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Refugees today: superfluousness and humanitarianism

Refugiados hoje: superfluidade e humanitarismo

Refugiados hoy: superfluidad y humanitarismo

Vlasta Jalušič*

Abstract: This article discusses some questions concerning the humanitarian approach to “solving” the so called refugee crisis in Europe in autumn 2015, when thousands of refugees headed on the journey to EU, most of them to Germany, by the so called Balkan migrant route. When some European states like Slovenia started to place razor wire on their southern borders, the others resumed the control of their inner EU borders and almost all introduced more restrictions on the existing laws on international protection of refugees and asylum. While taking up the question of what is the core element of today’s “refugee problem” the main argument relies on Hannah Arendt’s concept of superfluousness as the key feature of the new form of global government. There are two sides of the phenomenon of superfluousness that are crucial for understanding the situation in which we find ourselves in regard to the so-called “mass migrations”, the problem of “refugees”, “migrants” and “us”. Regardless of the need for a dose of humanitarianism in such moments, the focus on the humanitarian “solving” of the problem conceals the key question: how to enable, as soon as possible and in the long term, those who are excluded from political units and the law to be included (have the right to have rights) in a political community?

Keywords: Refugees; Migrants; Humanitarianism; Arendt; Agamben; Superfluousness; Europe.

Resumo: Este artigo discute algumas questões relativas à abordagem humanitária para “resolver” a chamada crise dos refugiados na Europa no Outono de 2015, quando milhares de refugiados partiram em jornada rumo à UE, a maioria deles para a Alemanha, pela chamada rota migratória dos Balcãs. Quando alguns Estados europeus, como a Eslovênia, começaram a colocar cercas de arame farpado nas suas fronteiras meridionais, os outros retomaram o controle de suas fronteiras internas da UE e quase todos introduziram mais restrições às leis existentes para a proteção internacional de refugiados e asilados. Ao abordar a questão do que é o elemento central do “problema dos refugiados” de hoje, o principal argumento se baseia no conceito de supérfluo de Hannah Arendt como a característica-chave da nova forma de governo global. Há dois lados do fenômeno da superfluidade que são cruciais para entender a situação na qual nos encontramos em relação às assim chamadas “migrações em massa”, o problema de “refugiados”: os “migrantes” e “nós”. Independentemente da necessidade de uma dose de humanitarismo nesses momentos, o foco na “solução” humanitária do problema esconde a questão-chave: como proporcionar, o quanto antes e em longo prazo, que os excluídos das unidades políticas e da lei sejam incluídos (tenham o direito a ter direitos) em uma comunidade política?

Palavras-chave: Refugiados; Imigrantes; Humanitarismo; Arendt; Agamben; Superfluidade; Europa.

Resumen: En este artículo se describen algunos problemas relacionados con enfoque humanitario para “resolver” la llamada crisis de los refugiados en Europa, en el otoño de 2015, cuando miles de refugiados partieron hacia la UE, la mayoría de ellos a Alemania, la llamada ruta migratoria de los Balcanes. Mientras que algunos países europeos, como Eslovenia, comenzaron a colocar cercas de alambre de púas en sus fronteras del sur, los otros volvieron a tomar el control de sus fronteras interiores de la UE y casi todos han introducido más restricciones a las leyes vigentes en materia de protección internacional de los refugiados y asilados. Al abordar la cuestión de cuál es el elemento central del “problema de los refugiados” en la actualidad, el principal argumento se basa en el concepto “superfluo” de Hannah Arendt como la característica clave de la nueva forma de gobierno global. Hay dos lados de la superfluidad del fenómeno que son cruciales para entender la situación en relación con la llamada “migración masiva”, el problema de los “refugiados”: lo de los “migrantes” y lo de “nosotros”. Independentemente de la necesidad de una dosis de humanitarismo en esos momentos, se centran en la “solución” problema humanitario de ocultar la pregunta clave: ¿cómo proporcionar, tan pronto como sea posible y, a largo plazo, que excluidos de las unidades políticas y derecho están incluidos (tienen el derecho a tener derechos) en una comunidad política?

Palavras-clave: Refugiados; Inmigrantes; Humanitarismo; Arendt; Agamben; Superfluo; Europa.

