) offers an interesting perspective, suggesting that "the visual prominence of women and children as embodiments of refugeeness has to do not just with the fact that most refugees are women and children, but with the institutional, international expectation of a certain kind of helplessness as a refugee characteristic." Consequently, just as the opening photograph of the UNHCR's website is notable for how it links "refugeeness" with invisibility, acorporeality, and emptiness, the image of the refugee child is striking for how it effaces all traces of presence on behalf of refugees when it comes to discussing their political and social rights.

These humanitarian images of refugees, like all representations, cannot be expected to convey one thing as another without political effect. In a recent article, Malkki demonstrates how humanitarian representations of refugees act as an intervening force in world politics. Malkki notes how both the mass media and the publications of humanitarian and international organizations perform such a role, transforming refugees into what she calls "speechless emissaries."

> One of the most far-reaching, important consequences of ... established representational practices is the systematic, even if unintended, silencing of persons who find themselves in the classificatory space of "refugee." That is, refugees suffer from a peculiar kind of speechlessness in the face of national and international organizations whose object of care and control they are. Their accounts are disqualified almost a priori, while the languages of refugee relief, policy science, and "de-velopment" claim the production of authoritative narratives about refugees. (ibid., 386)

Humanitarian representational practices, Malkki argues, attempt to disturb the common distinction between refugees and non-refugees by promoting a vision of a shared and common humanity. Such representations, however, often end up portraying an undifferentiated "raw" or "bare" vision of humanity which works to mask the individuality of refugees—as well as the historical and political circumstances which forced them to take this identity. Malkki argues that "in their overpowering philanthropic universalism, in their insistence on the secondariness and unknowability of details of specific histories and specific cultural or political contexts, such forms of representation deny the very particulars that make people something other than anonymous bodies, merely human beings" (ibid., 388–89).

One of the central difficulties of portraying refugees as "merely human beings" is that all notions of political agency are, in a word, emptied from refugee subjectivity. This type of analysis captures what is at stake politically with the refugee phenomenon: refugees are silent—or rather, silenced—because they do not possess the proper political subjectivity (i.e., citizenship) through which they can be heard. It is in this sense that the assumptions informing the humanitarian representations of refugees described above correspond to a form of discriminations Jacques Derrida (1976) has labelled logocentric. Briefly, logocentric distinctions are hierarchically arranged binary oppositions in which one privileged term (logos) provides the orientation for interpreting the meaning of the subordinate term. Refugees have been negatively defined as registering a two-fold lack with respect to the privileged resolutions to questions of political identity (citizenship) and community (nation-state). Whereas the citizen is firmly and securely rooted in the sovereign territorial space of the state, the refugee suffers from displacement: she is uprooted, dislocated, an unwilling exile of the com-

munity of citizens. Refugees therefore signify an emptiness, an incompleteness vis-à-vis the meaningful presence to political subjectivity that state citizenship provides. To rectify this crisis, multilateral actions attempt to enact a spatial reversal of the binary and transform this lack into a positive presence. Not surprisingly, these "solutions" take the form of restoring statist identities and communities to refugees in the form of voluntary repatriation (i.e., returning to country of origin) and asylum (i.e., settlement and integration into another country) as well as encouraging multilateral cooperation on refugee issues.

Humanitarianism and the Politicization of Life

To say that humanitarian representations work to de-politicize refugee identity is to at once raise the entire question of humanitarianism's relationship to politics. In its modern guise humanitarian action has been consistently premised on the principles of humanity, impartiality, and neutrality. Pivotal instances in the spread of these humanitarian principles include Dunant's founding of the International Committee of the Red Cross (ICRC) in 1863, the adoption of the Hague Conventions in 1907 as well as the Geneva Convention of 1949 and its additional protocols of 1977. The current High Commissioner of the UNHCR, Sadako Ogata, emphasizes the contemporary relevance of these principles when she insists that the creation of "humanitarian space" must be "premised on the principles of impartiality and neutrality" and be "independent from political goals and considerations."[5]

The principles of impartiality and neutrality, furthermore, gain their force from a prior distinction made between humanitarianism and politics. It is well known, for instance, that the 'humanitarian and social' disposition of the UNHCR (stipulated in Article II of its founding Statute) is articulated only after the agency's work is defined as "non-political." The president of the ICRC puts the issue bluntly in a 1992 address to the UN General Assembly: "humanitarian endeavor and political

action must go their separate ways if the neutrality and impartiality of humanitarian work is not be jeopardized."[6]

According to the conventional wisdom, therefore, humanitarianism is conceived as the opposite of political activity. The two constitute a hierarchical binary, the normative character of which has the former element carrying positive connotations ("humanitarianism is compassionate, principled, impartial") while the latter is seen in negative terms ("politics is cynical, amoral, self-interested"). This binary logic, moreover, is typically employed to explain the "cause and effect" of refugee flows: on the one hand, it is political activity gone too far which creates the problem of forced displacement; on the other, the effects of these flows raise humanitarian concerns and the need for humanitarian action (Cutts 1998, 3–5).

The idea that humanitarianism and politics can be somehow kept separate and distinct from one another has not gone unchallenged.[7] There is a growing recognition for how the politicization of humanitarianism (intended or unintended) is undermining the ability of aid workers to act in a neutral and impartial manner (Minear and Weiss 1991). To be sure, in the context of conflict or crisis, the revered principles of neutrality and impartiality often simply come to be a matter of perspective. For example, humanitarian organizations invariably have to cooperate to some degree with governments and international organizations, yet their mere association with these bodies can damage the perception of neutrality. What is more, in cases where humanitarian emergencies occur within the context of a "policy vacuum," humanitarian aid workers are often left with no other choice but to fill this vacuum and become political actors themselves (Roberts 1996, 51–54; Vogel 1996). Finally, as Mark Cutts (1998, 4) has noted, the extreme logistical challenges posed by crisis situations can lead to circumstances where "politically naïve humanitarian organizations are themselves the blame for obscuring the real issues of genocide, ethnic cleansing and other massive human rights abuses, by focusing too

much on issues such as food and medical supplies."

The humanitarian-politics relationship, however, is much more complicated than provided for by the "politicization" criticism. This latter perspective often remains committed to a pure, non-political conception of humanitarianism which has not been spoiled by a negative interaction with political forces. Many scholars, however, have recently suggested that the principle of "humanity," which provides both the justification and orientation of humanitarian action, must be re-conceived as an inherently political concept. For instance, the relationship between the principles of state sovereignty and humanity has been extensively explored in recent works by critical international relations theorists. In an important study, Andrew Linklater (1982) has characterized the development of international relations in terms of a moral conflict between claims to citizenship and claims to humanity. Does one place an obligation toward humanity and strive for ethical universality, or does one privilege the duties we have toward fellow citizens in a political association and therefore settle for ethical particularity? The modern practice of international relations, Linklater argues, is predicated on the early modern trade-off between "men" and "citizens." The terms of this trade-off, classically represented in the work of Thomas Hobbes (1968), stipulate that priority be given to claims of citizenship in the particular political association of the state. Hobbes resolves the conflict between the universal and the particular by positing a theory of state sovereignty which allows for one international system with many particular states. Rob Walker (1993, 154) explains the logic of this citizen/human resolution:

> As a response to questions about whether 'we' are citizens, humans or somehow both, state sovereignty affirms that we have our primary—often over-riding—political identity as participants in a particular community, but retain a potential connection with 'humanity' through participation in a broader international system

... As citizens, we may aspire to universal values, but only on the condition that we tacitly assume that the world out there is in fact a realm of particular states, of other communities each aspiring to some notion of goodness, truth and beauty.

The modern phenomenon of the refugee disturbs this resolution to the extent that it represents a conceptual, empirical, and physical breach in the relationship between "humans" and "citizens." Here, we should recall Malkki's analysis of humanitarian representations which present refugees in terms of a "naked" or "bare" visions humanity. The moral appeal of such conceptions of "humanity" gain force from the universal character of the shared "human existence" or "bare human life" that is common to all people. For the Italian critic and theorist Giorgio Agamben, however, it is precisely a human being's bare life—and not some social contract or an individual's free will—that functions as the foundation for the state's legitimacy and sovereign power: "from the point of view of sovereignty only bare life is authentically political" (Agamben 1998, 106). From this perspective, "humanity"—far from being a neutral concept— is seen to be inextricably connected to our modern understanding of the nature and location of "the political." Consequently, the principal reason refugees constitute a "problem" or "emergency" to the international system of states lies in "the very ambiguity of the fundamental notions regulating the inscription of the native (that is, of life) in the juridical order of the Nation-State" (Agamben 1996, 161). Thus, for Agamben, the refugee phenomenon is a problem which must be resolved not within some allegedly neutral "humanitarian space," but rather on the terrain of "biopolitics."

Foucault (1978, 143) employed the concept of "biopower" to refer to those forces which "brought life and its mechanisms into the realm of explicit calculations and made knowledge-power an agent of transformation of human life." Agamben applies this concept to Hannah Arendt's writings to demonstrate how refugees—represented as bare human life—are caught-up in the "mechanisms and calculations" of sovereign power. Arendt entitled the chapter in Imperialism which addresses refugees, "The Decline of the Nation-State and the End of the Rights of Man." Agamben suggests we continue to take this formulation seriously for it correctly links "the fate of human rights with the fate of the modern Nation-State in such a way that the waning of the latter necessarily implies the obsolescence of the former" (Agamben 1996, 161). Individuals characterized by the absence of statist identities and communities (i.e., refugees) thus bring about a radical crisis to the allegedly eternal and universal concept of human rights. As Arendt (1968, 179) states,

> The conception of human rights, based upon the assumed existence of a human being as such, broke down at the very moment when those who professed to believe in it were for the first time confronted with people who had indeed lost all other qualities and specific relationships—except that they were still human.

To explain how this paradox comes about, Agamben (1998, 128) suggests we need to appreciate the way the modern state makes nativity (i.e., birth, naked human life) the "bearer of sovereignty":

> The principle of nativity and the principle of sovereignty [are] irrevocably united in the body of the "sovereign subject" so that the foundation of the new nation-state may be constituted ... The fiction implicit here is that birth immediately becomes nation such that there can be no interval of separation between the two terms. Rights are attributed to man (or originate in him) solely to the extent that man is the immediately vanishing ground (who must never come to light as such) of the citizen.

From this perspective, "humanity" is already present within the concept of citizenship; it appears as the "hidden difference" between birth and nation. Agamben's point is that refugees make what is hidden—i.e., bare life—come to light, thus "unhinging" the state-nation-territory trinity that conventional theories of the state take for granted. As the modern political imagination remains fixated on the citizen as the authentic ethico-political identity, it is not surprising that refugees (as the absence of that identity) are stripped of all political agency and deemed temporary, "emergency" situations. Indeed, Agamben (1998, 133) suggests that when humanitarian organizations portray refugees in the figure of bare human life they may "despite themselves, maintain a secret solidarity with the very powers they ought to fight." In the end, prevailing "solutions" to the refugee's plight focus on returning to refugees statist identities so as to restore the conditions under which they may once again enjoy a properly "human" life as citizens.

Conclusion: Emergency or Emerging Identities?

At the same time that refugees are defined in terms of a "humanitarian emergency" and thus as an object of ethical concern, they are also defined as a crisis in international order. Sadako Ogata (1998, 64) speaks to this point when she notes that humanitarian action "to bring protection and relief to the victims is of course a moral issue at its core, but can also have a strategic value in preserving regional and global stability." The wording of the High Commissioner's statement is worth reflecting upon for it points to a fundamental ambiguity that characterizes conventional multilateral responses to the phenomenon of global refugee flows: what is the relationship between a commitment to humanitarian action on the one hand, and to the principles and norms which underline the "peace, security, and stability" of the international system of states on the other? While the first commitment appeals to a common human identity as the basis for multilateral humanitarian action, the second directs our concern toward maintaining a world order which insists upon citizenship as the authentic ethico-political identity.

