THE ANATOMY AND PHYSIOLOGY OF REFUGEE REPRODUCTION

by

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1. Introduction

Charles Keely's fundamental reanalysis of the refugee regime is ambitious. His goal is bolder still - to identify the patterns behind refugee flows so that those flows can be anticipated, thereby enabling the suffering to be ameliorated and even, perhaps, prevented. Keely's method in developing this thesis is based on theoretical assertion rather than a critical comparison of extant theories or induction from empirical data.

Keely argues that the refugee problem is rooted in the nation-state system. Nationalism presumes that every nation is entitled to a state, while the state system has an interest in minimizing the number of states in order to preserve a manageable system. There exists an incongruence between the large number of nations, each directed by a universal norm that each nation should have its expression through a political state, and the small number of states. The author refers to this as the geopolitical root of the refugee problem.

This instability of the state system leads to three distinct though sometimes overlapping bases for refugee production - multinational realities, ideology, and state implosion. The first of these is a corrollary of the structural depiction. After all, if there are many more nations than states, then some states must consist of many nations. Since the normative model dictates that each state should have its own state, multi-national states are

inherently unstable. The responses to that instability may entail one of four solutions according to Keely: development of a new supernational identity, domination by one cultural group, ethnic cleansing, and confederation arrangements. But this is not the only source of instability. There may be debates and conflicts over the form of the state (political ideology) and there may be an inability to make the state operational resulting in state implosion.

Not only are the causes of refugee production not understood according to Keely, but the treatment is rooted in an aberration - the bipolar world of the Cold War - and has no validity outside that context. In that aberrant period, western states practiced the equivalent of "bleeding" in mediaeval medical practice on the presumption that communist states were afflicted with bad humours. Bleeding both gave comfort to those who escaped and, at the same time, provided testimony to the instability and disequilibrium of such authoritarian regimes. As a result of the end of the Cold War and the commitments and practices built up in that period, the system for responding to the by-products of the developing nation-state system, namely refugees, has broken down. There is too much emphasis on asylum and resettlement which distort the refugee system and encourage refugee flows. The emphasis should be on repatriation, with resettlement confined to desperate cases.

Keely is to be applauded for seeking fundamental answers to this critical problem of our time. Unfortunately, his analysis is erroneous and misconceived both in the overall portrait and in the fine details. I will concentrate on the overall picture and slip in crticisms of detail where I can.

2. Queries and Propositions

Are nations the backbone, the skeletal structure, of the nation-state system, providing continuity through changes in the ideology and functioning of states as Keely suggests? Are nations the constants and states the variables in the international system? Or do states provide the spatial frame for stability while nations alter over time as they try to preserve their continuity? What about the relationship between the two? Are nations and states even part of the same system, each with different functions, or are we misguidedly reducing both to a common system just because they are conjoined in linguistic practice? If both are part of one system having a common function, is the function of the nation-state system to provide stability and seek an equilibrium in the face of the shifting techtonics of the dialectic of nation and state, or are nation-states dynamic and changing elements in a larger set of systems in which the goal is not equilibrium but the smooth management of change?

I want to suggest arguments for three propositions and then a fourth corollary when the first three are applied to refugees. Given space limitations, I can only suggest them. First, nations are not stable continuous elements through time. A nation is not analogous to a skeletal structure. Rather, nations are the sources of dynamic change as the conception of a collectivity alters and defines itself over time. Secondly, even though states come into being, change configurations, and even merge, they are there to provide stability **and leverage** for the military musculature that is the monopoly and characteristic complement of the state system. Third, though states provide the international skeletal system of stability using military means to do so when required, nations and states are not part of the same system because they do not have the same functions. Nations

and states are two among a larger set of systems for providing organization and dynamic order to a developing international system.

When the interactions of these various systems are understood, it will become clear that refugees are **not** the by-product of the shifting techtonics in the dialectic of the nation and the state. Nor are the current solutions simply the remains of the Cold War. It may indeed be true that repatriation needs to be emphasized, but not because we have placed too great a reliance on resettlement. The historical dialectic of responding to refugee crises must itself be understood as part of another system in interaction with both the system of nations and the systems of states.