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Introduction

It seems as if the key reason for the recent waves of refugees and the European problem relating to this issue can be found in war, especially the war in Syria and its neighbouring states. But it is only partially so. Of the 11.8 million displaced persons from Syria, six percent had come to Europe by November 2015 (AL JAZEERA INTERNATIONAL, 2015), while the majority had sought refuge in nearby countries, particularly in Yemen, Lebanon and Turkey. At the same time, a large number of refugees are coming to Europe from other areas and continents, especially Africa, sub-Saharan Africa in particular. In 2015, more than 845.000 people crossed the Mediterranean Sea, of which at least 3500 drowned on this dangerous journey (AL JAZEERA INTERNATIONAL, 2015). This aroused moral indignation in Europe, which bore no political consequences, except a vale of tears (ŠTEFANČIČ, 2015). These refugees (and many others) are categorised as “migrants” or, according to the latest differentiation in the media and by some politicians, as “economic migrants”.

In the “policy-making” politics (that is, today’s political technology), it is the representation of the problem that dictates the way its solutions are proposed (BACCHI, 2009). And the solutions proposed in relation to the mentioned definition of the problem revolve around the measures for reducing the flows of migrants, that is, the number of migrants, and confining them to gathering on European borders, and around the simultaneous activities for supposedly stopping the war (concretely in Syria) either by military intervention and/or negotiations.

Though I shall avoid exceeding the word count of this article by not continuing with an in-depth discussion on the hypocrisy of the big players who help instigate an armed conflict only to defuse it later by the very same means, I would however like to point out that with the war against ISIL intensifying, the rhetoric of “solving” the refugee crisis is explicitly mixed (especially after the Paris attacks) and is increasingly driven by the notion of protection from terrorism and security. The checks and the restriction of free border crossing are (according to the latest variants) to be applied not “only” to refugees, but also to “citizens” on account of many of them supposedly taking part in military operations abroad. The implications are far-reaching. Such policies are inclined to introduce totalitarian solutions and need an internal elusive enemy as the core justification of their measures.

At no point do these policy “solutions” tackle the problem of so-called economic migrants from above mentioned regions who are seen merely as “opportunists” that want to take the easy road to obtaining the benefits of the welfare state in the most developed European countries (without wishing to assimilate “our” cultural values).¹ Alongside increasingly restrictive border regimes and policies of containment in the EU bordering countries, the “problem” is being solved, on the one hand, as an alleged problem of economic underdevelopment, in particular, as the issue of reducing global inequality as part of the “development aid” package, and on the other hand, as the problem of inclusion and “integration” of migrants into European environments. Needless to say, the richest and the most developed states, and among them those that are considered as the most “open and generous”, use policies of differential inclusion, namely different standards for entry, stay, exit, and expulsions (CÔTÉ-BOUCHER, 2015, p. 77) for migrants of different origin or status. Or, as Bonnie Honig has suggested, there exist two faces of migration policies: xenophilic and xenophobic (HONIG, 2001, p. 76).

Holes of oblivion?

In 2015, the so-called “Balkan route” somehow naturally reduced the number of direct crossings of the Mediterranean Sea and thus the number of fatalities of people who attempted to get to European Union, and particularly to some of the EU states, above all Germany and Sweden.² But the consequences of such

¹ Newest research actually proves that there exists a complex relationship between forced and economic drivers of migration in Europe« and that unlike the main representations in Europe, migration across the Mediterranean in 2015 did not consist of a single coherent flow but rather was made of a number of distinct 'sub-flows' from many countries and regions, and included individuals and families with diverse trajectories. Also, there exist complex drivers of migration... in which forced and economic factors come together (CRAWLEY et al., 2016, p. 12).

² From November 2015 to the beginning of 2016 (March) the “Balkan route” was more and more narrowed and then completely closed down – finally on the basis of the Slovenian prime minister initiative to close the border of the Former Yugoslav Republic of Macedonia (BBC NEWS, 2016). After that more refugees were again directly crossing the Mediterranean with the increasing death toll. In 2015, 1.3 million migrants applied for asylum in the 28 member states of the European Union, Norway and Switzerland. The analysis of data from Eurostat, the European Union’s statistical agency, was made by the Pew Research Center (CONNOR, 2016). EU countries could not find a common agreement to distribute asylum seekers over the EU countries. They introduced policies to contain refugees in Turkey and Greece, after declaring Turkey to be a “safe third country”. In October 2016 Hungary hold a referendum to block the implementation of the EU reallocation plan (quotas) of asylum seekers from september 2015.