The modern account of the location and character of the political continues to be powerfully compelling. As this

paper has tried to demonstrate, even actions residing on the limit of modern politics—such as humanitarian multilateral cooperation on the refugee problem—tend to be, in the end, overdetermined by the statist prerogative to claim the authentic subjects and spaces of politics as its own. The humanitarian ethic in these cases is subsumed within the logic provided by state sovereignty, a logic which already posits a resolution between the moral obligations we feel toward the one and the many, the universal and the particular, humanity and citizen-subjects.

Emergency discourses, however, cannot completely control or disarm political phenomena which challenge, exceed, or simply side-step the limits of modern accounts of political space and identity. Instead, as Homi Bhabha (1994, 41) has noted, the "state of emergency is also always a state of emergence." There is always some "political excess" which allows us to consider how a phenomena such as refugees can figure into the process of transforming world order by virtue of how they "contest borders, put states into question (without rendering them irrelevant), rearticulate spaces, and reform identities" (Campbell 1994, 368). Refugee situations should therefore be understood as complex, multidimensional sites of identity practices. Refugee identity is not merely the negative, empty, temporary, and helpless counterpart to the positive, present, permanent, and authoritative citizen. We need to develop a perspective which is open to the possibility of political and ethical engagements which does not reproduce the sovereign codes which doom refugees to the status of "speechless emissaries" (Malkki 1996). Inspiration in this endeavour should obviously be encouraged especially when we are confronted with conventional perspectives on refugee flows which think that practical and operational "solutions" within a state-centric discourse are sufficient to understand this phenomenon. It is only once these claustrophobic imaginings of world politics are resisted, both in theory and practice, that we can begin seriously to consider what it might

mean to bring about Benjamin's "real" state of emergency. ■

Notes

1. Compare: Foucault 1973; Bourdieu 1984; Butler and Scott 1992; Machiavelli 1979.
2. The phrase appears in Malkki 1992.
3. See: http://www.unhcr.ch/images/
4. For a parallel discussion of how the theme of emptiness is also found in representations of homeless people, see Kawash 1998.
5. Quoted in Cutts 1998, 10.
6. Quoted in Roberts 1996, 55.
7. A number of academic journals have recently dedicated special issues on the topic of the state and viability of humanitarianism today. See *Refugee Survey Quarterly* 17, no. 1 (1998); *Disasters* 22, no. 4 (1998); *Millennium: Journal of International Studies* 27, no. 3 (1998).

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Representing the Past in Exile:
The Politics of National History among Burundian Refugees

Simon Turner

Abstract

Life in a refugee camp often brings about the need for explanations among its inhabitants, and historical narratives attempt to supply the answers. But these narratives change over time and several narratives can exist in the same refugee camp simultaneously. This paper argues that the production of historical narratives is closely related to the dominant political ideologies in the camps. It argues that in order to understand the changes in representations of the past in the camps, one must analyze the changes in political movements among the Hutu opposition. It shows how the dominant discourse on ethnicity in Burundi has changed since the early 1980s and how this has forced the Hutu opposition to reformulate its demands. Finally, it contends that regional developments, such as the genocide in Rwanda, have also been influential in the general shift from an essentialist to a pluralist discourse among Burundian Hutu in exile. It concludes that ideological formations among refugees in camps are in no ways isolated from the outside world.

Précis

La vie dans un camp de réfugiés crée souvent des conditions qui amènent ses habitants à recourir à l'explication, et les narrations historiques tendent a fournir les éléments explicatifs recherchés. Mais ces narrations changent avec le temps et plusieurs dispositifs narratifs peuvent exister dans les même camps de réfugiés simultanément. Cet article présente une

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argumentation selon laquelle la production de narrations historiques est étroitement reliée à l'idéologie politique dominante dans le camps. On soutient que pour comprendre les changements de représentations de la vie passés du camps, on doit analyser les changements inhérents au mouvement politique de l'opposition Outoue. On montre alors combien le discours dominant sur l'ethnicité au Burundi a changé depuis le début des années 1980, et comment ce phénomène a forcé l'opposition Outoue à reformuler ses demandes. Finalement on avance que les développements dans la région, comme par exemple le génocide rwandais, ont eu aussi une forte influence dans le mouvement général de passage d'un discours essentialiste à un discours pluraliste parmi les Outous burundiens en exil. L'article conclut que les formations idéologiques se développant entre réfugiés dans les camps ne sont en rien isolées du monde extérieur.

Introduction

This paper examines the relations between the production of historical narratives and political movements in refugee camps. After finding that competing versions of Burundi's past exist among Hutu refugees in camps in Tanzania and that these versions of history have evolved over the years, this paper contends that these narratives do not merely "emerge" as a result of objective life conditions in the camps—although these conditions can be more or less conducive to their survival. Rather, representations of the past make up part of larger ideological constructs that are linked to the main political movements in the camps. Thus in order to understand the production of historical narratives we must analyze the wider political framework that refugees are part of. This framework extends far beyond the confined space of the refugee camp; involving national, regional and global changes in the political field.[1]

Two Narratives

We are sitting on narrow wooden benches in a neat hut made of UNHCR plastic sheeting—the white and blue material that dominates the landscape in Lukole refugee camp and much of the surrounding Tanzanian villages. We are in "La Vedette," one of the more expensive restaurants that have shot up in the camp. Here, the elite enjoy *brochettes*, Pepsi and Primus—beer smuggled in from Burundi. Opposite me a young man with enthusiastic pale brown eyes is explaining to me the intricate details of *mwamiship* and Tutsi trickery and dominance in pre-colonial Burundi. He explains about all the different dynasties and lists their names. He tells me how the Tutsi first came to Burundi from the North with their cattle, and how they cunningly lured the Hutu into bondage through lending them calves or playing on the superstitious nature of the Hutu.

He explains how the Tutsi are not honest and hard working like the Hutu. Their success has been achieved through cunningness, lies, and secrecy. If they were not so secretive, the Hutu would discover their falseness and that would be the end of Tutsi power. That is why the Tutsi do everything that stands in their might to prevent Hutu from being educated and discovering the "Tutsi secret." You cannot trust a Tutsi and therefore they are not allowed to join his party, Palipehutu (Parti pour la Libération de Peuple Hutu).

Some of the stories he tells me with passion and oratorical eloquence—in spite of his having only primary education, and in spite of (or perhaps because of) being born in exile—and they are quite fascinating as stories.

> In the old days they would choose the most beautiful young Hutu men and women. They would go to the fami-

lies and say "this one is beautiful and strong—this one also." Then they would lay them down like this—in rows on the ground—on the path. This was at certain celebrations for the *Mwami* [king]. Then the royal cattle would walk along them—on their backs, like that, over their bodies—down to the watering hole ... (Young man, Lukole, September 1997).

The next day I am sitting the same place, interviewing a group of men—young and old—who all hold some position of importance in the camp. One is a head teacher, another works for an NGO, one used to be an officer in the army, another a *burgomaster*. The reason, they are here, is that they are the leading figures in Palipehutu's rival party in the camp; the CNDD (Conseil National pour la Défense de la Démocratie). With the memory of the stories from the previous day in mind, I try to ask them about Burundi's past, and being educated and interested in politics and the affairs of their country, they answer. But there is no doubt that the enthusiasm for ancient history is not overwhelming. They manage to present the various dynasties of Burundi but they do not spill over with detailed accounts of royal cattle walking on young Hutu or royal drums made of the skins of Hutu testicles. For them pre-colonial history has only academic interest. They believe the conflict between Hutu and Tutsi only started after colonialism. It was the Belgians who, through a policy of divide and rule, created the tensions between Hutu and Tutsi.

Constructing Histories in Exile

These two narratives illustrate to us how differently the past can be represented. One believes the ethnic conflict to be age old and between two essentially different races, while the other believes the conflict to be the result of colonial policies and the categories to be constructed to some degree. While the young Palipehutu man is obsessed with ancient history and presents a very coherent national history, the CNDD supporters are more interested in recent history and often contradict themselves.

Before looking at the concrete construction of the past in Lukole, some theoretical clarifications on the relations between history, ideology and political movements are needed. History and its representations in exile—or anywhere for that sake—are not merely a question of recounting facts from the past. Especially when we consider the history of nations we are dealing with constructs; constructs that are creating a nation and a national history retrospectively. As Balibar writes,

> The history of nations, beginning with our own, is always already presented to us in the form of a narrative which attributes to these entities the continuity of a subject. (Balibar 1991, 86)

The nation as a continuity is a twofold illusion. It is the illusion that generations have handed down an unchanged "substance" over the centuries. And it is the illusion that the contingency of events that make up history are not contingent at all; there could only have been this one chain of events. It is the illusion of a national destiny (Balibar 1991, 86–87).

The right to tell this national history is a highly contested domain in Burundi. All parties to the conflict are eager to tell "the truth" about what actually has happened and is happening in their country. Everyone believes he[2] possesses the "substance" of the national heritage. In the camp, people often wanted me to take their story to "the important people of the UN and your country" so that the "reality" could get out. All Hutu refugees agree that the Tutsi are secretive and stick to power through "hiding the truth." If only this "truth" could get out and the Tutsi secrets be exposed, they argue, the outside world (especially America) would help solve the conflict.[3] These views are all permeated by the illusion of a national destiny.

Liisa Malkki (1995), in *Purity and Exile: Violence, Memory and National Cosmology among Hutu Refugees in Tanzania*, provides a brilliant analysis of historical narratives in exile. Like the young Palipehutu supporter, mentioned above, the Burundian refugees in

Mishamo refugee camp were very preoccupied with their past.

> In virtually all aspects of contemporary social life in the Mishamo camp, the Hutu refugees made reference to a shared body of knowledge about their past in Burundi. Everyday events, processes and relations in the camp were spontaneously and consistently interpreted and acted upon by evoking this collective past as a charter and blueprint. (ibid., 53)

However, as Balibar points out such histories are not merely descriptions of the past. They are a means to better understand the present.

> It [the Hutu history] represented, not only a description of the past, nor even merely an evaluation of the past, but a subversive recasting and reinterpretation of it in fundamentally moral terms. In this sense it cannot be accurately described as either history or myth. It was what can be called a *mythico-history*. (ibid., 54, original emphasis.)

How much *mythico-histories* are fact or fiction, how much they tell the "true" history of Burundi, is irrelevant, Malkki argues.

> But what made the refugees' narrative mythical, in the anthropological sense, was not its truth or falsity, but the fact that it was concerned with *order* in a fundamental, cosmological sense. (ibid., 55)

Malkki's work shows how refugees, whose world has crumbled, following massacres of horrific proportions and brutality and exile to a very different environment, are very much in need of new explanations as to why they are where they are. She also shows how self settled town refugees do not appear to have the same urge to create new national histories.

But whereas *mythico-histories* seem to simply "emerge" in her analysis, I believe that these histories are actively used and manipulated for political means. As we saw in the two interviews, two very different versions of national history can exist in the same refugee camp. In other words, the versions of what happened in Burundi as told to Malkki in Mishamo and to me in Lukole

make up part of larger political discourses and have been sanctioned by the political leaders in the camps or elsewhere.

The question of whether mythologies and ideologies merely emerge on the basis of structural conditions in society or can be manipulated by political actors, has always been a point of debate for political scientists.[4] In what he calls *"the Dialectic of 'Availability' and 'Structured Contingencies'* (Hansen 1997, 119) Thomas Hansen argues that

> The success or failure of political movements and parties is, thus, heavily conditioned by the structure of 'availability'—i.e., a certain level of disgruntlement, a sense of violation of rights and readiness to protest in an electorate or population—that provides necessary but far from sufficient, conditions of possibility for political mass-mobilization ... Further, the success or failure of a political actor depends on the attractiveness of the interests it claims to represent ... (ibid., 164)

Thus the contents of the *mythico-histories*, the rumours, and the nationalist and political ideologies that circulate in the camp cannot be deduced from the objective interests nor the objective life conditions of the refugees alone. One cannot *a priori* determine which ideologies will emerge. But for ideologies to gain some ground—to find resonance among the refugees—they must appeal to the refugees. They must offer an explanation as to why they are in a refugee camp and offer themselves as the solution to all their troubles and tribulations.[5]

Furthermore, as much as these ideologies promise to fulfil a need in the camps, they might have their origins elsewhere. If political movements are to have any success and credibility, they must also be able to relate to the political playing field in the country of origin as well as globally. Thus, in order to understand the dynamics of political ideologies in the refugee camps one has to expand one's analysis to political dynamics far beyond the camp.

