Imperialism, Empire and the Refugee

Palgrave Encyclopedia of Imperialism and Anti-Imperialism

Paolo Novak

SOAS, University of London

pn4@soas.ac.uk

The refugee and institutional order

Contemporary theorisations of imperialism and empire, in their disparate analytical approaches and political inclinations, share a particular concern with the figure of the refugee. This is not surprising, as histories of empires and refugeeing are inextricably linked to each other. Emerging in its modern form at the beginning of the 20th century from the ashes of European empires, the modern refugee institution has functioned since then as a discursive and material cog for the assertion and upholding of key principles and practices in the international sphere, and of the hierarchies associated to them. The refugee is and has always been deeply implicated with the disruption, establishment and consolidation of international politico-institutional orders.

Refugee is the Anglicised version of the French term *réfugié*, a term that had been used in France since the high medieval period to denote people fleeing religious persecution. The term derives from the Latin *fugere* (to flee) and the prefix *re* (back to/return), referring to a person fleeing back to safety (Soguk, 1999). The connotation of the refugee as a person that simultaneously escapes and returns, to safety in this case, is crucial for understanding the liminal character of the refugee institution as a figure in-between politico-institutional orders, simultaneously an evidence of failure and a confirmation for such orders. Indeed, while in those days safety was primarily defined in terms of refugees' escape –the *fugere*-, its contemporary usage is premised on refugees' *re*-turn to the "protective" embrace of the interstate system.

The most widely recognised definition of who is a refugee is delineated in the wake of the Second World War, and is contained in Article 1A(2) of the 1951 UN Convention on the Status of Refugees and Stateless Persons. The Convention establishes that a refugee is a person who can be determined to have a well-founded fear of being persecuted for reasons of race, religion, nationality, or membership of a particular social group or political opinion; who is outside the country of his nationality; and who is unable or, owing to such fear, is unwilling to avail himself of the protection of that country (UNHCR, 2005). This definition evidences the nature of the refugee as an element of both confirmation and disruption of politico-institutional orders. On one side, the definition asserts and universalises state-centred interpretations of social life. A person is a refugee as a result of his/her escape from state persecution; a person can only become a refugee through the recognition of his/her claims by state authority. On the other side, the definition enables forms of inter- and transnational governance. Its normative content legitimises, in fact in many cases demands, the operations of inter-governmental bodies such as UNHCR, and transnational and local non-state organisations; it generates global humanitarian discourses, regional programs and sector-wide "best practices" for the protection and assistance of refugees; it engenders activities, propositions, critiques and manipulations (Novak, 2013).

The refugee has always been implicated in practices of state making and intergovernmental regimentation: refugee migrations are the product of crises or at least of profound changes in forms of government, while at the same time producing new forms of government (Soguk 1999). The refugee is a limit concept (Nyers, 1999), a person inhabiting a liminal space (Malkki, 1995) within accepted forms of institutional order.

The liminality of the refugee thus conceived makes it crucial to contemporary theorisations of empire and imperialism. The latter find a confirmation of their analytical propositions, by focusing alternatively on the *exceptional* character of the refugee, on its constitutive *force*, or on the material *forces* that shape and sustain refugee-related operations[1].

The refugee exception

The author that more forcefully explores the institutional liminality of the refugee is Giorgio Agamben. Agamben's work is premised on Carl Schmitt's formulation that the sovereign is, at the same time, outside and inside the law. The simultaneity of this condition is what constitutes the paradox of sovereignty: the sovereign, possessing the legal power to suspend the law, puts itself legally outside the law (Agamben, 1995). Such zone of indistinction between public law and political fact represents sovereignty's *limit*, understood both as its beginning and end: it represents the foundational moment of sovereign power; it includes through exclusion. This understanding of sovereign power is associated to the figure of the *homo sacer*, a condition or form of life described as bare, i.e. naked or depoliticized. Excluded from both divine and juridical law, homo sacer similarly exists in a no man's land, at the threshold between the spaces of law (Mitchell, 2006). Homo sacer is the excess of the process of sovereign political foundation: he is excluded from the normal limits of the state, yet as the limit upon which sovereign power is founded, he is also simultaneously an integral part of it (Kumar Rajaram and Warr, 2004).