3. The State System

Keely depicts two very different purposes of the state. Ideally, it is the political expression of the nation. This I refer to as the Herder thesis.[1] On a more 'realistic' plain, it is "the institution for legitimately exercising power and extracting resources for the purpose of providing order, protection, and decisions on the use or distribution of extracted resources." This is not a Lockian definition of the state which serves to ensure the preservation of the property of its citizens[2] or its complement, the Marxist depiction of the state as the instrument of ruling class interests.[3] It is a traditional social democratic vision of a welfare state in which a democratic government responsible to its electors is used as an instrument for the distribution of surplus value.[4]

If it is to do the latter, then while it protects its own dominant nation, it unalterably opposes the creation of new states. In other words, the state is defined, at one and the

same time, in nationalist and in political-economic power terms. As a result, there is a tension between the nation and the state such that, "states resist formation of new states and nationalism tends towards multiplication of states." Presumably, within any multi-national state (a state constituted of several nations), the result is also a tension within the state between its two different functions.

Keely follows Aristotle's differentiation between the ideal purposes of the state and the actual functions of its political institutions.[5] However, Aristotle never envisioned a united political entity to rule over or express the commonality of Hellas. Ideally, the state was an **ethical** ideal, the expression of the common ethos rather than the expression of an ethné, compact enough to provide an integrated system of education in social ethics to facilitate the moral perfection of its members and the determination of what is just. States had no interest in ethné, in ethnicity or nationalism in modern parlance. In applying this ideal to actual institutions, Aristotle followed the principle that the state was an instrument for the distribution of benefits, and it rewarded individuals in proportion to the contribution each made to the state. The state was a distributor of largesse based on contributions to the polis rather than a recipient of surplus value or a distributor of that value to ensure equity or to develop the capacities of its members.

In the contention that the ideal state exists for the preservation of the political community and the expression of the nation, Keely provides a schizphrenuic counterpoint to his realist thesis in sharp contrast to Hegel who finds congruency between collective self-expression and individual interests. In Hegel, this is accomplished institutionally only when there is a recognition of the right of citizens to participate in

are combined with both the separation of state and society and the republican institutional vision vesting political authority in the citizens of a state. To accomplish this vision, the institutions of the state facilitated the full development of each member of the state and did not just distribute rewards proportionate to the individual's contribution to the state. Thus, the state served the individual at the same time as the individual acted in the interests of the whole community.

In contrast to both Arisotle and Hegel's very different congruent dualist versions of the state, in Keely, in contrast to Aristotle, the ethical goal is removed altogether. In contrast to Hegel, the ideal function of the state is reduced to serving an ethné which has no 'spirit'. Further, in the state's institutional organization, there is no necessary connection with republicanism, the right of citizen participation in political decision-making. There are various sources of legitimacy, among which republicanism is simply one ideological alternative. Finally, the state exercises power and distributes 'surplus value' as a reflection of the dominant ideology of the state which may be on the basis of contributions of supporters, as a developer of citizen capacities, or as an effort in distributive justice. Thus, the mode of determining legitimacy, the method of exercising the power gained, and the use of that power for distribution purposes, have no guiding ethos. Each merely reflects the dominant ideology of a society. In Marxism, this in turn is determined by the dominant class.

Does the state exist as the expression and realization of

the particularity of an ethné, or does it exist to facilitate an ethné realizing itself as a unique expression of universality? Or does the state have a very different relationship to an ethné altogether? What about private interests? Does the state exist to extract sufficient surplus value so that order can be maintained to enable individuals to pursue their private interests as in capitalist states or for the state itself to determine the use of the remaining surplus value for allegedly egalitarian purposes as in socialist states or capacity building in welfare states? In the Keely schema , the state determines the use of extracted resources.