As Marc Sommers (1995) points out, the educated, male Hutu elite in exile claims to represent all Burundian refu-

gees, often playing the ethnic card in order to further its own political interests, without really caring about the *watu wadogo* (small people). There is no doubt that Burundi society is deeply hierarchic,[6] and I would often hear comments about "big men" as opposed to the "peasants" in the camp. But the fact that refugee society is hierarchic and that certain "big men" get to represent the refugees as such does not automatically entail that this is a "wrong" or "false" representation. As mentioned above, the ideologies of the elite have to "appeal" to the "small people" to gain support, no matter whether they actually represent their objective interests.[7]

There might well be counter discourses among the women and the poor in the camps that I have not encountered. As Sommers also remarks, "For most Burundi refugees, public silence is the safest strategy for survival" (ibid., 23). I also found that non-elite refugees—especially women—were not very comfortable with expressing their opinions to me in public. However, in life history interviews with young, non-elite men, they would usually open up. And usually they would express opinions about Burundi history that corresponded with either Palipehutu's or CNDD's versions. As we will see later in this paper, the most obvious diversion or resistance to elite politics is expressed by businessmen in the camps who prefer to concentrate on the present in the camp rather than on the past and future in Burundi. It is difficult to estimate how much these political ideologies represent the "small people" but it is certain that they are the dominant ideologies in the camp and that they are very important for understanding how refugees understand their past.

In conclusion, we may claim that representations of the past make up part of political ideologies in refugee camps, and for these ideologies to have any thrust among refugees they must appeal to the refugees and offer themselves as the solution to all their problems. They do not necessarily reflect what an outsider would consider the objective interests of the "small people", but this does not disqualify them as powerful ideolo-

gies, that can mobilize and be internalized by the "small people."

These political ideologies do not only relate to the problems of the refugees. They also have to respond to and adapt to changing political agendas in Burundi. In order to understand the concrete changes in ideologies and constructions of the past in Lukole, we must analyze the contexts in which the various political movements were created and evolved.

The 1972 Massacres: An Eye-Opener

In 1972, an estimated 100,000 Hutu were killed by the Burundi army (Lemarchand 1989, 22), and it is estimated that some 150,000 Hutu fled the country and settled in refugee camps in Tanzania (Lemarchand 1996, 104). In 1972 all ethnicity was denied discursive existence by the Tutsi dominated Burundian government. The official discourse held that the terms Hutu and Tutsi were "false" colonial tags that had been put on Burundians by the Belgians in order to divide and rule. With independence, they argued, the false divisions of the Burundi people had seized to exist, and should therefore not be mentioned. Those who mentioned ethnicity were not only guilty of tribalism and of splitting the nation, they were also traitors to the nation, since unity was a defining element of the nation itself.

Even among the opposition in Burundi ethnicity was hardly an issue prior to 1972. But the massacres in 1972 functioned as an eye-opener to the surviving Hutu, especially those in exile. Many refugees related to Malkki how they had started to talk to other refugees in Tanzania and in this way had learned about the extent and scale of the massacres. "We realized that we were all here for one reason: because we are of the Hutu group" (Malkki 1995, 111). The refugees from 1972 had very little education and had not previously been politically organized. In fact, they had hardly even thought of themselves as Hutu. Experiencing the extreme cruelty of the massacres and later living in an isolated camp, created the need for explanations;

explanations that they did not have ready made before they fled. Their experience of one cosmology cracking and the need to create a new must have been acute. This was the perfect place for radical political parties like Palipehutu to start "awakening the masses."

Palipehutu was created in Mishamo in April 1980. It conducted an "awareness campaign" first in refugee camps in Tanzania and Rwanda, later inside Burundi itself. It is said that Remy Gahutu, founder of Palipehutu, purposefully chose Mishamo as the place to start "educating the people" because Mishamo was in the middle of virgin forest, and people did not have much contact with the outside world. Ulyankulu, on the other hand, was placed next to a railway line, and its inhabitants were much to busy trading to be bothered with politics and their national history.[8] The ideology that he brought gave them all the answers to their questions. It offered an answer to their questions of why they were there. With the lack of other explanations and solutions, Palipehutu's ideology soon became hegemonic and its version of history the official and only legitimate one. Remy Gahutu declares in the Preface to his book "Persecution of the Hutu of Burundi":

> We urgently demand that the Hutus of Burundi who read this book teach their children the exact truth about their subjugation. The goal of this document is to remove the misunderstandings and falsifications of Burundian history that have been encouraged by certain corrupt members of the blood-soaked Tutsi regime ... (Gahutu, no date, 1).

So, as much as we may envisage that mythico-histories merely "emerge" and become standardized and authorized versions of specific events, we must also be aware of the political power structures in the camp at their time of production.[9]

The discursive elements of Palipehutu's discourse were created in opposition to the dominant discourse in Burundi at the time. Therefore, its primary goal was to prove that Burundi was indeed inhabited by several ethnic groups. Once it had been established that such ethnic groups exist—and have existed since time immemorial—it could also argue that the Hutu were essentially exploited.

In the above mentioned—almost programmatic—document by Remy Gahutu, key words are *liberation, people's party, unity, awaken the Hutu consciousness*, and the like. Many of these remind of socialist jargon of the Fanonist brand: It is the noble duty of the *avant garde* to educate the masses and make them aware of their oppression. In a chapter named "What can be done to save the Hutu" the various subtitles, giving us the answer, are as follows: "A. The Hutu Must Become Aware of the Causes of Their Suffering, B. Hutu Unity, C. The Foundation of a Combative Party, D. The Necessity for Dynamic Leadership, E. What Is at Stake in the Hutu Demands, F. The Hutu Must Avoid Ideological Quarrels." Again, we see how awareness and unity are the prime means to achieve the goals.

The book is also heavily loaded with nationalist discourse. In the first section of the chapter, mentioned above, Gahutu reflects on the Hutu nation:

> A close examination of the situation in Burundi show [sic] that the Hutu have lost a country which was rightfully theirs ... For a people to struggle, retake their country, and emerge victorious, their primary concern must be to strengthen their own identity ... Some Hutu ... have changed their ethnic identity in order to try to improve their social status by rejecting their own people. These turncoats are only fooling themselves, because the Tutsi have never truly accepted them into their ranks. (Remy Gahutu, no date, 49)

Gahutu clearly sees the struggle as a nationalist one. The Hutu have a country which is rightfully theirs, only it has been stolen from them by someone else; the late comers and colonizers; the Tutsi. Again the task of Palipehutu cadres is to make the Hutu aware of this fact and of their true, authentic, identity. Those who deny this identity, the "turncoats," are not only traitors to the cause, they are also fooling themselves; they will never be happy, as long as they deny their authentic identity. This idea of a true identity, that cannot and shall not be attempted hidden, and of a *Volk*, that belongs to a nation, is typical of the kind of *Blut und Boden* nationalism, as it was formulated by the German romanticist, Herder, in the last century.

During the 1980s Palipehutu enjoyed a lot of popular support, especially in refugee camps, being the only opposition party of significance. In the last few years its support seems to have dwindled, although it is almost impossible to obtain reliable facts on the subject.[10]

We may conclude that the dominant national histories among Burundi refugees in camps in the 1980s coincided with the ideologies of Hutu parties, born in exile. These ideologies related to the feeling of despair felt by many refugees. They also related to the discursive power-field in Burundi where the main aim of the Hutu opposition was to prove the existence of an ethnic Hutu group.

From Essentialism to Pragmatism?

Many of the refugees in Lukole have left these ideas for ones that are less essentialist and mostly coined in the terms of liberal democracy. The Hutu Nation is rarely mentioned, it is difficult to get a refugee today to tell you the anatomic differences between Hutu and Tutsi, and "liberation" is now replaced by "democracy." Before exploring the content of the new ideologies in Lukole refugee camp, let us shortly look at some of the political developments that took place in Burundi between 1972 and 1993, and how they relate to the Hutu opposition's room for manoeuvre.

The official discourse of the government remained much the same for many years. A Tutsi élite, mainly from the Hima clan and Bururi province, dominated the government and the armed forces. Officially, ethnic groups still did not exist in Burundi, and anyone who fought for Hutu rights was accused of tribalism and of trying to destroy national unity.

However, pressure mounted—especially from international donors—to reform the government, and Major

Pierre Buyoya—president since 1987—started reforms towards multi-party democracy. Freedom of expression was greatly secured and there were many debates throughout the country (Reyntjens 1995, 9). Committees (consisting of equal numbers of Hutu and Tutsi) were created and conferences were held to debate "the question of National Unity". Obviously, the government was still determined to portray Burundi as a unity without ethnic divisions but the realities on the ground and the mounting pressure from the Hutu opposition were forcing the government to consider what it called the "diverse component parts of the Burundian population." (Charter for National Unity, Article 84, quoted from Reyntjens 1995, 9).

Finally, in 1992 a multi-party system was in place, and in June 1993 an overwhelming majority of the population voted Frodebu (Front des Démocrates du Burundi) into the National Assembly and its leader, Melchior Ndadaye, a moderate Hutu, in as president. As we may recall, this government did not last long. With the assassination of the president a few months later, the country was thrown into a carnage of killing once more.[11]

So what did these two decades do to the Hutu in Burundi and to their ideologies? Firstly, the 1972 massacres were a "watershed event" (Lemarchand, 1996) for those who remained in the country as well as the refugees, and it came to have great impact on their attitudes. During the late eighties and early nineties Palipehutu began to operate inside Burundi. They operated clandestinely and started awareness campaigns like in the camps. By the time Buyoya legalized political parties, many Hutu were well aware of their history, thanks to Palipehutu cadres. However, Palipehutu itself was never legalized and most of its supporters chose to support the moderate Frodebu in the elections. Frodebu members have expressed to me their gratitude towards Palipehutu for making them "aware."

Nevertheless, Frodebu differed from Palipehutu in many ways. Given the new rules of the playing field in an open democratic atmosphere, Frodebu had to play by these rules, as opposed to Palipehutu that was used to operating under quite different rules. Democracy and human rights had become the code words that replaced liberation and unity. They were the new *nodal points*, as Laclau would have it, around which chains of equivalence and antagonisms could be articulated. And after the 1993 coup it was the restoration of democracy that became the key issue for the Hutu opposition and hence the Hutu in exile. If only democracy in the liberal sense of the word, understood as multi-partyism, could be re-installed, every Hutu would be happy, and Burundi would again experience peace and prosperity for everyone. When interviewing refugees, I would often ask them, whether this would be enough. Wouldn't there still be a lot of hatred? But they would shrug off my doubts.

Since the vast majority of Hutu voted Frodebu in 1993 the vast majority continued to support its successor - the CNDD—in exile. Thus most refugees, arriving in Tanzania in 1993–94—as opposed to the ones from 1972—already felt that they belonged to a party, making recruitment to other parties, such as Palipehutu, more difficult. CNDD was created by Leonard Nyangoma and other Frodebu members who found that the remaining Frodebu leadership was giving too many concessions to the small but active and increasingly radical Tutsi opposition.[12]

The attitude towards the Tutsi becomes more ambiguous in this discourse. Whereas the Palipehutu supporters in Mishamo had no doubt about the malignity of the Tutsi, nor about their "racial" differences, both physically and mentally (cf. Malkki 1995, 78–80), the refugees in Lukole are more ambivalent.

Most CNDD members in Lukole would go to great lengths to explain that there are no differences between Hutu and Tutsi. However, this discourse on Hutu-Tutsi relations was often contradictory. For although there is no difference between a Hutu and a Tutsi, you can always tell the difference after some days on their behaviour. Similarly, they would explain that there are no physical differences, not because there are no specific Hutu or Tutsi traits, but because you get Hutu with Tutsi traits and vice versa. Once I let some educated friends in the camp, who had explained that there are no differences in appearance, look through a book of mine on Burundi history. Then suddenly one said to the other "Tutsi *kabisa* [a real Tutsi]" and pointed to a photo (I think of Prince Rwagasore), and they both laughed and pointed. When I asked what the fuss was about, they answered that he looked so obviously like a Tutsi, although they could not explain how.