a “natural” problem-solving, that is, the flow cleaving another channel for itself, are not promising. In general, the refugee problem increasingly appeared to be and was also publicly presented as a problem related to a force of nature, more a “natural disaster” and not as a result of people’s actions, and thus a political problem which calls for serious human and political responsibility.³ While evoking a natural disaster it was also approached in a merely *ad hoc* humanitarian way and was handled with measures similar to those used in the cases of such disasters. This of course contributed to a faster and more easily justifiable introduction of some kind of “state of exception” in several countries in question, with Hungary in the leading position: special measures to deal with the “disaster” were introduced so quickly that they can no longer be called laws but rather “counter laws”⁴ or inverted order (JALUŠIČ, 2008) in which the main recourse one has when it comes to the treatment of people’s calamity is pure human kindness, charity and similar humanitarian ideals.

The *ad hoc* regime of “migration policies” was established in the following steps: first, an atmosphere of the state of exception and the necessity of “temporary” solutions that the state of exception supposedly entails were created. While, as mentioned above, the refugee problem was discursively articulated as a “natural disaster”, independent of human factors, in government discourse in general, a new type of euphemism started

to predominate, creating bumpers in the public that prevent government actions and measures to be given their real name and justify the measures in advance: for example, ensuring “that the life of the country is not disrupted”, “emergency measures”, “controlling the influx of migrants” (website of the Ministry of the Interior of the Republic of Slovenia), “technical barriers” (which was the euphemism for a razor wire) along the border, etc. Based on this, they quickly started adopting the “necessary legislative solutions, which were actually introduced by way of decrees: like the introduction of a special police and military regime on the border and the amendments to the Slovene Defence Act which gave the military several police authorizations. Whenever government representatives and politicians appeared in public, they emphasised first and foremost the security of the population and its property. The attitude towards the migrants was thus articulated primarily as security and only secondarily as a humanitarian problem, while there was no talk of its political dimension. The politicians mainly did not oppose the racist public discourse (presented as freedom of expression) related to the people entering the country, some even encouraged it.⁵ The mobilisation of repressive apparatus happened in a way that aroused fear: armed police and military forces operated in full gear. This security articulation of the problem led to a perversion that paves the way for a unique technique of mirror accusations which is one of the mechanisms of dehumanisation in a genocidal processes – in the end, the inhabitants of Slovenia were declared as the “real victims” of the “waves of refugees”, while the refugees were/are described as calculating, hypocritical, virtually exploitative “economic migrants” who do not want to stay in the less affluent countries (which, by the way, also do not want to accept them), or as potential terrorists.

A special regime formed in the field of “working with the refugees”.⁶ The refugees have been isolated and segregated from other people (the inhabitants) and the public in general, they were fully dependent on

³ The media perception that was created gave “the impression of a linear, uninterrupted movement of people heading towards Europe”, usually with graphics, while the real picture of people on the move was much more complex, as recent studies show (CRAWLEY et al., 2016, p. 8).

⁴ With this I refer to the legislation which is forming the corpus of the so called crimmigration, criminalization of migration and the corresponding policies, which are introducing a special border regimes and parallel legislation for the groups of undesirable migrants. They contain elements of the legal system which can be called “counter law”, invented to erode the traditional principles and sources of harm (see Ericson 2007, cited after BROEDERS, 2010, p. 173). The policy activities forming such a legal system corresponds to the so called “prerogative state” as analysed by Ernst Fraenkel (FRAENKEL, 2010/1941). Hungarian Asylum law for example was changed before autumn 2015 and after that period in a manner that violates international or European law. Since then asylum seekers can be detained for over one year, for example (JUHÁSZ, HUNYADI, ZGUT, 2015). This however are not just steps made by some of the right wing lead EU states but also (and even before that) by some of the countries that are boasting of being the most generous in the world like Canada (CÔTE-BOUCHER, 2015). The Greek left wing (SYRIZA) government first attempted a different approach with “open hospitality centres” and release of asylum seekers but failed due to lack of effective planning, austerity measures and increasing number of incomers. After the EU focussed its policies solely on stopping “the flows” from Turkey to EU, Greece reintroduced detention for refugees (‘hotspots’) (CRAWLEY et al., 2016, p. 14-15).