This is not the current dominant ideology of the state. Private and state interests may overlap, but of all the separate functional systems making up the international collectivity, state and private interests are perceived as overlapping the least. This is particularly true in the new global economic order of multinational corporations where 70% of international trade is intra-company trade, where large corporations are quickly losing their identification with a single state, and states in turn have increasingly less leverage and ability to tax the profits of these corporations. The global economy is the nutritional system of the international human organism that is committed to operating relatively independently of the state skeletal system of the international order. The current dominant ideology claims that the state is not and should not be the determinor of the uses of surplus value lest one reproduce the boneheaded gigantism of the self-destructed soviet system or the more moderately inflated bureaucracies of welfare democratic socialism or its equivalent in military national socialist regimes.

Furthermore, Keely seems to equate all private interests in society with economic interests when, in fact, the civil

society, which is separate from the state, consists of not only a system of interlocking interests, but also a system of interlocking rights. This system of rights as part of the international regulatory system (and not the system of economic interests) is, in fact, the key regulator of the flow of refugees. Now it is true that many theorists (including Hegel) emphasize the state as the expression and realization of the rights of the individual rather than as (or for some in addition to) the determinor of the uses of surplus value or as the protector and expression of the nation. Clearly, Keely is not one of them. On the other hand, in Keely's definition of the state, the state has no relationship whatsoever to the protection and realization of individual rights and liberties.

The state is not only reduced to its role in interaction with nationalism and economic interests in very different ways, while ignoring the system of rights as as extraneous add-on of a particular ideology which has nothing to say about the essence of the state, but other systems are ignored as well. In terms of refugees, one of the most important is the international system of communications which has been far more important in the international sphere to the treatment of refugees than the end of the Cold War. In referring to a communication system, I do not mean the transportation system of which refugee flows are a part, but of the electronic systems (telephone, television, computer internets, faxes) and more traditional print media (books, magazines, newspapers) that constitute the sensibilities, nerve endings and central intelligence system so crucial to the operation of the state system, the system of nations, the economic system, the international regulatory system, and the transportation system. The latter is concerned not simply with the means of transport (wheeled vehicles travelling on highways, trains, ships, airplanes), but with the people they transport as

business travellers, tourists, immigrants and refugees. This transportation system is not to be confused with another system engaged in transportation, the ecological system, which carries not only the waste products and toxic substances of the economic system, and the biological organisms of the diseases which afflict humans, but the world system of immunization against diseases and for disposing of toxic substances to maintain the life sphere of this fragile globe.

Now the state is the incubator and producer of the international regulative system, the system of laws and regulations that monitor the military system, the economic system, the circulatory system, the ecological system and the transportation system in great part in response to the messages received and processed by the world-wide communication system. One of the most important sets of regulations apply to the international transportation system, that is to the various classes of people that move about and the movement of vehicles that transport them.

Thus far, I have pointed to rather than even sketched eight international systems - the states, the military, the community of nations, the global economy, international communications, international transportation, international law and the ecological system. They interact and are mutually dependent on one another and are linked together by various levels and types of culture. Primacy is not given to nations or states let alone a purported nation-state system. Other systems are not defined only in terms of a distorted relationship to states and nations. However, before I return to the nature and role of states, there is one additional system that must be introduced - the reproductive system for it is through the understanding of reproduction that we will gain our first insight into the nature and functions of

nations.

Keely entitled his paper, "The Nation, the State, and the Reproduction of Refugees." This seems a most peculiar title because in the body of the text he refers to the *production* and not the *reproduction* of refugees. It is the nation that is concerned with self-reproduction. Refugees, in Keely's construct, are deviants, by-products of the mismatch between the existing state system and the purported ideal norm of one nation per state while most states of necessity consist of more than one nation. These deviants threaten the sovereign state system itself. They do not seem to possess any means of self-reproduction within themselves, or, if they do, it would seem to be associated with a cancerous variety by those who view refugees as threats to civilization and order. In any case, Keely does not follow that train of thought even if it is sugeested by the title.

However, the slip (if that is what it is) does raise the issue of reproduction. Is the nation the unit of self-preservation through reproduction? In other words, is the nation the equivalent of species or organisms in orthodox Darwinian theory (or genes in neo-Darwinian sociobiological theories where the purpose of reproductive behaviur is to maximize the survival of an individual organism's genetic material) competing with one another for reproductive success?