The figure of homo sacer is, and has been, readily associated to that of the refugee. As the embodiment of citizenship and statehood boundaries, in fact, the refugee reifies such boundaries, rendering concrete their meaning. As a residual (excremental, as Agamben would put it) subject that can be encompassed neither territorially nor in relation to the nation, however, the refugee simultaneously challenges that norm. The above UN Convention definition and more broadly refugee law re-encompass within the interstate system what escapes from the trinity "nation-state-territory", thus defusing such challenge. The refugee represents the "exception" on which the norm relies.

It is the exposure of the political act hidden in the refugee definition –that of considering human life exclusively in relation to sovereignty and citizenship-, which makes the refugee exception crucial for capturing, from this perspective, the imperial order of our times. On one side, the refugee represents a disquieting element in the order of the nation-state, because it breaks the identity between the human and the citizen, i.e. it conceives human beings exclusively by deference/reference to the nation state; the refugee brings the fiction of sovereignty to a crisis (Agamben, 2008). On the other side, in a context like the contemporary one, where growing sections of humankind are no longer representable through nation-state frameworks, the act of re-drawing boundaries of inclusion and exclusion signals the constitution of new forms of sovereign power. Indeed, one of the principal lessons of imperialism is that the historical and geographical specificity of certain spaces is linked to the specifiability of certain people (Reid-Henry, 2007), and it is from this perspective that the

[1] Novak (2011) makes a similar categorisation.

refugee acquires analytical prominence in contemporary theorisations of empire and imperialism.

Transposing Agamben's reflections on the state of exception to our contemporary world, in fact, theorisations that follow this analytical perspective, portray the events of "9/11", and the exceptional response that ensued, as the foundational moment in the constitution of a new imperial order. Through this optic, places like Guantanamo (Aradau, 2007), or the exceptional geographies delineated by the War on Terror, can be seen as archetypical examples of the spaces of exception defining the political *nomos* of our contemporary world (Minca, 2006). Similarly, detention centres for irregular migrants (Perera, 2002), refugee camps in Tanzania (Turner, 2005) or Kenya (Jayi, 2011), as much as, more broadly, the treatment of irregular migrants (Kumar Rajaram, 2006), are portrayed as reconfiguring world spaces into a colonial present.

Agamben's concern with boundaries of inclusion/exclusion into the political space is at the centre of theorisations of imperialism premised on the exceptional power to define the realm of the political. The refugee, as a liminal body that exposes the self-contained institutional order between sovereignty, law and the interstate system, is thus a central figure of our time: it exposes those who hold the sovereign power to define the realm of the political. Indeed, the key insight offered by Agamben for understanding the contemporary world is his suggestion that democratic liberal governments are becoming totalitarian states through the powers of exceptionalism. No longer temporary or occasional, the state of exception has become the rule (Mitchell, 2006).

The refugee and its **force**

The relation between liberal governments and the refugee is also at the centre of a second strand of imperial theorisations, which rather than focusing on the sovereign's act of exclusion, emphasises the enabling and generative dimension of the refugee institution, i.e. its *force* in constituting new politico-institutional governance regimes. These contributions are mostly, albeit not exclusively, premised on the work of Michel Foucault, particularly on the concepts of productive power (Foucault, 1981) and governmentality (1991), and thus emphasise the productive, i.e. enabling and generative, nature of the refugee institution. Rather than seeing the refugee as a conceptual category at the threshold, and constitutive, of sovereign power, these contributions are concerned with the refugee as an object of thought and intervention, and on the discursive and material effects of contemporary refugee-related and humanitarian interventions.