Similarly, the interpretation of history becomes more ambivalent. There seems generally to be less of an obsession with ancient history. When I would ask refugees when the problems between Hutu and Tutsi arose, the answer often would be; at independence, in 1965 when the first Hutu prime minister was killed, or in 1972. So, officially at least, they actually adhere to the same national history as the Burundi regime; namely that Hutu and Tutsi lived in harmony until they were colonized by the Belgians.

This ambivalence may date back to the time of democratic reforms. The government itself no longer stuck vehemently to the idea that no ethnic groups existed. It had admitted to the idea of "component parts." Nevertheless, political parties were strictly not allowed to use ethnicity in their programs. This ambiguous stance on behalf of the government was reflected in the opposition. On the one hand the whole struggle had been for the rights of the Hutu. On the other hand Frodebu was very careful to avoid being seen as an ethnic party, knowing very well that the governing Uprona party would seize the opportunity to accuse Frodebu of being tribalist.

Another reason for the most of the refugees in Lukole to seem less essentialist has to do with their acute awareness of the global community.[13] Refugees in Lukole would hear BBC, VOA, RFI and South African radio as well as Tanzanian, Burundian and Rwandan radio, and if they did not have a receiver or could not understand Eng-

lish, French or Swahili, they would get the news from others. Hence they all know what the international community is preaching in Africa (democracy and human rights) and they know what the international community says about the events in Rwanda in 1994.

As most scholars on the Great Lakes region have commented, one cannot fully understand the dynamics of Burundi without knowing the dynamics of Rwanda and vice versa. The same goes for understanding the politics of Hutu opposition in Burundi now. They are aware that to avoid international opinion against them, they must avoid being associated with the Hutu *génocidaires* from Rwanda. Therefore CNDD members are very careful not to mention anything that might sound like Hutu supremacism. In the introduction to his book *Burundi; The Origins of the Hutu-Tutsi Conflict*, Léonce Ndarubagiye, a Tutsi member of CNDD, exiled in Nairobi, warns against comparing "the situations of Rwanda and Burundi solely on ethnic terms ... the policy of Hutu of Burundi has nothing to do with that of Rwandese Hutu" (Ndarubagiye 1996, xiii).

From this we may conclude that the shift in the dominant discourse in Burundi, involving democratic reforms and a partial accept of ethnicity, changed the political playing field, forcing the Hutu opposition to change its ideology and reformulate its resistance around issues of democracy and human rights. Another reason for abandoning essentialist and ethnicist categories can be found in the fear among Burundian Hutu of being compared with the *génocidaires* of Rwanda.

Politics and History in Lukole

Exploring politics in the refugee camp is a daunting task. Political activity is strictly not allowed by the Tanzanian Ministry of Home Affairs (MHA) as this might jeopardize the already strained relations between Tanzania and Burundi. After being in the camp for some time, people did, however, open up to me and tell something—albeit not all—of what was going on.

It is generally held that the refugees who fled immediately after Ndadaye's assassination, were often either educated or held some political office as Frodebu members (among them a few burgomasters). They fled because they felt personally threatened. Other refugees arrived in 1995, fleeing from fighting between rebels and government troops in Giteranyi Commune just across the boarder. They were usually uneducated peasants fleeing *en masse* from the fighting. They were originally kept in a different refugee camp and were moved to Lukole in early 1997.

It is widely agreed among the refugees that the 1993–94 refugees are overwhelmingly Frodebistes/CNDD supporters, while Palipehutu still enjoys some support among the later arrivals. It is difficult to estimate how much this is true and how much it is rumours, as all political activity is clandestine. Equally there are many local theories as to why this is so. From my observations, however, there seems to be a correlation between time of arrival and political alliance. The Frodebu leaders that fled in 1993–94 naturally took their political ideas with them and consolidated their power in Lukole—often becoming street leaders, NGO employees, or security guardians. The later arrivals had experienced a climate of ethnic radicalization in Burundi from 1993 until they fled in 1995–96. They were thus more "available" to radical politics. Furthermore, as far as I have been able to gather, the rebels fighting in their commune were Palipehutu. And as they were put in a separate camp at first, the established leadership in Lukole could not manage to rein them in time.

Finally, let us remember that not everything in the camp is related to politics, nor is everyone interested in politics. Neither are they very interested in the history of their country. There are other ways of coping in exile; other strategies to feel a sense of meaning in life. Young men especially will spend all their time and energy trying to accumulate a little extra money by running all sorts of business; from bicycle taxis to trading in USAID maize rations and running bars and video halls.[14] This strategy is

focussed on the present and their own immediate benefits for themselves and their families in the camp. National history does not interest them much, and politics will just get you into trouble. Thus we find a dichotomy between those refugees who try to understand the past and change the future of the Hutu people as a whole, and those who invest in the present and their immediate family.[15]

Conclusion

This paper has attempted to explain how different versions of the past are generated and become sometimes "the" legitimate version in certain contexts. The reason for going into this was the discovery of totally different versions of history among Burundian Hutu in Lukole refugee camp.

There is no doubt that the social conditions of the refugees in exile play a big role in shaping their understanding of national history. As Malkki pointed out, there was an abysmal difference between the refugees living in Mishamo refugee camp and those living in Kigoma town, when it came to their understanding of and interest in their common past. Similarly there are differences between most of the refugees in Lukole in the late 1990s and the refugees in Mishamo in the 1980s.

As Malkki so rightly notes, the *mythico-history* is a cosmology. It helps explain to the refugees why they are where they are. But this process of creating a national history and hence a nation is no innocent game. It takes place in a complicated power field and inserts itself and asserts itself in that field. Therefore this paper has attempted to analyze this power field. We have seen how the hegemonic discourse in Burundi—partially due to global changes and partially due to resistance within the country—had to shift in the late 1980s and early 1990s. This shift in the hegemonic discourse resulted in a shift in the possibilities of resistance. Resistance had to be formulated around other issues, other *nodal points*. Consequently, the main opposition Hutu party of the 1990s, Frodebu, has a some-

what different ideology to the main party of the 1980s, Palipehutu.

Whereas Palipehutu emphasizes liberation, nationalism, and Hutu unity, Frodebu emphasizes human rights and democracy. Apart from these differences, Palipehutu is more preoccupied with history. Its supporters share a cosmology that is "at once compelling and frightening" (Malkki 1995, 258).

Not many refugees in Lukole seem to know of these mythico histories. Their version of national history is pragmatic and in many ways contradictory and flawed. The reasons for contradictions could be due to the essence of pragmatic histories; they are not fully fledged, coherent cosmologies. There could also be contradictions because of the inherent contradictions in the political ideology of Frodebu.

In Lukole both Frodebu and Palipehutu have supporters, and allegedly Frodebu is much bigger than Palipehutu. The question is whether Frodebu's pragmatic version of national history will remain dominant. As we saw, the historical changes in the power field in Burundi proved advantageous for Frodebu, and it was difficult for Palipehutu to spread its ideology in the camp. But can a pragmatic history survive in a refugee camp for long if it is up against a beautiful and dangerous *mythico-history*; a history that appeals through its clarity and strength? Will the radicalization of politics inside Burundi not call for more radical national myths in the refugee camps as well? Will the strength of the Frodebu leadership and the physical setting of the camp, with its abundance of traders, be able to keep Palipehutu at bay? Or will Frodebu itself start sliding towards a more essentialist, ethnicist ideology? The future of national histories in Lukole is in no ways certain.

On a more general level, this paper has shed light on how the political field greatly influences which histories and cosmologies refugees believe in, and how objective life conditions in or outside of camps certainly influence but cannot explain the emergence of specific ideologies. Finally, while refugees certainly are constrained and condi-

tioned by life in camps, we must not presume that they are isolated from the outside world; the changing relations of power in their country of origin, regional geopolitical developments, and global trends are all monitored and interpreted by people living in refugee camps. All this information is processed into rumours and myths and interpreted according to the available ideologies in the camp. During this process some ideologies may have to change or give way to others, as has happened—and is constantly happening—among Burundian refugees in Tanzania. ∎

Notes

1. This paper is based on a year's field work in Lukole, a camp for Burundian refugees in Tanzania, and makes up a small part of a research project with the primary objective of exploring how young men adapt to life in a refugee camp.

2. The right to tell the history of Burundi or to have any political opinion is virtually reserved for men.

3. This conflict over the true nature of the conflict in Burundi has also spread to the academic world, making it very difficult to manoeuvre without being accused of being pro-Hutu or pro-Tutsi. This is what René Lemarchand has termed "the meta-conflict" (Lemarchand 1996, 17–33).

4. Without going into too much detail here, my understanding of the relation is inspired by Slavoj Zizek (Zizek 1989) and Ernesto Laclau (Laclau 1994) and their reading of Lacan in political analysis.

5. In Lacanian terms, ideologies promise to *suture* the rift that prevents the community from being what it ought to be.

6. Similar obedience to the leaders has been attributed a significant role in organizing the genocide in Rwanda in 1994 (Cf. Prunier 1995).

7. We encounter a similar debate on the "intimidators" in the camps for Rwandan refugees in Tanzania and Zaire. If we accept that "civilian" refugees actually believed that the Tutsi would kill them upon return, the issue of intimidators becomes irrelevant. Such people do not need intimidating.

8. This information is based on interviews with refugees in Lukole, some of whom had lived in Mishamo and Ulyankulu, and with Etienne Karatase, (former?) leader of Palipehutu.

9. Of course, politics should be understood in broader terms than party politics. However, for the simplicity of the argument I have chosen to focus on party politics in the camps. This choice is also due to the overwhelming presence of party politics found in the camp.

10. All parties claim much larger support than they have, and like to take the honour for any rebel activity in Burundi. However, even Palipehutu supporters do talk of the problems that they now face compared with the "good old days" of Remy Gahutu.

11. For competent analyses of what Reyntjens has termed "the most successful aborted coup in history" (Reyntjens 1995, 16) see Lemarchand (1996) and Reyntjens (1995).

12. In May 1998 a split occurred in CNDD with the former chief-of-staff Jean-Bosco Ndayikengurukiye claiming to be the new leader and becoming the leader of what is now known as CNDD-FDD.

13. There is no doubt that my being conceived of as a part of international opinion, or at least a link to the international community, biased the stories that were presented to me. However, it is still interesting to note that they knew in which way to censor the information that was given to me, i.e., to leave out essentialist, ethnicist opinion and replace it with the rhetoric of democracy and human rights.

14. I discuss the changing roles of young men in the camps in *Angry Young Men in Camps: Losses and New Opportunities* (forthcoming).

15. This is reflected in their attitudes towards education. The politicized elite will often see education not only as a way of augmenting ones personal chances in life. It is also an investment in the future of the Hutu people. Traders, on the other hand, will dismiss this and (rightly) claim that educated Hutu always are the first to be decapitated in Burundi.

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Breaking Ground:
The 1956 Hungarian Immigration to Canada

Edited by Robert H. Keyserlingk

Toronto: York Lanes Press, 1993; ISBN 1-55014-232-1; 117 pages; $6.99

This book is a collection of personal and archival-based memories on the selection, transport and settlement of about 40,000 Hungarian refugees in Canada in one year. It is a source of primary record as well as scholarly reflection on one of the most significant refugee movements to Canada after World War II—the 1956 Hungarian refugee movement.

Based on papers that were presented at a 1990 conference, the authors touch on the unique political, administrative and settlement features of this movement. The resulting work, edited by Professor Keyserlingk, is a unique mix of personal reminiscences and academic scholarship.

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Asylum: A Moral Dilemma

By W. Gunther Plaut

Toronto: York Lanes Press, 1995; ISBN 1-55014-239-9; 192 pages, indexed; $19.90.

Every year the refugee landscape changes, but only in that more problems are added, fewer are solved, and all become constantly more urgent. Fuelled by the explosion of the world's population, the quest for asylum is one of the most pressing problems of our age. Refugee-receiving nations—located frequently, but by no means exclusively, in the Western world—have to respond to masses of humanity searching for new livable homes. Human compassion for these refugees can be found everywhere, but so can xenophobia and the desire to preserve one's nation, economic well being, and cultural integrity. The clash between these impulses represents one of the great dilemmas of our time and is the subject of Plaut's study. In exploring it, he provides a far-ranging inquiry into the human condition.

