

WE REFUGEES

1. IN 1943, IN A SMALL JEWISH PERIODICAL, *The Menorah Journal*, Hannah Arendt published an article titled "We Refugees." In this brief but important essay, after sketching a polemical portrait of Mr. Cohn, the assimilated Jew who had been 150 percent German, 150 percent Viennese, and 150 percent French but finally realizes bitterly that "on ne parvient pas deux fois," Arendt overturns the condition of refugee and person without a country—in which she herself was living—in order to propose this condition as the paradigm of a new historical consciousness. The refugee who has lost all rights, yet stops wanting to be assimilated at any cost to a new national identity so as to contemplate his condition lucidly, receives, in exchange for certain unpopularity, an inestimable advantage: "For him history is no longer a closed book, and politics ceases to be the privilege of the Gentiles. He knows that the banishment of the Jewish people in Europe was followed immediately by that of the majority of the European peoples. Refugees expelled from one country to the next represent the avant-garde of their people."

It is worth reflecting on the sense of this analysis, which today, precisely fifty years later, has not lost any of its currency. Not only does the problem arise with the same urgency, both in Europe and elsewhere, but also, in the context of the inexorable decline of the nation-state and the general corrosion of traditional legal-political categories, the refugee is perhaps the only imaginable figure of the people in our day. At least until the process of the dissolution of the nation-state and its sovereignty has come to an end, the refugee is the sole category in which it is possible today to perceive the forms and limits of a political community to come. Indeed, it may be that if we want to be equal to the absolutely novel tasks that face us, we will have to abandon without misgivings the basic concepts in which we have represented political subjects up to now (man and citizen with their rights, but also the sovereign people, the worker, etc.) and to reconstruct our political philosophy beginning with this unique figure.

2. The first appearance of refugees as a mass phenomenon occurred at the end of World War I, when the collapse of the Russian, Austro-Hungarian, and Ottoman empires, and the new order created by the peace treaties, profoundly upset the demographic and territorial structure of Central and Eastern Europe. In just a short time, a million and a half White Russians, seven hundred thousand Armenians, five hundred thousand Bulgarians, a million Greeks, and hundreds of thousands of Germans, Hungarians, and Romanians

left their countries and moved elsewhere. To these masses in motion should be added the explosive situation determined by the fact that in the new states created by the peace treaties on the model of the nation-state (for example, in Yugoslavia and in Czechoslovakia), some 30 percent of the populations comprised minorities that had to be protected through a series of international treaties (the so-called Minority Treaties), which very often remained a dead letter. A few years later, the racial laws in Germany and the Civil War in Spain disseminated a new and substantial contingent of refugees throughout Europe.

We are accustomed to distinguishing between stateless persons and refugees, but this distinction, now as then, is not as simple as it might at first glance appear. From the beginning, many refugees who technically were not stateless preferred to become so rather than to return to their homeland (this is the case of Polish and Romanian Jews who were in France or Germany at the end of the war, or today of victims of political persecution as well as of those for whom returning to their homeland would mean the impossibility of survival). On the other hand, the Russian, Armenian and Hungarian refugees were promptly denationalized by the new Soviet or Turkish governments, etc. It is important to note that starting with the period of World War I, many European states began to introduce laws which permitted their own citizens to be denaturalized and denationalized. The first was France, in 1915, with regard to naturalized citizens of "enemy" origins; in 1922 the example was followed by Belgium, which revoked the naturalization of citizens who had committed "anti-national" acts during the war; in 1926 the Fascist regime in Italy passed a similar law concerning citizens who had shown themselves to be "unworthy of Italian citizenship"; in 1933 it was Austria's turn, and so forth, until in 1935 the Nuremberg Laws divided German citizens into full citizens and citizens without political rights. These laws—and the mass statelessness that resulted—mark a decisive turning point in the life of the modern nation-state and its definitive emancipation from the naïve notions of "people" and "citizen."