Nezvat Soguk's account is exemplary in this respect, because of its incredible research depth and span, as well as theoretical rigour. Soguk (1999) traces the political rationalities and technologies of government that transformed the refugee into a practical field of governmental activity, through the identification of the refugee's three essential elements (a state-based territoriality, the establishment of a nationality-law nexus, its intergovernmental regimentation). These elements are associated to a centuries-long process of institutional transformation marked by three episodes of displacement -the displacement of the Huguenots, the French Revolution émigrés, and post-World War 1 displaced populations across Europe- that represent key moments for the definition of law-making practices in relation to territory, nationality and intergovernmental regimentation respectively. By constituting refugee displacement as a problem of government, the refugee enables and defines the contours of a wide range of protection and assistance practices, an "ensemble formed by the institutions, procedures, analyses, and reflections, the calculations and tactics

that allow the exercise of a very specific albeit complex form of power" (Foucault 1991: 102); a form of power that attempts to shape and direct human conduct towards specific ends.

At its broadest, thus, refugee interventions are variously portrayed from this perspective as an expression of liberal rationalities of government (Lippert 1999), as forms of governance that stabilise, reconfigure and reproduce world hierarchies (Nyers, 1999), and that are geopolitical in their nature and intent (Lui, 2002), despite their humanitarian justifications. Interventions in Iraq, Afghanistan, and Palestine, thus, enable the creation of an "architecture of enmity", which reconfigures international relations into a colonial present (Gregory, 2004).

Duffield (2001) most forcefully develops the link between so-called complex humanitarian emergencies and neo-colonial forms of liberal imperialism. Setting his analysis in relation to the so called new wars characterising the context of globalisation, he questions the motives justifying humanitarian interventions, seeing them as a pretext to bypass the principle of sovereignty and to establish a global governance regime premised on liberal ideas. Such regime brings together governments, NGOs, military establishments and private companies in complex and cross-cutting governance networks operating from the supranational to the local level. These networks are the vehicles of neo-liberal governmentality, and attempt to impose a radical agenda of social transformation to which states are subordinated. This is part of a strategy that, establishing a link between security, development and humanitarianism, attempts to spread Western liberal states' influence and control over il-liberal regimes and so called global borderlands, thus consolidating its external frontier. Although premised on equality and democracy and the rights and freedoms of people, the effect of such form of governance is to institutionalise hierarchies amongst peoples and states (Duffield, 2007).

Drawing from a far wider range of political and philosophical sources, and in more controversial, but also influential, ways, Hardt and Negri (2002) similarly premise their understanding of Empire as a post-sovereignty and all-encompassing networked form of government, on the creative and generative power of refugees, understood here as part of a multitude. However, rather than seeing refugees as the enabling object of intervention upon which global governance regimes are premised, they see the multitude's constituent power as the best hope for a progressive transformation of the current socio-political order, as it is on their constitutive power that Empire's rule rests. In their understanding, the humanitarian complex, i.e. the ensemble of organizations, agencies and principles informing humanitarian and developmental actions, is one of the pillars sustaining a new form of political rule, which does not possess any single locatable source, or any territorial centre of power. It is a global political order that accompanies the globalization of capital, and which is premised on the establishment of flexible hierarchies and networks of command. Empire has no limits: it progressively incorporates the entire global realm within its open, expanding frontiers, and it operates on all registers of the social order extending down to the depths of the social world. The refugee, the irregular migrant, and all those that compose the multitude, are the expression of a counterimperial ontology that attempts to disrupt Empire, by destabilising its foundation.

The refugee and its material forces

A third strand of theorisations concerned with the relation between the refugee and imperialism sets instead the refugee institution and refugee-related intervention in relation to historical and material contexts shaped by capitalism and geopolitics. Albeit engaging with the refugee as a conceptual category and as the object of concern of humanitarian interventions, these contributions tend to emphasises the geopolitical nature of the former,

and the instrumentality of the latter in serving the interests of powerful states. This approach is sceptical towards the ontological concerns of the previous two strands, and reaffirms more traditional understandings imperialism as a state project. Analytical attention is thus concerned with highlighting the *material forces* of production that shape the structure of society in any given historical moment. From this perspective, the refugee plays the role of a ruse, hiding the imperial projects of powerful states, most notably the USA.