The book presents political, ethnic, philosophical, religious, and sociological arguments, and deals with some of the most troublesome and heartbreaking conflicts in the news.

Contents: *The Issues;* Questions Without Answers; Definitions; Religion, Natural Law, and Hospitality; A Look at History; Some Ethical Questions; Through the Lens of Sociobiology; Community and Individual; Contended Rights: To Leave, Return, Remain; *The Practice;* Refugees in Africa; Four Asian Lands; Glimpses of Europe and Central America; The North American Experience; The Sanctuary Movement; A Final Look; Bibliography; Index.

Asylum—A Moral Dilemma is simultaneously published in the United States by Praeger Publishers, and in Canada by York Lanes Press.

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Epilogue
The Scandal of the Refugee: Some Reflections on the "Inter" of International Relations

Michael Dillon

Abstract

The refugee is a scandal for philosophy in that the refugee recalls the radical instability of meaning and the incalculability of the human. The refugee is a scandal for politics also, however, in that the advent of the refugee is always a reproach to the formation of the political order or subjectivity which necessarily gives rise to the refugee. The scandal is intensified for any politics of identity which presupposes that the goal of politics is the realization of sovereign identity. The principal argument, then, is that what I will call the scandal of the refugee illuminates both the fundamental ontological determinations of international politics and the character of political action, because the refugee is both a function of the intentional political destruction of the ontological horizons of people's always already heterogeneous worlds, and effects an equally fundamental deconstruction of the ontological horizons which constitute the equally heterogeneous worlds into which, as refugees, these people are precipitated. It is precisely on this concrete and corporeal site that both the ontological horizons and the allied political decision-making of modern politics are thrown into stark relief and profoundly called into question. For it is precisely here that the very actions of modern politics both create and address the incidence of its own massive and self-

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generated, political abjection. If that is one of the principal ends of international relations, one is forced to ask, what does it take as its beginning? If, in other words, the vernacular political architecture of modern international power commonly produces 1:115 forcibly displaced people globally, one is inclined to ask about the foundations upon which that architecture is itself based.

Précis

La réalité du refuge est une scandale pour la philosophie en cela que le réfugié nous rappelle l'instabilité radicale de la signification et l'incalculabilité de l'humain. Mais le réfugié est aussi un scandale pour la politique en cela que l'avènement du réfugié est toujours un reproche à la formation de l'ordre politique ou de la subjectivité qui suscite nécessairement l'apparition du réfugié. Le scandale est intensifié par toute politique de l'identité qui présuppose que le but du politique est la réalisation de l'identité souveraine. Le principal argument, dans ce cas, est que ce que je nommerais le scandale du réfugié illumine à la fois les déterminations ontologiques fondamentales de la politique internationale et le caractère de l'action politique, car le réfugié est à la fois une fonction de l'intentionnelle destruction politique des horizons ontologiques des mondes toujours-déjà hétérogènes des peuples, et il entraîne une tout aussi fondamentale destruction des horizons ontologiques qui constitue les mondes tout aussi hétérogènes dans lesquels, en tant que réfugiés, ces peuples sont précipités. C'est exactement sur ce site concret et corporel que les horizons ontologiques et les prises de décision corollaires de la politique moderne sont mis à nu et fermement remis en question. Car c'est exactement ici que l'action effective de la politique moderne crée et envisage les incidences de sa propre abjection politi-

que, massive et autogénérée. Si cela est une des principales finalités des relations internationales, force est de demander que se donnent-elles comme point de départ? En d'autres termes, si l'architecture politique vernaculaire du pouvoir international moderne produit ordinairement 1:115 personnes globalement déplacées de force, on est en droit de poser des question sur les fondements sur lesquels repose une telle architecture.

"If you gaze long enough into an abyss, the abyss will gaze back into you."[1]

Introduction: The "Inter" of International Relations and the Refugee

Neither a co-national nor, even, another national, the refugee is, instead, distinguished precisely because s\he is located in the strange territory of estrangement which is located between the two; denaturalized, as a recent study of migration notes, having "no means of identification."[2] Neither in nor out—while nonetheless, of course, actually bearing the name of some previous identification on, and existing in a carefully defined no-where place within the boundaries of some other nation or state, so clearly also undeniably present—s/he brings the very "Inter" of international relations to the foreground in a disturbing and unusual way, insisting that it become the concentrated focus of attention which it deserves to be.

In search of a home, because forcibly deprived, by violent and sustained political intent, of their previous home, the refugee brings to presence the very question of the home as such, and of its relation to politics. The refugee is a suppliant in search of a home, with pain-

fully indelible memories of a home that once was. Often with an abiding, seducing, nostalgia for a home that never was. For the violent event of displacement, of dislocation and subsequent diaspora, itself generates a necessary representation of home which inevitably calls into question what home was really like. No one knows what home was really like, however, because the home recalled is not the home that was and yet also, the home that was could not have been the securely domesticated home one thought it was, because it proved so susceptible to radical dispersal and dissolution. The question of the home is therefore radically problematized by the unsettled, and is never resettled even when the unsettled regains a home.[3]

How, then, in all the senses of this term, is one to address the refugee? And how does that problem of address illuminate what the refugee illuminates about the human condition as such? For, while intentionally displaced, the refugee is not purposefully sent. Equally, while in desperate need of sustainable and survivable means of habitation, the refugee is not destined for some previously inscribed forwarding address. This experience—literally, of no known address—discloses something that is itself fundamental to the human: its very own lack of address, its own unsettledness. Their names erased, or Babelised, the places from which they fled changed beyond original recognition by the *violence of expulsion itself, the refugee is* one who—no longer safely responding to their previous name—cannot be hailed securely by that original ethnic, religious, social or political designation. An administrative category for that which is no longer reliably fixed, locatable or designatable—one waiting in a sometimes interminable line, camp or holding-tank, for some other assignment—the refugee is human or s\he is nothing; or, at least, nothing but raw stuff. Here, then, is the inescapable and irresolvable, yet also practical and immediate—indeed, in our times massively posed—onto-political question, that the refugee brings to presence. What is to be human,

when the human is precisely that which is in between—neither simply one thing, nor the other, precisely "inter" without a secure term or dwelling place? And how are not only politics but the thought of the political related to this question? The very advent of the being who is precisely without secure arid unambiguous home, identity or name, the refugee both raises our need while challenging our capacity to articulate or acknowledge the "we." That, I suggest, is not only the territory of the political in an age which has to be out-lived if the human is to have a future, it is also, and quite precisely, the territory of the inter of an international relations that is capable of out-thinking its own traditional designation; as a *techne,* skilled in calculating the inter-subjective political arithmetic of Modernity's given political subjectivities. For it is precisely that arithmetic obsession—the *techne of* modern political subjectification and governance itself—which now produces its own massive political abjection in the form *of* the refugee.

The Refugee as Constitutive Outsider

> Exactly because s\he destroys the old trinity of state-nation-territory, the refugee, an apparently marginal figure, deserves on the contrary to be considered the central figure of our own political history.[4]

What historical politicality—quality or project of being political, circumscribing the very domain of political intelligibility—is raised here by the advent of the refugee? What are we to make of what is going on when the political discourse of state-nation-territory does not merely enact that which it names—materializing the state, the nation and the territory—but the very "outside" upon which it draws for the articulation of *its* most traditional legitimatory functions; representation of the people, and the monopoly not only of the legitimate use of force for the purposes of security but, also, the prior monopolistic determination of the definition of threat? What conclusions are we to draw from the following observations? That the harder a politics conditioned to secure

the material production of the coherent identity to which its discourses refer, the more it seems to produce, "the unspeakable, the unviable, the non-narrativizable ... the traumatic,"[5] upon which it relies. Yet, also, the more it produces that which it cannot abide, the more the impossibility of its project is confirmed; such that, what remains outside the political subject, set thereby the very acts which found the subject, persists as an integrally defining negativity.[6] In what ways might this seemingly paradoxical political condition have become not only the condition but also the very occasion of some further, of some other, political thought and action?

This essay on the theme of the refugee is not, therefore, an essay in the largely policy analytic tradition of refugee studies. Neither is it simply an essay in identity politics, whereby the fear of the other, enemy or stranger is exploited in the contestation over the constitution of certain kinds of political subjectivity. The scandal to which it refers is a quite different register of scandal, also, from that in which we are usually invited to share when we are gathered by political and media representations of it to witness the spectacle of the refugee's abjection. Moving beyond that register of scandal, the essay offers a different one, and seeks as well to indicate the measure of its political implications, This register of scandal is plural. It refers to the scandal of the human as such. It addresses also the scandal of the inhospitability of the *techne* of modern politics: politics understood as *techne,* politics technologized by *techne;* politics whose end has become the application and operation of *techne.* Finally, and relatedly, it provokes the scandalous thought that the political project to which modern politics itself now gives rise is precisely not that of its self-realization: not that of the instantiation of sovereignty; not that of the securing of a home, not that of the resolution of alienation; not that, even, of the representation of the people. It is the challenge to out-live the global politics of Modernity itself. Out-live, that is, in all of the senses of that phrase: survive; exceed; tran-

scend; live more fully than the totality which the modern in modern politics both promises and threatens: though it is, ordinarily, bound to renege on the promise and fail fully to realize it as a threat.

Different identity politics, of course, determine different things to be alien to them. How the alien appears, and the experience of the alien as alien, also waxes and wanes, however, according to different times and according to different philosophical systems. How the alien is alien similarly determines how the self-same—in both philosophy and politics—is itself not simply constituted, but continuously re-inaugurated in the process of trying to make the alien proper. There, therefore, brews not only beneath all identity politics, but also beneath all allied philosophical systems, a secret horror *alieni* that insidiously seeks to dispel all aliens—alienness itself—to divest things of everything enigmatic and strange. If they cannot do that, they seek, instead, to drive-out the stranger, making that estrangement the bearer of all that such systems find fearsome and threatening, evil, sinful and barbarous.

The constitution of any social group or political community is a matter of the exercise of inclusions and exclusions. The semantic field of the alien is, therefore, manifold and its political register is determinative of political community. All this is, by now, well-appreciated.

Mass expulsion and forceful displacement of peoples are not, of course therefore, a modern phenomenon. Equally, exile and diaspora are not exclusively modern experiences. But, if all philosophical systems, and all social and political grouping, are constituted on the basis of complex practices of inclusion and exclusion, then the nature of modern inclusions and exclusions are peculiar to and, therefore, do disclose something fundamental about, the particular character of political Modernity, Albeit the point being explored here is not at all dependent upon the question of quantity, the sheer scale of the mass forced displacement of peoples globally in our times, for example,

does seem to be distinctive, and it has given rise to analytical crises in those areas of study—migration and refugee studies, for example—as well as political crisis in those areas of national and international policy-making concerned with immigration, emigration, refugee protection, humanitarian intervention, asylum-seeking and regulation.[7] That crisis serves here, however, as a pretext which, in addition, possesses a powerful rhetorical appeal for broaching a discussion which would apply even if there was only one displaced, one non-assignable, human being in the world.