This is not the place to review the history of the various international commissions through which the states, the League of Nations, and later, the United Nations attempted to deal with the problem of refugees—from the Nansen Bureau for Russian and Armenian refugees (1921), to the High Commission for Refugees from Germany (1936), the Intergovernmental Committee for Refugees (1938), and the International Refugee Organization of the United Nations (1946), up to the present High Commission for Refugees (1951)—whose activity, according to its statute, has only a "humanitarian and social," not political, character. The basic point is that every time refugees no longer represent individual cases but rather a mass phenomenon (as happened between the two wars, and has happened again now), both these organizations and the single states have proven, despite the solemn evocations of the inalienable rights of man, to be absolutely incapable not only of resolving the problem but also simply of dealing with it adequately. In this way the entire ques-

tion was transferred into the hands of the police and of humanitarian organizations.

3. The reasons for this impotence lie not only in the selfishness and blindness of bureaucratic machines, but in the basic notions themselves that regulate the inscription of the *native* (that is, of life) in the legal order of the nation-state. Hannah Arendt titled chapter 5 of her book *Imperialism*, dedicated to the problem of refugees, "The Decline of the Nation-State and the End of the Rights of Man." This formulation—which inextricably links the fates of the rights of man and the modern national state, such that the end of the latter necessarily implies the obsolescence of the former—should be taken seriously. The paradox here is that precisely the figure that should have incarnated the rights of man *par excellence*, the refugee, constitutes instead the radical crisis of this concept. "The concept of the Rights of man," Arendt writes, "based on the supposed existence of a human being as such, collapsed in ruins as soon as those who professed it found themselves for the first time before men who had truly lost every other specific quality and connection except for the mere fact of being humans." In the nation-state system, the so-called sacred and inalienable rights of man prove to be completely unprotected at the very moment it is no longer possible to characterize them as rights of the citizens of a state. This is implicit, if one thinks about it, in the ambiguity of the very title of the Declaration of 1789, *Déclaration des droits de l'homme e du citoyen*, in which it is unclear whether the two terms name two realities, or whether instead they form a hendiadys, in which the second term is, in reality, already contained in the first.

That there is no autonomous space within the political order of the nation-state for something like the pure man in himself is evident at least in the fact that, even in the best of cases, the status of the refugee is always considered a temporary condition that should lead either to naturalization or to repatriation. A permanent status of man in himself is inconceivable for the law of the nation-state.

4. It is time to stop looking at the Declarations of Rights from 1789 to the present as if they were proclamations of eternal, metajudicial values that bind legislators to respect them, and to consider them instead according to their real function in the modern state. In fact, the Rights of Man represent above all the original figure of the inscription of bare natural life in the legal-political order of the nation-state. That bare life (the human creature) which in the *ancien régime* belonged to God, and in the classical world was clearly distinct (as *zoé*) from political life (*bios*), now takes center stage in the state's concerns and becomes, so to speak, its terrestrial foundation. Nation-state means a state that makes nativity or birth (that is, of the bare human life) the foundation of its own sovereignty. This is the (not even very obscure) sense of the first three articles of the Declaration of 1789: only because it wrote the native element into the core of any political association (arts. 1 and 2) could it firmly tie (in

art. 3) the principle of sovereignty to the nation (in accordance with its etymon, *natio* originally meant simply "birth"). The fiction implicit here is that *birth* immediately becomes *nation*, such that there can be no distinction between the two moments. Rights, that is, are attributable to *man* only in the degree to which he is the immediately vanishing presupposition (indeed, he must never appear simply as man) of the *citizen*.

5. If in the system of the nation-state the refugee represents such a disquieting element, it is above all because by breaking up the identity between man and citizen, between nativity and nationality, the refugee throws into crisis the original fiction of sovereignty. Single exceptions to this principle have always existed, of course; the novelty of our era, which threatens the very foundations of the nation-state, is that growing portions of humanity can no longer be represented within it. For this reason—that is, inasmuch as the refugee unhinges the old trinity of state/nation/territory—this apparently marginal figure deserves rather to be considered the central figure of our political history. It would be well not to forget that the first camps in Europe were built as places to control refugees, and that the progression—internment camps, concentration camps, extermination camps—represents a perfectly real filiation. One of the few rules the Nazis faithfully observed in the course of the "final solution" was that only after the Jews and gypsies were completely denationalized (even of that second-class citizenship that belonged to them after the Nuremberg laws) could they be sent to the extermination camps. When the rights of man are no longer the rights of the citizen, then he is truly *sacred*, in the sense that this term had in archaic Roman law: destined to die.