At its broadest, political economy conceptualisations of the refugee reject residual understandings of this institution, i.e. definitions that are based on the notion of lack of protection, such as that contained in the above UN Convention. Rather, they emphasise the historically evolving process of production of the refugee institution, the contextual and dynamic processes and practices of its social re-production, and the productive forces underpinning both. Such relational understanding of the refugee entangles both refugee migrations and humanitarian aid with national and international politico-economic structures (Novak, 2013). Most notably, such narratives conflate the USA's geopolitical interests with capital's endless accumulation drive. The dispossession of resources and environmental degradation, privatisation, and all those processes associated to the current bout of accumulation by dispossession (Harvey, 2005) produce refugee displacement by crafting profoundly unequal and violent political and economic contexts; refugee-related interventions and their geopolitical rationales provide a convenient fig leaf for the re-production of such imperatives and rationales.

Through this optic, emphasis is therefore given to the strategic dimensions associated to refugee protection, as seen from the perspective of powerful states. The above UN Convention definition, thus, premised refugee protection on civil and political rights, as opposed to socio-economic rights, because it facilitated, in the context of the Cold War, the condemnation of Soviet politics against ideological dissent. It emphasised state persecution on the basis of religion, race or membership in a social group, because these issues were historically problematic for the Eastern Bloc. Its selective and intermittent use, as much as the historically changing attitudes towards asylum at global level since then, function as a confirmation of the inextricable relation between the refugee and the interests of powerful nations (Chimni, 2000).

Indeed, evidence supporting the materiality of such relation can be traced to the strategic deployment of the various principles embedded in the above refugee definition. The latter embodies and reproduces all the contradictions and tensions characterising modern international relations: the frictions between universality of human rights and territorial sovereignty; the compromise between individual and state rights; the contradictory principles aspired to by the UN Charter, such as state sovereignty, national self-determination, democracy and respect for human rights. The emphasis on one or the other such principles, in different geographical context and historical moments, demonstrate how these principles are a ruse, and ultimately serve the interests of countries like the USA, in their attempt to deny sovereignty to countries such as Iraq (Bellamy Foster et al, 2008) or Afghanistan (McLaren and Martin, 2004). Humanitarian interventions, state-building and development policies and practices, transform international relations, and reconfigure relations between non-western states and their societies; they are an expression of imperial power, which acts by hiding its actors behind a language of democracy, human rights and humanitarianism, thus denying the possibility of holding them accountable. Empire is in denial (Chandler, 2006).

Of course, these same principles can be used to reach conclusions that stand in a diametrically opposite position vis-à-vis those put forward by the above analyses. Advocates of empire condemn human rights violations and lack of democracy, and highlight the threats

posed by failed and rogue states, all of which are said to be causes of refugee displacement. Niall Ferguson's (2004) nostalgia for empire, as much as Robert Cooper's (2002) call for a new liberal imperialism based on the above UN Charter's principles, were making headlines at the turn of the millennium. The seemingly systemic crises of the last decade, however, seem to have silenced these invocations –hopefully for good.

Refugees and institutional incompleteness

Theorisations presented above offer alternative, albeit often overlapping, conceptualisations of the relation between imperialism, empire and refugees. Whether focusing on the exceptional character of the refugee as a conceptual category, on refugee displacement as generative of networked forms of imperial rule, or on refugee migrations and interventions as a confirmation of more traditional understandings of state-centred imperialism, they substantiate the proposition that the refugee is a key political figure of our times. Indeed, the major insights offered by these contributions to the long tradition of theories of imperialism stems precisely from their ability to systematically and convincingly connect the figure of the refugee with the establishment of imperial institutional orders.