Aside from the unit of reproduction, what is the mechanism? Is it classical Darwinian competitiveness in adaptation to an environment, or are there historical and structural contraints to the purported ideal model of perfect competition in an ahistorical anarchic world or even an inner directed and self organizing principle at work? Whatever the answer, Keely, I believe is correct in one respect - the

nation is best understood as the collective means of preservation and reproduction of a culture and it is to a deeper analysis of the nation that I now want to turn.

The Nation

Though Keely claims that the "nation is currrently the normative basis for having a state," I am more concerned with undertaking an analysis of the nation abstracted from the state rather than understanding service to the nation as an ideal of the state.[7] With over 5,000 ostensible nations, Keely claims that the lack of congruence creates a tension between the 5,000 nations and the less than 200 states that have an interest in stability and not the dramatic changes that come from the pressures of each nation striving to have a state of its own.

Here is the dichotomy. Are nations intent on having a state of their own or are they interested in self-preservation and reproduction in which a state may sometimes serve as a useful tool, like a shell for a turtle? In the latter case, one might describe the shell as undertaking the responsibility for preserving the nation, but would not say that the shell has a function of serving as the political expression of a nation. This version of one state per nation I term the crustacean view of the state.

Whatever the tensions within the state and between the state and the nation, there is a prior conflict over what the nation is. This debate is exemplified by Keely's discussion of the various theories of the nation, differences which Keely locates in the different scholarly views of the first modern nation. Keely approaches the problem in terms of an essentialist, that is determining the character of nationalism

in terms of the essential characterization attributed to the nation. I want to offer three views of nationalism focused on only one country, Great Britain. All three perspectives have in common the fact that they are geneological rather than essentialist accounts of the nation.

Greenfeld (1992) assigns the genesis of the modern state to England because, for her, the essence of the modern state is the transfer of sovereignty from the King to the people. Hence, the concept of "nation" underwent a transformation from a reference to representatives of a political, cultural and then social elite "to the population of the country and made synonymous with the word 'people'."(p. 6) "National identity in its distinctive modern sense is, therefore, an identity which derives from membership in a 'people', the fundamental characteristic of which is that it is defined as a 'nation'." (p. 7) "The nation was perceived as a community of free and equal individuals." (p. 30) Hence, Greenfeld sees nationalism as the expression of a political ideology which asserts that the people - however loosely defined - are sovereign and constitute the ultimate authority in a state. Sovereignty is vested in the population, a population constituted of individuals. This is the essence of nationalism for Greenfeld. Greenfeld suggests that the various characteristics of nationalism - language, citizenship in the same state, shared traditions, a common history, race, etc. - are related as in a Wittgensteinian family resemblance; none of them are necessary or essential to any particular expression of nationalism, but at least some of them must characterize an expression of nationalism.

The concept, however, did not remain stagnant. When this idea of God's firstborn in the modern world was transported to other countries, it became associated with a *unique* soverign

people, where ethnicity became primary and sovereignty derivative. With that transformation, the source of authority became a collectivist one - rooted in fraternity - rather than in an individualistic foundation of a political ideological view of a sovereign nation in which each individual member had the right to exercise his/her will. Thus, ethnicity constitutes a mixture of various characteristics which can be selected and combined to constitute a nation as a political organizing principle.

As a result, there are two senses of nationalism for Greenfeld - civic nationalism and ethnic nationalism.

Critics have raised a number of problems with Greenfeld's thesis. To mention only a few, if sovereignty in British nationalism was vested in the people as a collection of individuals, why did it take another two hundred years for Catholic individuals to obtain the right to vote. Why was suffrage restricted to such a small minority of the population? Why was there a class basis to that suffrage in terms of property ownership?

Greenfeld's answer to these questions is that the questions demand that the species of British nationalism emerge fully mature on the world stage, when, in fact, it initially emerges in an infant stage in which the presumption at the root of British nationalism has not yet been fully realized. Nevertheless, "English national consciousness was first and foremost the consciousness of one's dignity as an individual. It implied and pushed toward (though it could not necessitate the immediate realization of) the principles of individual liberty and political equality. These notions were primary in the definition of English nationhood." (p. 86) The process of social restructuring within England, the Protestant

reformation and the divine sanction it gave to the new nationalism, the encouragement of the Tudors (with the exception of Queen Mary's anti-national counter-reformational policies), the use of the Bible and the spread of literacy, all contributed to the gestation, development, and spread of this new conception of the elite in whom sovereignty was vested - English civic nationalism.