⁵ While the Hungarian case was first widely discussed and abhorred in the EU, some of the neighbouring countries, including Slovenia, quickly adopted a similar attitude to Hungarian prime minister Victor Orban. In Hungary, the anti-muslim stance very quickly started to dominate the public discourse, while Orban justified his policy of closing the borders with characterizing the refugees as “looking as an army” and that “the flow of people consists of ‘economic migrants and fighters’ along with refugees” (GUARDIAN, 2015).

⁶ Here I describe above all the Slovenian case which I had the opportunity to observe and analyse closer.

the care of major humanitarian organisations and the regime created by the police and the military. At the beginning, this meant that journalists were forbidden or otherwise denied access to the refugee population. In Slovenia, journalists were granted access to the assembly centres only after the initial situation was to a large extent already rectified following the demands of numerous NGOs and humanitarian organisations. The second instance was the regime of registration and the concentration and control of people in a very small and initially completely unorganised space, which resulted in depriving people of every intimacy and basic interpersonal space. Families were often, if not in principle, separated. The entire organisation functioned as a set of (often nonsensical) rules of conduct, which often amounted to disorganisation, since either nobody knew all of the rules or they were invented on the spot – for example, the regime of constant waiting, etc.

As opposed to the security dimensions and the accompanying outbursts of racism, the humanitarian dimensions were stressed primarily by the NGOs, which also mobilised a large number of volunteers who then worked in the framework of humanitarian organisations. In general, the humanitarian dimension prevailed over any serious political consideration, and in this respect the opposition to the allegedly temporary government measures, such as the spontaneous amendment to the Defence Act or the erection of the razor wire fence along the border, has been completely unsuccessful (thus far).

The mentioned horizon of embarking upon the refugee question is also a consequence of the fact that the laws that regulate border crossings, the granting of visas, residence and asylums are still not based on the factual experiences and lessons of the mass waves of refugees from earlier times, e.g. during and after WWII. Moreover, we could say that because those experiences were not entirely reflected – as totalitarianism was understood as the regime of a dictatorship which was limited only to few European countries (Hitler's Nazi Germany, Mussolini's Italy and their allies, Stalin's Soviet Union) – and thus because of the abstraction from the often unheard of treatment of refugees in numerous other European and American countries at the time, there was no adequate consideration of the matter. Perhaps this is also the reason that after WWII the appropriate laws and other solutions were not created – in applying for the status of a refugee, one still has to prove that there is a justified "fear" or threat that one will be persecuted, tortured or killed.

Privation, poverty, threat of war, etc. are not reasons that "justify" fleeing, while to obtain "subsidiary" and "temporary" protection, which European directives provided in addition to the Geneva Convention as *ad hoc* solutions and responses to the case of refugees from the Yugoslav Wars, one's life needs to be directly threatened or one's rights permanently or systematically violated (COUNCIL DIRECTIVE, 2001). In fact the Council directive from 2001 itself represents an *ad hoc* solution, an "exceptional scheme to deal with possible cases of mass arrivals in the European Union (EU) of foreign nationals who cannot return to their countries, in particular due to a war, violence or human rights violation" and was the consequence of the first such post WWII "wave of refugees" that came to EU at the time of Yugoslav Wars in 1990's.

Double superfluousness of human political capacities

Both contemporary war and contemporary privation, signal a phenomenon that has been researched and only named to a certain extent. Contemporary popular authors such as Giorgio Agamben and his followers talk about the biopolitical structure of power, partly drawing on Hannah Arendt and/or Michel Foucault (AGAMBEN, 1998; BRAUN, 2007). What is crucial here is their pointing to the phenomenon of the superfluousness of people in today's global situation of inequality and neoliberal economy. From this perspective, it seems as if only special groups of the population are superfluous (which some governments, corporations or other groups, etc. try to get rid of in some way or another – the persecuted, the oppressed, the expropriated or those that Fanon (FANON, 2004) would name the "wretched"), among them contemporary refugees.