However, there are limitations to their analytical frameworks, which stem from the all-encompassing nature in which they define those connections. Surely, the global reach of processes that are examined and the forms of imperial power that are uncovered, beg for theorisations that capture these relations at its broadest. This is what makes the above analyses powerful, and analytically useful for the identification of imperial projects, their key agents and institutions, and their overarching power. Yet, by starting their analysis from and emphasizing the decidedly global nature of, imperial politico-institutional orders, theorisations explored above develop the connection between such orders and refugees *away from* the latter. Implicitly or explicitly, this connection is seen as unidirectional, unfolding in a top-down way: the multiple contingencies and contextual occurrences through which such connection concretely takes shape across the world, are the result of the more or less resisted but nonetheless direct consequence of imperial projects, and the more or less coercive power of their key agents. Such contingencies and occurrences, in other words, are treated as "parochial": they occupy a second-order rung in the analytical scaffolding of contemporary imperial theorisations (Novak, 2011). All episodes of refugee displacement, protection and assistance, thus, can ultimately be explained by an always already existing imperial project, and identifying the most convincing of these theorisations becomes a matter of (intellectual and political) *faith*.

Put differently, while these theorisations make broad claims about how the world as a whole or a big part of it actually worked and work, most of these contributions evince little curiosity about the extent and limitations of the knowledge necessary to make those kinds of statements. The *naming* of empire as a form of power to be embraced or feared contributes little to political debate. Extracting a moral from historical context and trajectories, and turning it into a policy recommendation diminishes politics as well as history. Thinking about the varied ways in which power has been exercised, constrained, and contested—within and beyond empires—may help to open the political imagination and focus the mind on the stakes and the consequences of political action (Cooper, 2004: 272).

Examining the concrete operational mechanisms of refugee-related interventions in their historical and geographical diversity, on the contrary, foregrounds the wide variety of discursive, institutional and material practices associated to the refugee institution, as well as refugees' own strategies and projects of engagement and interaction with them. Imperial

"orders" centred on the figure of the refugee do not respond to a singular logic, they do not completely fulfil the objectives they set themselves, and neither do they produce uniform outcomes. Refugee-related interventions unfold at a variety of scales and operate in multiple directions: they are seized, deflected, and manipulated by various humanitarian bodies and organisations, and by refugees themselves. Foregrounding the limits of such imperial politico-institutional orders, i.e. the contextually mediated ways in which these "orders" dynamically and concretely take shape in different contexts, renders the relation between imperialism, empire and the refugee always incomplete (Novak, 2011).

This does not mean denying the existence of empire or of imperial projects. Rather, grounding the arguably disembodied imperial theorisations presented above, interrogates the imperial scale of analysis as pre-given and discrete from other levels of analysis; it attempts to capture the relation between imperial projects and refugees in an embodied way, by epistemologically situating and grounding cartographies of imperialism centred on the figure of the refugee. Such embodied epistemology may have the potential to subvert dominant geopolitical narratives, and might have concrete effects on the lives of people who are players in such events (Hyndman, 2004). Indeed, focusing on the multi-scalar operations that define the connection between empires and refugees, makes more visible the forces and agents that negotiate their existence around the refugee institution, and in so doing reproduce themselves (Sinha, 2008). From this perspective, then, the incompleteness of imperial politico-institutional "orders" may well be a form of political rule (Bhatt, 2007) as it reproduces the hierarchy of *material forces* brought together by the generative *force* of the refugee *exception*.

References

Agamben G., 1995. *Homo Sacer. Il Potere Sovrano e la Nuda Vita* Torino: Einaudi

Agamben G., 2008. Beyond Human Rights *Open* Vol. 15: "Social Engineering Can Society Be Engineered in the Twenty-First Century?"

Aradau, Claudia (2007). Law transformed: Guantanamo and the 'other' exception. Third World Quarterly,28(3), pp. 489–501.

Bellamy Foster J., Holleman H., and McChesney R., 2008. The U.S. Imperial Triangle and Military Spending *The Monthly Review*, October 2008

Bhatt, C. 2007. Frontlines and interstices in the global war on terror. *Development and Change*, 38 (6), 1073-1093.

Chandler D., 2006. *Empire in Denial: The Politics of State-building* London: Pluto Press

Chimni B.S., 2000. "Globalization, Humanitarianism and the Erosion of Refugee Protection" *Journal of Refugee Studies* 13(3): 243-263.

Cooper R., 2002. *The new liberal imperialism* The Observer, 7 April 2002.