There is a second thesis which traces the development of British nationalism to a response to exogenous rather than indigenous forces. Nationalism results not so much from an endogenous *sui generis* creation in Britain, but as a response to external threats, specifically, the long and protracted rivalry with France in successive wars - the Nine Years War (1689-97), the War of Spanish Succession (1702-13), the War of Austrian Succession (1739-48), the Seven Years War (1756-63), the American Revolution (1776-83) in which France formed an alliance with the breakaway thirteen colonies of North America, the French Revolution (1793-1802), and the Napoleonic wars (1803-15). Thus, the British identity was forged in the Act of Union of 1707 joining Scotland to England and Wales (recall that the Tudors were already Welsh royalty) in an attempt to support the existing order against external threats.[8]

There is another critique of Greenfeld's thesis of the indiginous and *sui generis* origins of English nationalism as well as the exogenous thesis of the development of nationalism in relationship to the enemy-other. It is an exogenous/endogenous theory of nationalist development in relationship to proximate others. English nationalism was not an indiginous product deformed into something else when it was exported to the French and the Russians. Instead, English nationalism was forged - as are all modern nationalisms - by

the effort to regulate who could enter and acquire membership in the English body politic and by control of the exit of its own population. For example, in Robin Cohen's version of this thesis,[9] "a complex national and social identity is continuously constructed and reshaped in its (often antipathetic) interaction with outsiders, strangers, foreigners and aliens - the 'others'. You know who you are by knowing who you are not." (p. 1)[10]

The thrust of this thesis is that it places a theory such as Greenfeld's within the long line of British apologetics for British exclusiveness and uniqueness which is but part of the "unease, affinity, antipathy, empathy, conflict and distaste between the British and the rest of mankind." (p. 1) In other words, Greenfeld offers not so much an explanation as a manifestation of characteristic British nationalism on the exclusivist side. According to Cohen, the historical reality is that British nationalism has been forged in the attempt to define the frontiers of its identity as the English interacted with the Celts (Welsh, Scots, Irish), the Brits interacted with its Dominions and then the empire and the Commonwealth, and, currently, Europeans and Aliens, reforging its identity at every stage along the way. Rather than the English having a core and essential nationalism rooted in the dignity of the individual, that nationalism was protean and given form and reshaped by English and subsequently British interaction with exogenous forces. However, unlike Colley's thesis, those exogenous forces are not external enemies threatening the existence of the state, but proximate other who penetrate the permeable membrane surrounding the nation.

Attending only to the initial tension between an English and a British identity, Cohen's historically developmental thesis (like Colley's in this respect but in contrast to

Greenfeld's essentialist one, where English connotes elitism, class, linguistic and cultural superiority, and priviledge, citizenship and the **absence** of its univocal definition in British law to this very day in contrast with the French) is a result of a passively received legal category rather than one which was forged through self-assertion and self identification in the active affirmation of people over the body politic. Thus, it is the French revolution that forges the notion of nationality built on citizenship (rather than an English nationality à la Roger Brubaker 1992) or viewing the French as an external threat and uniting to resist it..

Further, nationalism is not so much the product of an ethereal idea (except, perhaps, in its revanchist versions) as much as a predominantly practical and material answer in which a powerful bourgeoisie and intelligentsia articulate the need for a separate state or at least a degree of autonomy to support economic development in response to past developmental deformations and current economic opportunities, while a competing bourgeoisie and intelligentsia argue the benefits of material advance through cooperation and even incorporation within a broader entity to provide greater access to markets, an increased standard of living, and unboundaried participation in a larger political system.

Let me term these respective theses on the forging of the English/British identity the idealist/Whig (Greenfeld), the realist (Colley), and the materialist/communitarian (Cohen) theses. They are not just rival historical interpretations, but different narratives in support of different conceptions of the British national identity. In other words, they are not simply neutral intellectual products, but part of the debate about the British national character and its current identity.