Yet when Hannah Arendt (ARENDR, 1986) analysed this phenomenon in her book on total domination and some other essays in more detail, she reached an important conclusion. The basic feature of the new form of post-totalitarian power, the power that comes after the experience of total domination in 20th-century Europe, is the generalisation of the phenomenon of superfluousness. What does this mean? It means that it is not only those parts of the population that a group in power tries to get rid of is dehumanized and becomes superfluous, it means that superfluousness does not apply merely to a particular part of the population, a group of people or their special

characteristic.⁷ It applies to crucial human capacities, not only in terms of labour (like the superfluous labour force described by Marx – which applies to a large part of the European “autochthonous” population), but also in terms of “work” and “action”.⁸

This means that the dehumanisation of one particular group always presupposes a double dehumanization. On the one hand there is dehumanization of refugees who – paradoxically – are not expelled from humanity, but with statelessness become precisely the “bare” human being that the declarations of human rights refer to when speaking of human equality, and are in the end subject only to the wager of friendship and liking, the grace of love and humanitarian aid. Arendt points out that equality is nothing natural. It is the “(...) result of human organisation insofar as it is guided by the principle of justice. We are not born equal; we become equal as members of a group on the strength of our decision to guarantee ourselves mutually equal rights.” (ARENDT, 1986, p. 301)

Equality is thus essentially bound up with the establishment of a political community that guarantees this equality, which means the state (and in it also its inhabitants, especially its citizens). Dehumanization of those who are stateless, the reduction of them to bare human beings is the result of the fact that they do not belong to any political community whatsoever:

The calamity of the rightless is not that they are deprived of life, liberty and the pursuit of happiness, or of equality before the law and freedom of opinion – formulas, which were designed to solve problems within given communities – but that they no longer belong to any community whatsoever. Their plight is not that they are not equal before the law, but that no law exists for them (...) only in the last stage of a rather lengthy process is their right to live threatened; only if they remain perfectly “superfluous”, if nobody can be found to “claim” them, may their lives be in danger (ARENDT, 1986, p. 295-296).

On the flipside of this deprivation or loss of the right to have rights (which is not the loss of freedom, but ultimately the loss of freedom to fight for freedom, and

is not done in one move but is a process) are the people that enable such deprivation and dehumanisation. In this regard, we could speak about those that are directly active in this doing, either as the creators or the executors of power and laws (often the bureaucracy of a state), but also about those that can be considered observers, bystanders, who often or mostly belong to the passive supporters in the sense of their tacit consent or at least non-opposition to the measures that enable dehumanisation, the loss of the right to have rights. They are most often not directly deprived of the freedom to fight for freedom (and equality), rather they renounce (usually not explicitly) their political capacities or the capacity to act as responsible citizens, political beings. This happens for various reasons, often due to the feeling of powerlessness in the face of contemporary Kafkaesque bureaucratic power. By renouncing political capacities, people start acting (and speaking) as if they are innocent victims of inevitable processes, the powers that are responsible for their lives (conspiracy theories) or dangerous others (neighbours, distant or close threateners, terrorists, etc.). This phenomenon can be called “organised innocence” (JALUŠIČ, 2007), and it refers to groups of people who live in contemporary states or political communities, and thus *do* “have the right to have rights”.

It is precisely this side of dehumanisation, the organised innocence, that in its boomerang effect leads to “us” being the ones who are most affected by the dehumanisation of the “others”, refugees and similar groups.

Innocence and depoliticization as the imagery of humanitarianism

Contemporary refugees are therefore no longer the ones who are persecuted for something they have done (and Arendt underlines exactly this); they are no longer persecuted due to their actions. The motive for their “flight”, for them leaving a certain territory where they have lived, is their superfluousness and not any special political or radical beliefs for which they could be imprisoned. In short, the most of them do not belong to the group of classical refugees who could ask for so-called political asylum. Actually, they are completely and straightforwardly apolitical and were not necessarily physically endangered when the process of them being deprived of their status began. In most cases, it was only when they were deprived of the usual framework of the state and

⁷ These are the main characteristics of genocide.