The violent character of modern global estrangement also seems to be extraordinarily diverse. Consider, for example, the cast of out-casts which distinguishes modern forced displacement of peoples: refugee; political refugee; development refugee; internal refugee; asylum seeker; oustee; deportee; relocee; involuntary displaced person; involuntarily resettled person; forced migrant; involuntary migrant, and so on. Consider, too, the portfolio of policies that have given rise to them: war; internal security actions; low-intensity operations; pacification; ethnocide; genocide; pogroms; political repression; racial and religious discrimination; conquest; colonization; territorial appropriation; state-building; nation-building; self-determination; famine: urbanization; industrialization; and development. In 1993, out of a world population of about 5 billion the UNHCR estimated that around 1 in every 130 people had been forced into flight across state borders.[8] Given the complexity and confusion surrounding the production and movements of refugees, together with the shifting legal politics of classification which characterizes the categorization of people as refugees, the precision of these figures is questionable and said significantly to underestimate the scale of the phenomenon. Later reports, "including people forced into flight within their own state territories, thus classifying refugees as part of an extraordinarily large and variegated global phenomenon of coerced displacement, therefore record that

something in the region of 1 in 115 people find themselves in this condition.[9]

While, "there are as many reasons for moving as there are migrants,"[10] globally—and it is now increasingly difficult for migration analysts and legislators alike to distinguish effectively between voluntary migration, involuntary migration, forced migration and expulsion—the production of the modern refugee is distinctive, and does differ from earlier, particularly nineteenth century refugees, in the way in which it is defined in terms of the wholesale devastation of the very ontological horizons of their worlds and their reduction to worldless beings unwelcome amongst the worldliness of others. Attributed to a complex combination of war; violent mass political repression; geo-political instability; regional and global economic transformation, in the form of the re-division and re-distribution of capital, labour and industry; man-made environmental disaster; and civil conflict, the overwhelmingly single most important reason now is, however, violent internecine conflict. The vast majority of refugees are precipitated by generic violence against civilian populations. "Virtually all of the refugee producing conflicts taking place in the world during the early part of 1993," according to the UNHCR study, "were within states rather than between them."[11] Development studies have, however, documented how development itself also generates at least equal numbers of refugees as well. In short, the modern refugee is an (inter)national political production of its age and cannot but disclose the fundaments of it.

It is not my intention, however, to refine either the taxonomies of these modern out-casts nor that of the policies that have given rise to them. Taxonomies are generally concerned with advancing knowledgeable control of the objects of study by refining their categorization. I want, instead, to probe into what the refugee as such discloses about modern politics. I am concerned, on the contrary, therefore, with precisely that which—like the refugee—while categorizable nonetheless exceeds categorization. For

the refugee, like the human itself, is always both more and less than human, Thus, while the manifold ways in which expulsion and revulsion are experienced can be taxonomized, and taxonomic precision has its advantages in other forms of argument, expulsion and revulsion—the effect of being strange or estranged—always brings to presence the uncanniness of strangeness as such. That is to say, the uncanniness of Being within a category categorized as being without a category—that of the refugee—discloses the very uncanniness of the human itself, its improbable condition of always already containing both more and less than it seems it ought naturally to contain.

Because the constitution of any social group or political community is a matter of the exercise of inclusions and exclusions consequently does not mean to say that one set of inclusions and exclusions is the same as any other. Nor is it to say that because there have always been people who have been outcasts we can legitimately concentrate upon the native and the home, and thus forget about the stranger and the outside. On the contrary the "we" is integrally related to, because formed by, this relationship with the alien. Given the horrors inflicted upon the alien, it is understandable, indeed almost orthodox, to deny difference and urgently champion an all encompassing inclusion so as to mitigate or eradicate the terrors of exclusion.

Here, too, however, arises a further reverberation of the scandal of the refugee in the form of another scandalous thought. To be more fully "we" might precisely not entail being a more inclusive "we." The politicality of such a way of being would necessarily also comprise, therefore, other, precisely deconstructive, political entailments, practices, dispositions and sensibilities extending, and differing quite significantly from, those of any politics or project of inclusivity. It might, instead, entail different ways of thinking about, and different ways of seeking to entertain, that very relationship of alienness—what Nancy calls the "we" of being-with—which literally articulates us the human—expresses and joins, joins by expressing, links through the medium of Language itself.

All order, in short, encounters the alien or the strange which is defined not in relation to itself at all. Such alienness is beyond the trial of propriety to which strangeness is continuously submitted, including especially those codified in immigration and asylum-seeking procedures: a wonderfully "naïve" instance of which follows:

Are you or have you at any time been an anarchist, or a member of or affiliated with a Communist or other totalitarian party?

Have you advocated or taught, by personal utterance, by written or printed matter, or through affiliation with an organization (a) opposition to organized government; (b) the overthrow of government by force; (c) the assaulting or killing of government officials because of their official character; (d) the unlawful destruction of property; (e) sabotage; (f) the doctrines of world communism, or the establishment of a totalitarian dictatorship in the United States?

Have you engaged in or do you intend to engage in prejudicial activities or unlawful activities of a subversive nature?

Are you afflicted with psychopathic personality, sexual deviation, mental defect, narcotic drug addiction, chronic alcoholism, or any dangerous contagious disease?

Are you a pauper, professional beggar or vagrant?

Are you a polygamist or do you advocate polygamy?

Have you committed or have you been convicted of a crime of moral turpitude?[12]

These are among the questions you would have to answer should you be seeking to join, and be accepted as a proper member of, the United States. Other trials of propriety, however, are more Kafkaesque than farcical.

The alienness to which I am referring now concerns an alienness which is not the property of any person, people, place or thing. It does not belong to entities, albeit that it comes to presence in the appearance of persons or things.

Propriety does not attach to it all. Hence it is not a property of the world but an indelible, if fugitive, aspect of the world within whose horizon it is continuously and variously encountered. The semantic field, and thus also the political register of the alien—here through the figure of the refugee—in always disclosing this alienness, consequently also simultaneously always betrays the philosophical register of the *horror alieni* as well. Buried in the political register of that *horror alieni* is therefore also something more fundamental about the fundaments of being that philosophy, and thus political Modernity, is inclined to express.

For the refugee alerts us to, by bringing to presence our awareness of, a different ontological condition definitive in many ways of the ontological turn; that of the ontological difference between beings and Being as such. Recognition of the ontological difference is recognition of the mutually disclosive belonging together of Being and beings—of the excess that always already inhabits the being of human being, whose absent presence does not come to presence as such—which gives rise to the deconstruction which is always already at work in the coming to presence of human being and of Language; the mode in which it comes to presence. Thus deconstruction is less a technique than the irresistible consequence of the ontological difference whose play makes of human being a free and incomplete *plethos*.

Alert to this ontological dimension of identity politics, we can be alerted also to that other register of scandal to which I referred in my opening. It is that strangeness, then, the strangeness which comes to presence with the advent of the stranger or the alien, takes this essay not only through but also beyond identity politics—where the alien or the stranger is regarded as virulent because the idea of order is premised upon the operation or realization of a unity, even of an ensemble of many beings—to scandalizes its philosophical underpinnings: traditional understandings of the idea—the *eidos*—of unity as such. For the advent of any

stranger is the limit at which the integral and indelible strangeness of the human condition as such makes its appearance.

Accepting that other times and other forms of life have treated strangers badly, or manufactured strangers of themselves, does not, then, deny that modern estrangement happens in its own modern way and for its own modern reasons. We can therefore note that our age is one in which political order is not simply premised upon the realization of a unitary but on a certain kind of technological, utile uniformity of, identity; in pursuit of which the very activities of their own states, together with the global capitalism of states and the environmental degradation of many populous regions of the planet, have made many millions radically endangered strangers in their own homes, as well as criminalized or anathematized strangers in the places to which they have been forced to flee. Although we have some sense of why it was, it is, nonetheless, still utterly astonishing that—while millions upon millions of people were engaged in massive Trans-oceanic Euro-American and intra European migration, itself accompanied by the forcible transfer of at least equal numbers of people through the globally commercialized slave trade and, later, the so-called "coolie migration"—it was insisted that politics be understood as grounded upon a secure triangulation of territory, nation and state; when the facts so massively spoke of the mobility of people, the mutability of boundaries, the "mongrel-arlry" of nations and the specular artificiality of the state.

The scale of the politically instrumental—deliberate, legal and policy-initiated—manufacture of estrangement in world politics necessarily calls into question, therefore, the very moral and political foundations and accomplishments of the modern age; particularly those of the state and of the international system of states.

In such circumstances—and given the vaunted political and moral claims made on behalf of states and of the international state system, as well as of so-called international society—we seem increasingly left not knowing to what symbolic space, to what understanding of the human way of being, we can entrust what we variously call freedom and humanity.[13] Modern politics, the politics of Modernity, continuously undermines, however, its own most violent, most intense, most totalizing attempts to securely free humanity. And this is not because of some technical deficiency on its part the global politics of Modernity is the expression of politics as *techne*. It is because it is not realizable. In the process the modern expression of identity politics, while thus disclosing something also about the modern world's response to strangeness as such, provides a powerful intimation that the reception which the modern we accords the strangeness of the human way of being is what the very dis-order of political modernity itself calls into question.

Specifically, modern political subjectification creates its own peculiar form of political abjection. Originally applied to French Huguenots who fled to England after the revocation of the Edict of Nantes in 1685—and therefore a direct function of early modern absolutist understandings of the entailments of stable, legitimate and authoritative political order, and their consequences—the refugee is precisely the figure which identifies the political abjection of the modern age.

Abject means cast-out, abjection means also the act of expelling. It marks the failure of the political subject to be a pure political subject even in the act of trying to realize that ideal. Marking the porosity of the limits of that which seeks to be the self-same, it is the waste which continuously disturbs identity, system and order because as the outside reproduced by the inside it continuously irrupts in a way which erodes the very parameters by which the inside seeks to be defined. That which the effort to subjectify creates, its production marks the impossibility—the abject failure—of what modern political subjectification idealizes and aims to realize. For the political practices of burning, chasing, raping, expelling, degrading, murdering, humiliating, terrorizing, excoriating, removing, burying, hiding, suppressing and devastating, invent and re-invent the very waste they name and exorcise in the process of continuously re-inaugurating, as politics, a certain imperative of political unity and malleable uniformity. Waste, as Ricoeur noted, is not waste without its wasting processes; its protocols of purgative production.[14] Neither is it undifferentiated since its processes of production are themselves plural. Abjection—the systems own self-produced and self-producing perturbation—is neither inside nor outside but the in-between, boundary or limit which enacts the differentiation. Abjection is (inter)national politics, and as (inter)national politics it insists on a preoccupation with the inter anterior to the national.

Since the seventeenth century, of course, while the international definition of the refugee specifies the crossing of state borders, the incidence of "refugeeism"—to coin an awful neologism for an awful condition—has been extended in many intensive ways to the massive forced re-location of peoples within their existing territorial boundaries and for the purposes of "development" and, "resettlement" rather than of traditionally religious or political persecution. Social Scientific research on involuntary resettlement mushroomed between 1984 and 1994 in response to the discovery that World Bank funded development projects—notably those concerned with the building of large-scale dams—manufactured massive impoverishment instead.[15] Complexly complicit in the violent appropriative and exploitative politics of the political and economic elites of the recipient states, politically mandated mass re-locations of people did not merely enrich some and pauperize most, in ways systematically related to the mutations of global capitalism, but effectively and radically de-worlded those who were resettled. That in turn provoked reformations of identity borne out of resistance to the experience itself. Here, then, is a further mutation of the processes and protocols of the production of abjection which discloses something else about the governmental

imperatives of politics in late modern times. In consequence:

> Development-caused displacements, that seemed to be piecemeal occurrences and were estimated as totaling far less than the number of refugees worldwide, have turned out to be *a much larger process than all the world's new refugee flows*. Refugees and development displacees, of course, are not "numbers" that compete with each other, but are global parallel dramas sometimes intertwined.[16]

The principal difficulty with the overwhelming volume of this research is, however, the propensity to de-politicize the issue by translating it into precisely that technical policy-analytic enframing which contributed to the production of the problem in the first place. Technology thus translates the question of the political into certain kinds of problematizations; requiring rigorous calculability, utility, and governmentality. It then feeds itself on the history and further elaboration of the very problematizations it introduces.[17]

Albeit, then, the theme of abjection also arises here, the essay is not a treatment of the refugee as victim. Refugees have always offered, and been, more than mere objects of pity and suffering, something which the Huguenots themselves, of course, also demonstrated.[18] As abjection, the refugee consequently also calls into question the foundational underpinnings both of the community from which s\he has been expelled and the community into which they seek to be received. What is at issue, in short, is the very question of human dwelling and belonging in a world. That in turn raises the point, well-made by Judith Butler in another discussion, of how "such socially saturated domains of exclusion" be recast from their status as constitutive outsiders, "to beings that matter."[19] I take the refugee to be a being that matters in respect of the world (dis)order of political modernity, the requirement to out-live it, and the possibility of the possibility of doing so. The essay is thus, instead, a contribution to what the political theorist William Connolly has called ontopolitical interpretation.