In the second thesis, identity is not primary; survival is. Identity is forged in response to threats to internal security and external challenges to hegemonic commercial and political power and not simply a byproduct of visceral chauvinism or dynamic responsiveness.

There is an irony in these various theses. Clearly, the first (idealist) and the second (realist) theses are both individualist, but also conservationist and conservative, while the third thesis is communitarian and most open to the other. However, both Cohen and Colley share the view that nationalism is an imagined construct rather than an organically and naturally emergent one, but in the Colley view, that construct was an invention forged above all by war and external threats rather than internal policies in dealing with the perceived threat of the alien other, whether indigenous or an immigrant or refugee. In the Colley thesis, that construct is developed in response to an enemy Other, but the Other lived beyond the boundaries, on other shores, rather than within or threatening the control gates.

Immigrants and Refugees

By now it should be clear why I have detoured through some different historical versions of the construction of British identity alone - to indicate not only that Keely's citing of one school is not only selective, but is itself part of the intellectual defence of one version of national identity, one rationalization for dealing with immigrants and refugees, and a contrast with realists who are Hobbesian at heart. Further, instead of two core ideas of nationalism, I wanted to provide a glimpse of several of the historical constructions which both allegedly explain nationalism and provide a rationale for dealing with alien immigrants and

refugees.

1. "(T)he most natural state is, therefore, *one* nation, an extended family with one national character. This it retains for ages and develops most naturally if the leaders come from the people and are wholly dedicated to it. For a nation is as natural a plant as a family, only with more branches. Nothing, therefore, is more manifestly contrary to the purpose of political government than the unnatural enlargement of states." J.G. Herder, *Ideas for a Philosophy of the History of Mankind*, IX:iv:2, p. 324 in F.M. Barnard, ed., *Herder on Social and Political Culture*, Cambridge: Cambridge University Press, 1969.

2. "The great and chief end, therefore, of men's uniting into commonwealths and putting themselves under government is the preservation of their property." John Locke, *The Second Treatise of Government*, IX:124. The juridical apparatus of government exists to adjudicate property disputes by an unbiased judge according to established laws, while the executive branch ensures its execution.

3."(T)he state is the form in which the individuals of a ruling class asert their common interests, and in which the whole civil society of an epoch is epitomized." Karl Marx, *German Ideology*, MEGA I/5, pp. 52-3, in T.B. Bottomore and Maxmillian Rubel, *Karl Marx: Selected Writings in Sociology and Social Philosophy*, Hammonsworth: Pelican, 1993, p. 228.

4. Cf. M. Beer, *A History of British Socialism*, London: George Allen & Unwin, 1919, 336-7, or G.D.H. Cole, *A History of Socialist Thought: Volume III, The Second International, Part II*, London: Macmillan, 1956, pp. 967-8.

5. Aristotle, *Politics*, I:2, 29-30.

6. By the time Hegel wrote the *Philosophy of Right*, after the proclamation of the Karlsbad Decrees and the reintroduction of both censorship and the reinstatement of the restoration regimes espousing the divine origins of monarchic sovereignty in opposition to a constitutional monarchy, republicanism is conjoined in Hegel with a monarchy as its fulfillment, and the juncture between the public and private realms is reduced to to an invisible gap as the writing itself becomes more convoluted and equivocal.

7. Keely does indicate near the end of the paper that indigenous peoples, which may have claims to nationhood, are accommodated in other ways.

8. Cf. Linda Colley, *Britons: Forging the Nation 1707-1837*, New Haven: Yale University Press, 1992.

9. Robin Cohen, *Frontiers of Identity: The British and the Others*, New York: Longman, 1994.

10. Earlier versions of this thesis were articulated in Michael Hechter, *Internal Colonialism: The Celtic Fringe in British National development, 1536-1966*, Berkeley and Los Angeles: University of California Press, 1975, and Keith Robbins, *Nineteenth-Century Britain: Integration and Diversity*, Oxford: Oxford University Press, 1988.