Cooper, F., 2004. Empire Multiplied. A Review Essay. *Comparative Studies in Society and History* 46 (2), 247-272.

Duffield M., 2001. *Global Governance and the New Wars* London: Zed

Duffield M., 2007. Development, territories, and people: Consolidating the external sovereign frontier *Alternatives* 32(2), pp. 225-246

Ferguson N., 2004 *Empire: How Britain Made the Modern World* London: Penguin

Foucault M., 1981. *History of Sexuality. Volume 1: An Introduction* London: Penguin

Foucault M., 1991. Governmentality. *In* G. Burchell, C. Gordon, and P. Miller, (eds), *The Foucault Effect: Studies in Governmentality* Toronto: Harvester Wheatsheaf.

Hardt M., Negri T., 2002. *Impero. Il Nuovo Ordine della Globalizzazione*: Milano: Rizzoli

Harvey D., 2005 *The New Imperialism* Oxford University Press

Hyndman J., 2004. "Mind the Gap: Bridging Feminist and Political Geography Through Geopolitics" Political Geography 23(3): 307-322

Jayi R., 2011. Social Technology and Refugee Encampment in Kenya *Journal of Refugee Studies* 25 (2): 221-238

Kumar Rajaram P. and Grundy-Warr C., 2004. "The Irregular Migrant as Homo Sacer: Migration and Detention in Australia, Malaysia and Thailand" *International Migration* 42(1): 33–64.

Kumar Rajaram P., 2006. Dystopic Geographies of Empire *Alternatives* 31, pp. 475-506

Lippert R., 1999. "Governing Refugees: The Relevance of Governmentality to Understanding the International Refugee Regime" *Alternatives* 24: 295-328.

Lui R., 2002. "Governing Refugees: 191-1945" *Borderlands e-journal* 1(1) non paginated, available online http://www.borderlandsejournal.adelaide.edu.au/vol1no1_2002/lui_governing.html

Malkki, L., 1995. "Refugees and Exile: From 'Refugee Studies' to the National Order of Things" *Annual Review of Anthropology* 24: 495-523.

McLaren P. and Martin G., 2004. The Legend of the Bush Gang: Imperialism, War, and Propaganda *Cultural Studies <=> Critical Methodologies* 4(3), pp. 281-303

Minca C. Giorgio 2006. Agamben and the new biopolitical nomos *Geografiska Annaler: Series B, Human Geography* 88(4), pp. 387–403

Mitchell K., 2006. Geographies of identity: the new exceptionalism *Progress in Human Geography* 30(1): 95-106

Novak P., 2011. "The Institutional Incompleteness of Empire" *Central Asian Survey* Special Issue, Spring 2011.

Novak P., 2013. The Political Economy of Refugees. *In* Ness I., ed., *The Global Encyclopedia of Human Migration*. Wiley-Blackwell

Nyers P., 1999. "Emergency or Emerging Identities? Refugees and Transformations in World Order" *Millennium* 28(1): 1-26.

Perera S., 2002. What is a camp? *Borderlands e-journal* 1(1) non paginated, available online http://www.borderlands.net.au/vol1no1_2002/perera_camp.html

Reid-Henry S., 2007. Exceptional Sovereignty? Guantánamo Bay and the Re-Colonial Present *Antipode* Volume 39, Issue 4, pages 627–648

Sinha, S., 2008. Lineages of the Developmentalist State: Transnationality and Village India, 1900-1965. *Comparative Studies in Society and History* 50 (1), 1-37.

Soguk N., 1999. *States and Strangers. Refugees and Displacements of Statecraft* Minneapolis: University of Minnesota Press.

Turner S., 2005. Suspended spaces –contesting sovereignty in a refugee camp in Hansen TB, Stepputat F (eds) *Sovereign Bodies: Citizens, Migrants, and States in the Postcolonial World* Princeton University Press

UNHCR, 2005. *Self-Study Module 1: An Introduction to International Protection. Protecting Persons of Concern to UNHCR* Online: UNHCR Refworld. Available at: http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=4214cb4f2