6. It is necessary resolutely to separate the concept of the refugee from that of the "Rights of man," and to cease considering the right of asylum (which in any case is being drastically restricted in the legislation of the European states) as the conceptual category in which the phenomenon should be impressed (a glance at the recent *Tesi sul diritto d'asilo* by A. Heller shows that today this can lead only to nauseating confusion). The refugee should be considered for what he is, that is, nothing less than a border concept that radically calls into question the principles of the nation-state and, at the same time, helps clear the field for a no-longer-delayable renewal of categories.

In the meantime, the phenomenon of so-called illegal immigration into the countries of the European Community has assumed (and will increasingly assume in coming years, with a foreseen 20 million immigrants from the countries of central Europe) features and proportions such as to fully justify this revolution in perspective. What the industrialized states are faced with today is a *permanently resident mass of noncitizens*, who neither can be nor want to be naturalized or repatriated. Often these noncitizens have a nationality of origin, but inasmuch as they prefer not to make use of their state's protection they are, like refugees, "stateless *de facto*." For these noncitizen residents, T. Hammar created the neologism *denizens*, which has the merit of

showing that the concept *citizen* is no longer adequate to describe the socio-political reality of modern states. On the other hand, citizens of the advanced industrialized states (both in the United States and in Europe) manifest, by their growing desertion of the codified instances of political participation, an evident tendency to transform themselves into *denizens*, into conformity with the well-known principle that substantial assimilation in the presence of formal differences exasperates hatred and intolerance, xenophobic reactions and defensive mobilizations will increase.

7. Before the extermination camps are reopened in Europe (which is already starting to happen), nation-states must find the courage to call into question the very principle of the inscription of nativity and the trinity of state/nation/territory which is based on it. It is sufficient here to suggest one possible direction. As is well known, one of the options considered for the problem of Jerusalem is that it become the capital, contemporaneously and without territorial divisions, of two different states. The paradoxical condition of reciprocal extraterritoriality (or, better, aterritoriality) that this would imply could be generalized as a model of new international relations. Instead of two national states separated by uncertain and threatening boundaries, one could imagine two political communities dwelling in the same region and in exodus one into the other, divided from each other by a series of reciprocal extraterritorialities, in which the guiding concept would no longer be the *ius* of the citizen, but rather the *refugium* of the individual. In a similar sense, we could look to Europe not as an impossible "Europe of nations," whose catastrophic results can already be perceived in the short term, but as an aterritorial or extraterritorial space in which all the residents of the European states (citizens and noncitizens) would be in a position of exodus or refuge, and the status of European would mean the citizen's being-in-exodus (obviously also immobile). The European space would thus represent an unbridgeable gap between birth and nation, in which the old concept of people (which, as is well known, is always a minority) could again find a political sense by decisively opposing the concept of nation (which until now has unduly usurped it).

This space would not coincide with any homogeneous national territory, nor with their *topographical* sum, but would act on these territories, making holes in them and dividing them *topologically* like in a Leiden jar or in a Moebius strip, where exterior and interior are indeterminate. In this new space, the European cities, entering into a relationship of reciprocal extraterritoriality, would rediscover their ancient vocation as cities of the world.

Today, in a sort of no-man's-land between Lebanon and Israel, there are four hundred and twenty-five Palestinians who were expelled by the state of Israel. According to Hannah Arendt's suggestion, these men constitute "the *avant-garde* of their people." But this does not necessarily or only mean that they might form the original nucleus of a future national state, which would probably resolve the Palestinian problem just as inadequately as Israel has

resolved the Jewish question. Rather, the no-man's-land where they have found refuge has retroacted on the territory of the state of Israel, making holes in it and altering it in such a way that the image of that snow-covered hill has become more an internal part of that territory than any other region of Heretz Israel. It is only in a land where the spaces of states will have been perforated and topologically deformed, and the citizen will have learned to acknowledge the refugee that he himself is, that man's political survival today is imaginable.

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