⁸ Unlike Karl Marx and the main part of the Western political tradition, Hannah Arendt differentiated between labour (reproductive activity to preserve life functions), work (production and creation of durable objects), and action (distinctive political activity taking place among humans) (ARENDT, 1959).

political subjectivity, country affiliation, citizenship and the right to residence, and when, at the same time, also their passports that would enable them to move freely from one country to another and settle down somewhere was actually taken from them⁹ that they also became physically endangered.¹⁰

The deprivation of the framework of citizenship and the right to residence can take place in two ways. Either this status is denied by the government of the state in which one finds oneself or this state “fails” or is destroyed (which can today be a direct result of either a civil war or an attack/intervention from the outside, a combination of both or the destruction of the state or its political and legal system by non-violent, economic means). In her analysis of imperialism, Hannah Arendt (ARENDT, 1986, p. 207) already stressed that the essence of the new global form of governance is that it does not establish new political units-states based on European values (equality, freedom, democracy). On the contrary, it creates a global rule of transnational corporations, with states founded on the rule of the people and democratic laws that do not support global expansion only standing in its way. The destruction of states is one of the main characteristics and preconditions of the new global form of governance. The destruction of people as a political category is the next step. And mass waves of refugees and numerous people without any legal protection are merely its consequences.

The fact that the refugees have not done anything gives rise to another moment – a sort of an almost inhuman innocence of contemporary refugees, most often accompanied by the element of complete unpoliticalness in the sense of them being prepared to accept anything that befalls them – to make compromises and adapt entirely to the circumstances of the situation in which political action seems impossible due to the fact that their world has vanished, assimilate and deny their specificity, past and identity. This depoliticization stems precisely from the fact that, as refugees, they became “bare” human beings, representing members of a species, who must only be interested in preserving their own lives and are implicitly or explicitly expected

to renounce all their other special characteristics, capacities and needs.

Lately, an early text by Hannah Arendt (“We Refugees”), promoted anew by Giorgio Agamben (AGAMBEN, 2008), has become very popular. It is precisely in this text that Arendt declares the key problem of contemporary refugees (in her case Jewish refugees, the ones their enemies put in concentration camps, and their friends in detention camps) to be their strategy of assimilation, adaptation and the concealment of their refugee experience due to their complete exposure and lack of protection, which causes radical depoliticization:

(...) remember that being a Jew does not give any legal status in this world... If we should start telling the truth that we are nothing but Jews, it would mean that we expose ourselves to the fate of human beings who, unprotected by any specific law or political convention, are nothing but human beings. I can hardly imagine an attitude more dangerous... (ARENDT, 2007, p. 273).

After pointing out the consequences of assimilation (which Arendt understands as the strategy of all-round adaptation – and not only as adaptation to the customs and the language of the country in which the refugees settle) for their political potentials, she ascribes the refugees the role of the “vanguard” of their peoples – insofar as they do not conceal the story of their past and their identity:

History is no longer a closed book to them and politics is no longer the privilege of gentiles. They know that the outlawing of the Jewish people of Europe has been followed closely by the outlawing of most European nations. Refugees driven from country to country represent the vanguard of their peoples – if they keep their identity (ARENDT, 2007, p. 274).

“Their identity” here does not refer to an “inborn” national, religious or cultural identity (of the refugees), although the passage could also be interpreted in this way. It refers above all to their stance of “conscious pariahs” who will not deny their past or origin. This is a strategy of resisting the reduction to a mass and the model of one single “human” in it, represented by a “refugee”, as the representative of the “human race” in general: for total power tends precisely towards reducing the singularity of people, the capacities and

⁹ Or they do not have a passport or their passport is worthless due to the fact that they belong to a state which is seen as a “failed state” – to speak in recent jargon of international relations from which often comes the conclusion that state is a failure as such to be replaced with something else (EHRENREICH BROOKS, 2005).

¹⁰ In the recent past, the erased were subject to such a process in Slovenia (JALUŠIČ, 2007).

properties of individuals to mere characteristics of “one” human being that can arouse only “humanitarian sympathy”. Encouraging the preservation of identity subverts the mentioned “absolute innocence” and the constant adaptation to the circumstances in a society where discrimination has become “a great social weapon by which one may kill men without any bloodshed” (ARENDT, 2007).

In the first instance, the politicization of refugees is thus seen in the enunciation of their own truth and the establishment of an awareness about who and what they are and why they are refugees (and that is their “identity”) – what brought them to the dead-end situation of superfluousness, of being merely people, how they have lost the protection of the state (if ever they had it).