By the ontopolitical Connolly refers to the way in which every political interpretation invokes a set of fundaments about the necessities and possibilities of human being; about, for instance, "the forms into which human beings may be composed and the possible relations which humans may establish with nature."[20] For the *on*, or the *onta*, of ontology refers to the reality of really existing things. In making his point about the way in which all political interpretation is simultaneously also ontopolitical because it cannot but disclose the ontology sequestered within it—to repeat: making any statement about what *is*, is always already to find oneself within an understanding of the *is* as such—Connolly demurs at the logos of ontology because he finds the idea of the logic of reality apart from appearance too determinative and restrictive. It suggests a principle or design of being, when it can and has, of course, been argued that the fundamental thing about being is that it exhibits no such overriding logic or principle.

Surveying the various means by which modern political thought has elided the ontopolitical-modern secularism, pragmatism and epistemological realism, for example—Connolly concludes that this elision also obscures a convergence of ontological views. Asking rhetorically, "What if some common presumptions of our times ... contain dangerous demands and expectations within them? What ... if the points of ontopolitical convergence in the late-modern nation-state turn out to be exactly the domain in need of reassessment today?"[21] Connolly notes that this is precisely what that strain of thinking from Nietzsche onwards contends "that every detailed interpretation presupposes answers to fundamental questions of being, and that this is indeed one of the territories of modern discourse that requires critical reflection."[22]

My contention is that the advent of the refugee brings that very territory of modern discourse directly into question, because the refugee is a function of the dangerous ontopolitical convergences which Connolly notes. Specifically, that ontological narcissism, to which he refers in his essay on "Freedom and Contingency," in which freedom has become associated with the security of being in command, the corollary of which appears to mean being subjected to intensifying control.[23] Amongst other things, therefore, out-living the modern is critically associated also, therefore, with out-living these dangers. The advent of the refugee—one whose very own ontological horizons have been devastated; one removed from a world—thereby dramatically exposes and radically disrupts the ontopolitical horizons not only of the hosts in which they arise, but also of political Modernity as such. Finally, the essay seeks to draw-out a significantly different set of ontopolitical suppositions which the advent of the refugee also helps to disclose.

If this provides some early, if all too brief, an indication of what I mean by out-living the modern, I cannot give some comparable and positive indication of what I mean by the scandal of the refugee, however, without also elaborating the very different ontopolitical fundaments which the advent of the refugee brings to presence. Just as Connolly draws on a certain range of philosophical resources to make his point about the elisions and dangers of the onto-politics of late Modernity, I draw upon the same resources to offer this alternative ontopolitical account of the human; in which its estrangement from itself is the very scandal that the refugee brings so forcefully and politically to presence in the (dis)ordering of world politics. It is that estrangement, as itself an ontopolitical point of departure, which is both the condition and the occasion of another politics.

The Ontopolitical Condition of Worldly Estrangement

> What becomes of being—with when the with no longer appears as composition, but rather as dis-position?[24]

In excess of the humanitarian scandal of the refugee, and in excess of the policy analytic and policy-making crisis induced by the astonishing growth of refugees in the past ten years. In excess, also,

of the political crisis which the advent of large numbers of refugees excites in the countries to which they flee, or of countries like the United Kingdom in which the narcissistic politics of identity seems designed to go phobic at the least provocation of alienness, the scandal of the refugee is not only the scandalous thought that political Modernity has to find a way of out-living rather than of realizing itself. In excess of, but also in alliance with these other registers of scandal, the advent of the refugee always brings to presence this: the scandal of the human as such. That scandal is the scandal of human freedom which makes both politics and law possible without making either politics or law certain. It is a scandal from which the telic understandings of politics, as a form of making that results in a technologizing of politics seeks to save us; and in the process subjects us to novel, possibly terminal, globalized terrors and dangers.

Human being is a mobile way of being on its way from birth to death which lives life without owning whatever gives life. It is, then, in the condition of an originary dis-possession because it enjoys no security of tenure over the freehold of its existence. That leaves it in the curious position of having to own itself without possessing original title to itself. It simply does not, and cannot, possess a secure property right in itself, of itself. In consequence, it makes-up wonderfully implausible stories to account for this predicament and binds itself to, and with, them in the hope that they may make such a peculiar way of being somewhat easier to bear. Technological mastery of ourselves and "nature" through submission to the spectacular power and productivity of representative calculative thought, projected on and through, rather than grounded in, the idea of a sovereign reasoning subject, is the specular mythological achievement which distinguishes and determines our own politically modern times.

Philosophers (some philosophers) call this difference—the difference between beings that exist and existence as such—the ontological difference. In-

sinuated into the very being of human being it is what makes human being plural more than one. That plurality is not, it should be noted, the plurality of many human subjects, however those subjects are specified: people; nation; class; race; religion; or even citizen (by virtue of subscription to the constitution of a republic and its civic culture). An even more disturbing phenomenon, that plurality is what might be called an onto-plurality. Installed within the being of every human being, the plurality of such a difference is not an Hegelian relational concept of difference either, in which difference—some would call it Otherness—is only difference in relation to me and, therefore, not truly different or Other at all.[25] Rather, it is an irreducible and irremissible Otherness or difference which, constitutive of human being, is nonetheless beyond its mastery. What identifies human being—its freedom, in raising and answering the question of its own existence, also to recognize this Otherness or difference which is integrally constitutive of it—is simultaneously what disrupts its identity with itself as well.

Enjoying an existence which is plural as such—itself a *plethos* rather than merely comprised of a plurality of beings—the human inhabits a strangeness which also inhabits it. A being that is itself radically transitive, occurring through time and so originally historical rather than merely mobile, the worldly estrangement of human being is an interrogatory way of being that, in having only itself hermeneutically to answer to, is, nonetheless, in the position of having to answer to a mystery.[26] To be worldly here is to have a certain modality of alienation "inscribed at the heart one's existence, and to give this alienation an extremely positive validation."[27] On its way from birth to death, and consequently therefore always already on the move into a future in which it becomes that which it has never yet been, human being thereby necessarily also remains fundamentally a stranger to itself. The scandal of the refugee is that the human is itself not simply natural, not—to play on the scan of scan-

dal—reliably metrical. Calculative, it nonetheless simply does not add-up. The scandal, in short, is that the human is itself alien—, in that while of necessity it dwells in a world, it is not, and cannot, be fully at home there: because it never received vacant possession, does not own the freehold and has no security of tenure in it. The hope which, therefore, arises with the refugee exceeds the hope that the alien might find a "home," and entertains the possibility that the onto-alienness of human being might ultimately also find ways of being hospitable to itself. Finding such ways and articulating such a hope are, I believe, also ways of newly-understanding the project of democratic politics, provoked by the advent of the refugee and dramatized by the dangers of world (dis)order in late-modern times.

Such a condition—freedom to give the law that is a freedom before the law of that which is, in Nancy's paradoxical phrase, "legitimately without law *(de droit sans droit)*"[28]—is not just a scandal to reason, it is also ethically scandalous as well; which is to say, "a snare, trap, or cause of moral stumbling ... a stumbling-block" [OED]. Continuously having to find its feet, the human way of being is thus simultaneously, also, the occasion of its downfall as well. Nothing bears it up in its disposure other than its composure. That composure, however contrived, even under modern forms of representative democratic government which ground their legitimacy in the representation of "the people," is a fallible act made possible in virtue of that ontological freedom. Such composure is not, however, the *telos* or end of a politics of making, of politics understood to be a process of fabrication. Rather, it is the endless work of assuming the burden of being free, in laying down the law, to be interpreting the law in consequence of the exception to the law which the law itself necessarily brings to presence. To have an end is only possible in the condition of not having any end as such. Political—I would add, democratic—composure is the deferral of the end that would end all purposefulness. It is a tricky act to pull-off because, continuously disrupted by,

human being has nonetheless continuously also to come to terms with, its original disposure; its thrownness into a world in which it knows not from whence it came, nor where it is headed.

To note and consider the ontologizing effect of the refugee, however, does not mean abandoning the economic, political or personal dimension to the refugee, any more than it means abandoning the terrain of judgment. The ontologizing effect does not remove us to some abstract or speculative region at all. It is a question of entering these other so-called empirical, but in Arendtian and Heideggerean language simply worldly, regions differently. For the word means the thought of existence and the status of it today means thinking our, especially political, existence on the level of the challenge which the refugee brings to our capacity less to secure a home and more to create and live in habitable worlds. Hence, we are ontopolitically indebted to the refugee. That debt cannot be repaid, but it can be explored and acknowledged through a political thought other than that which has helped to make the refugee one of the principal bearers of the cost of the political (dis)order of the modern world, where the technological understanding of politics as fabrication—state-building; nation-building, nation-state-building, hegemonizing; counter-hegemonizing—is paramount. To bring the derelicted into thought in this way is neither to patronize, nor to avoid, the devastation of their dereliction. It is an exercise neither of good nor of bad conscience. It is to respond positively, instead, to the refugee's profound provocation of political thought; by which I mean their provocation both to think politically and, in thus thinking politically, to think against the onto-political convergences which distinguish modern political thought.

For the refugee raises the question of association beyond, outside, in the margins, or in excess of, established political sociation; because the refugee is by definition a-social, a-political. Being political, one might say the being of politics, is profoundly at issue here, then, in and through the presence of the

refugee. The figuration of the abjection at the heart of modern political subjection, of the associational poverty at the centre of so much political sociation, and of the impoverishment of being-with in today's global togetherness, the refugee exposes how belonging together politically has become belonging together at the production of the spectacle of politics, including that of the abjection integral to it. The advent of the refugee nonetheless still ruptures the horizons—spoils the show—of societies which desire to be left only to themselves, seeking to affirm their social and political being by reference to no horizon but themselves. What emerges from taking the refugee even more seriously, therefore, than, say, refugee studies might perhaps unfairly be said to do, is not the idea of some sovereign individual or communal, rights-based, understanding of human being, however, which requires extension to the being which has been expelled from its world.

The problem with rights here in this argument concerning the politically dislocating ontologizing effects of the advent of the refugee—that is to say, aside from any tactical questions concerning the provision of some means of protection to the outcast—is that it appeals to one of two grounds, each of which is equally unsustainable in the face of the alienness that the refugee brings to presence. On the one hand, rights are the fruit of the enforceable law of a community. On the other, rights are said to be the natural endowment of what it is to be human. The refugee is, of course, refugee in virtue of its expulsion from, and very often by, the enforceable law of a community, There is no enforceable communal law—UN conventions on refugees are just that; conventions which the existing legal communities of states interpret for themselves, and may or may not apply to themselves—to which the refugee has recourse.[29] That is the point to being a refugee. Conversely, the appeal to what is said to be the natural endowment of the human raises the ontological question of the natural. Here the advent of the refugee is radically disruptive because the event of the refugee's alienness calls to mind

the alienness of the human as such: the very non-naturalness of the onto-plurality; thrownness and responsibility of its abyssal freedom. For if the human were simply natural it would not have this freedom—with all its attendant burdens of decision—to be.

The question of taking the refugee even more seriously is not, however, simply a question, either, of some sociality or alterity that problematizes the authority of the subject understood as a *solus ipse*: "It is more than this and something else entirely."[30] It is a matter of the ipse itself, of its very belonging together in and through its inherent plurality. That with which we are associated, and that which associates us, in short our capacity to say "we" the human, is what is at issue; mundanely, corporeally; and increasingly, in our world, massively. The advent of the refugee, therefore, poses both the ontological question politically and the political question ontologically. Hence the dramatic, and dramatically disruptive, ontopolitical valence of the refugee. Neither a neighbour nor a friend, linked by neither a politically fraternal, communal nor national bond, the advent of the refugee poses the question of the "we" of the human as such and discloses its co-ipseity beyond, or other than, our current understandings of the belonging together of the human way of being. That co-ipseity is obscure, enigmatic and opaque. Readily deniable, it is nonetheless also impossible to escape. Inescapably ethical, its inescapability has also gone global, and sets-up aporetic perturbations in all settled systems of political order and understanding, including those of Communitarian and Liberal thought.[31] Michael Walzer, for example, admits as much.

At the extreme, he notes in *Spheres of Justice*, "the claim of asylum is virtually undeniable. I assume that there are in fact limits to our collective liability, but I don't know how to specify them." But if that is true, he went on, "why stop with asylum? Why be concerned with men and women on our territory who ask to remain and not with men and women oppressed in their own coun-

tries who ask to come in? Why mark-off the lucky or aggressive, who have somehow managed to make their own way across our borders, from all others? Once again I don't have an adequate answer to these questions?"[32]

Raising the question, the capacity, and our necessity to be able to say "we," the refugee does so in circumstances which are authorized, therefore, neither by God, the Leader, the Nation, the State, nor the People. Rather, the refugee raises that need in the circumstances in which none of these ontopolitical figures says it for us. The refugee does so, and crucially, in precisely those circumstances when these figurations of the ontopolitical convergences of modern times—those very ontopolitical signifiers which operate as rallying points for mobilization and politicization fated nonetheless to dishonour their promise, "both to unify the ideological field and to constitute the constituencies they claim to represent,"[33]—tell us, instead, exclusively to say "I." Not being able to say "we" in the circumstances in which it is most called for—that is to say, when we are not authorized to do so, and when it is the strange and different that we are entertaining, is precisely, however, what allows each "I" the dementia which results ultimately in individuals not being able to say "I" any more either. That is what makes the refugee a touchstone of the very democratic politicality of any community—its capacity, in making way for other beings, to make way for other ways of political being to be in its very own way of being.[34]

The "we" is in question as a question, then, when faced with the refugee because the refugee poses the very questionability of the "we" at us directly and politically, but in a way in which the answers we have currently settled upon—and in—no longer answer. That "we" obliges us to find other ways of saying "we" again, and through that inescapable insistence binds us in a peculiarly ethical form of "commonality." Once more our ontopolitical indebtedness to the refugee surfaces, for the refugee attests to the very aporeticness of the "we" and re-

opens it for us. In the process—precisely because the "we," however enigmatically, is—we, however we are, are continuously re-configured. Herein, then, lies the intimation of the possibility of a different ontology of the species of political being: of one always already strange to itself, one more equipped to address the plurality always already insinuated into being. Here the "with" of association is what the political takes as its question not as its ground, precisely because it is human being's very own questionability. And it assumes as the commission of that very omission, precise lack of any secure answer to what the human is, the commitment to keep the with of that indefinable "we" open.

I want to conclude, then, in a kind of amplified and intensified Arendtian way. It is this *plethos* which allows for the very possibility of politics; because it constitutes an ontological freedom which, in distinguishing human being as the way of being which is obliged to raise and respond to the question of its existence, without ever being in a position to answer it, devolves upon it the responsibility to lay down the law, and thus order its own affairs. It is not simply, then, the question of the "inter," but of its very irresolvable questionability, that gives rise to politics at all.

I would call that politics democratic which did not merely claim to represent "the people," did not begin with a subject individual or collective, but was committed instead to continuously forestalling the foreclosure of freedom entailed in having to give an answer to the question of the self and of the community. I would also call that politics democratic if it was one which was thus committed to the project of keeping open the question of who "the people" (the *deinos*) is, that is, of continuously disclosing, rather than foreclosing, the "inter" or "we" in the human way of being. Democracy to come would thus be—always already is—the forestalling of the foreclosing of this questionability; even in its own foreclosing.[35] Is it not this which constantly takes place in the "Inter" of international relations; despite what international relations once

thought itself to endorse, as knowledge and as politics, and so to be as a discipline? ∎

Notes

1. Friedrich Nietzsche, *Beyond Good and Evil*, translated by R. J. Hollingdale (Harmondsworth: Penguin Books, 1990), #146, 102.

2. Sarah Collinson, *Europe and International Migration* (London: Pinter for RIIA, 1994), 37.

3. See, for example, Daniel Warner, "The Community of the Refugee," *International Journal of Refugee Law* 3, no. 4 (1991), 731–34. More philosophically, see, Robert Bernasconi, "On Deconstructing Nostalgia for Community in the West: The Debate Between Nancy and Blanchot," *Research in Phenomenology* 23 (1993), 3–21.

4. Giorgio Agamben, "Beyond Human Rights," *Liberation*, 9 June 1993, 8 (my translation).

5. Judith Butler, *Bodies That Matter: On The Discursive Limits of 'Sex'* (London: Routledge, 1993), 188.

6. See also Slavoj Zizek, *The Sublime Object of Ideology* (London: Verso, 1989).

7. See, Aristide Zolberg, "The Next Waves: Migration Theory For a Changing World," *International Migration Review* 23, no. 3 (1988), 403–30; Christopher Mitchell, "International Migration, International Relations and Foreign Policy," *International Migration Review* 23, no. 3 (1989), 681–708; and, classically, the recent report from the UNHCR, *The State of the World's Refugees: The Challenge of Protection* (Oxford: Oxford University Press, 1995).

8. UNHCR, *The State of the World's Refugees*.

9. Hans Thoolen, *Regional Representative for the Nordic and Baltic Countries of the UNHCR*, Report, 10 October 1994.

10. UNHCR, *The State of the World's Refugees*, 13–14.

11. Ibid., 14–15.

12. I am indebted to David Campbell's provocative study *Writing Security* (Manchester: Manchester University Press, 1992), 41 for this list.

13. Jean-Luc Nancy, "War, Law, Sovereignty-*Techne*," in *Rethinking Technologies*, edited by Verena Andermatt Conley (Minneapolis: University of Minnesota Press, 1993), 28.

14. Paul Ricoeur, *The Symbolisation of Evil* (Boston: The Beacon Press, 1969).

15. See Michael M. Cernea, *Involuntary Resettlement in Development Projects. Policy Guidelines in World Bank Financed Projects* (Washington: World Bank Technical Paper

80, 1988); *Tribal Peoples and Economic Development. Human Ecological Guidelines* (Washington: World Bank, May, 1982); *Development in Practice. Governance. The World Bank Experience* (Washington: World Bank, May, 1994); Leila C. Fnischtak, *Governance Capacity and Economic Reform in Developing Countries* (Washington: World Bank Technical Paper 254, 1994); *Resettlement and Development: The Bank-wide Review of Projects Involving Involuntary Resettlement, 1986–1993* (Washington: World Bank Environment Department, 8 April, 1994).

16. Michael M. Cemea, "Understanding and Preventing Impoverishment from Displacement. Reflections on the State of Knowledge," in *Resisting Impoverishment: Tackling the Consequences of Development-Induced Population Displacement and Resettlement*, edited by C. McDowell (Oxford: Berghahn Books, 1995).

17. See Graham Burchall et al. (eds.), *The Foucault Effect* (London: Harvester Wheatsheaf, 1991).

18. This point could, and has, been argued in book-length studies. See, for example, Collinson, *Europe and International Migration*. It is an important corrective to the ways in which economic, racial and other fears of the outsider are habitually exploited in domestic politics. In consequence, it is ironic to note that at the height of the most recent employment of the fear of the outsider in British politics, and a further restricting of asylum to the United Kingdom, that a research study of the British Home Office should have provided further evidence for the point. See, Jenny Carey et al., *The Settlement of Refugees in Britain* (London: Home Office Research Study 141, HMSO, 1995).

19. Butler, *Bodies that Matter*, 189.

20. William E. Connolly, "Nothing is Fundamental," *The Ethos of Pluralisation* (Minneapolis: University of Minnesota Press, 1995), 1–40.

21. Ibid., 4.

22. Ibid.

23. William E. Connolly, "Freedom and Contingency," in *Life-World and Politics: Between Modernity and Postmodernity*, edited by S. K. White (Indiana: Notre Dame University Press, 1989).

24. Jean-Luc Nancy, *Being-With* (Colchester: University of Essex Centre for Theoretical Studies Working Paper No. 11, 1996), 5.

25. See, Rodolphe Gasche, *Inventions of Difference: On Jacques Derrida* (Cambridge, MA: Harvard University Press, 1994).

26. This is, of course, the radical hermeneutical approach to the human condition, derived from Heidegger's radical phenomenological and hermeneutical moves. See the following for an account of its development and character: John Caputo, *Radical Hermeneutics* (Bloomington: Indiana University Press, 1987); Gerald Bruns, *Heidegger's Estrangements: Language, Truth and Poetry in the Later Writings* (New Haven: Yale University Press, 1992); and Bruns, *Hermeneutics Ancient and Modern* (New Haven: Yale University Press, 1992).

27. Dana Richard Villa, *Arendt and Heidegger: The Fate of the Political* (Princeton, NJ: Princeton University Press, 1996), 203.

28. Nancy, *Being-With*, 6.

29. See Michael Dillon, "Sovereignty and Governmentality: From the Problematics of the New World Order to the Ethical Problematic of World Order," *Alternatives*, 20 (1995).

30. Nancy, *Being-With*, 5.

31. See, for example, how Thomas Dumm explores this point in relation to Charles Taylor in, "Strangers and Liberals," *Political Theory* 22, no. 1 (February 1994), 167–75.

32. Michael Watzer, *Spheres of Justice. A Defence of Pluralism and Equality* (Oxford: Basil Blackwell, 1983), 51. The difficulties lie, of course, in pluralism and equality—a phenomenological symmetry and asymmetry (to use Derrida's Levinasian gloss on Heidegger)—which radically disrupts Walzer's project. It is precisely that phenomenological symmetry and asymmetry which the refugee brings so forcefully and corporeally to presence.

33. Butler's gloss on Zizek, in *Bodies That Matter*, 191.

34. I work this point out of Nancy's *Being-With*. I am generally indebted to the thought of "freedom" and "being-with" which he has developed in the following: *The Experience of Freedom* (Stanford: Stanford University Press, 1993); *The Birth to Presence* (Stanford: Stanford University Press, 1993); and, *The Inoperative Community* (Minneapolis: University of Minnesota Press, 1991).

35. Connolly, *The Ethos of Pluralisation.* ◻

States and Strangers:
Refugees and Displacements of Statecraft

By Nevzat Soguk

States and Strangers looks at the role of refugees in international relations.

Refugees may flee their country, but can they escape the conflicting, defining logic of all voices that speak for them? As refugees multiply in our troubled world, more and more scholars, studies, and pundits focus on their plight. Most of these attempts, says Nevzat Soguk, start from a model that shares the assumptions manifested in traditional definitions of citizen, nation, and state. Within this hierarchy, he argues, a refugee has no place to go. *States and Strangers* questions this paradigm, particularly its vision of the territoriality of life.

A radical retheorization of the refugee from Foucauldian perspective, the book views the international refugee regime not as a simple tertiary response, arising from the practice of states regarding refugee problems, but as itself an aspect of the regimentation of statecraft. The attendant discourse negates the multiplicity of refugee events and experience; by assigning the refugee an identity—someone without the citizen's grounding within a territorial space—the states renders him voiceless and deprives him of representation and protection. *States and Strangers* asks how this happens and how it can be avoided.

Using historical, archival research and interpretive strategies drawn from a genealogical approach, Soguk considers the role of the refugee in the emergence and maintenance of the sovereign territorial state form the late seventeenth century to contemporary times.

Nevzat Soguk is assistant professor of political science at the University of Hawaii at Manoa.

"States and Strangers comes down from the heights of the lofty ivory tower to combine sophisticated theoretical significance with the concerns of real people as they navigate their daily existence in worlds that both scholars and policy makers often ignore. Professor Soguk successfully integrates scholarly rigor with the desire to create a space that reflects the humanity, dignity, and capacity for agency that refugees possess. *States and Strangers* ranks among the best in engaged scholarship."

Roxanne Doty, Arizona State University, and author of *Imperial Encounters*

"This book is an important contribution to understanding how refugees as outsiders help in the discourse of national consciousness and are a crucial element in modern statecraft. Soguk takes the refugee experience as a metaphor for the modern condition and problematizes the categorization of refugees outside the traditional confines of nation-state citizenship. By rereading certain historical events such as the Huguenot displacement and the creation of the League of Nations High Commissioner for Refugees, Soguk offers a new perspective on the relationship between human flows, the practice of statecraft, and the international system. This is a challenging work that goes beyond traditional analyses of the development of the refugee regime to question the state-centric/territorial basis of that regime."

Daniel Warner, Graduate Institute of International Studies, Geneva, Switzerland