The refugees we encounter here and now, the refugees coming to Europe today, are also ascribed the characteristic of innocence, passivization and surrender to the masses of which part they become as members of the “refugee flow” (nature metaphor), governed either by human traffickers (illegally) or state bureaucracies (legally). This is a consequence of the distress they are faced with in trying to save their lives. Precisely the maintenance of this characteristic of a passive and “innocent” refugee is needed if the humanitarian view and the depoliticised solving of the “refugee problem” with humanitarian means are to be preserved. On this basis, the masses can be treated as a sort of a natural necessity that can at best be monitored, its life flow controlled, etc.

While they are being reduced to the bare preservation of life, the refugees are reproached for wanting to go to the most developed European countries, for if all they want is to save their lives;¹¹ one wonders why they do not remain in the countries that can first grant them asylum. This line of thinking ignores the question of what happened that has led to people being reduced to “bare” human beings. The humanitarian approach does not ask political questions, but relies on compassion as something that needs to be aroused so people would “help”. This anti-political sentiment of humanitarianism further reinforces the refugee’s complete dependence

on love, good will, etc. Any action, engagement or resistance on their part or visibility not in line with the conventions of humanitarianism are understood as unheard of violations casting a shadow on the presupposed innocence of those that need to behave as passive, begging and grateful victims.¹² When some of them lie about where they come from (in fear of not being accepted or deported) in terms of citizenship (and the EU is introducing “language tests” to prove “who” they really are) they try to apply at least a little of their autonomous capacity to act and decide about their destiny. The total depoliticization of refugees takes place simultaneously with the depoliticization of the inhabitants of European (and other politically and socially still seemingly solid) states, especially in the framework of the notion that the refugee problem can be solved within the heretofore legal and political framework of asylum and migration policies, and above all within humanitarianism, without reconsidering the question of the meaning and the function of the state.

Vanguard of the 21st century?

The “refugee crisis” and its solving by way of depoliticization draw our attention away from the problems we should be dealing with. Firstly, regardless of the need for a dose of humanitarianism in such moments, the focus on the humanitarian solutions to the problem conceals the key question: how to enable, as soon as possible and in the long term, those who are excluded from political units and the law to be included (have the right to have rights) in a political community?

A critique of current forms of sovereignty, “integration policies”, and the problematization of nation-states as being the only ones competent to protect those left without any rights is relevant, of course, and so is the opposition to all acts that cause people to lose the status of a legal person. But from the reduction of people to bare life we cannot infer any special revolutionary potential or even a new political subject nor predict, as Giorgio Agamben does in his interpretation of Hannah Arendt, that through the “politicization” of bare life, new emancipatory policies will be created which will abandon the concept of citizen, rights and so on. In his recently very popular text, “Beyond Human Rights” (AGAMBEN, 1996; 2008)¹³, he draws on the

¹¹ There was the impression made by many European politicians and some media that refugees were making very informed choices where they wanted to move on their way to Europe and that they were “‘pulled’ by the prospect of securing jobs and access to the welfare support”. Research about intended destinations rather shows first, that the priority was to reach the country in which they would feel safe and that the presence of family members and social contacts were the most important factors in shaping intended destination (CRAWLEY et al. 2016, p. 7).

¹² The flipside of this absolutely innocent victim of humanitarian policies is the imaginary, absolutely evil Islamic terrorist.

¹³ Also published under the title “We Refugees”.

mentioned text by Hannah Arendt (ARENDT, 2007). While quoting that the refugees are the vanguard of their peoples, he draws revolutionary conclusions regarding the politicization of refugees or “bare life”, and announces the need “to abandon decidedly, without reservation, the fundamental concepts through which we have so far represented the subjects of the political (Man, the Citizen and her rights, but also the sovereign people, the worker and so forth) and *build our political philosophy anew, starting from the one and only figure of the refugee.*” (AGAMBEN, 2008, p. 90, emphases VJ).

Such a conclusion cannot be drawn from Arendt’s analysis of the dangers that the phenomenon of “bare life” has in the post-totalitarian age, unless we ignore the key finding that “bare humanity” brings about a complete depoliticization, worldlessness and invisibility to which those who come into such a situation react with despair or violence. We could see such expressions of despair in the case of refugees who had sewn their lips together (OWEN, 2009). The call for abandoning the concepts of citizen and rights can only be read parallel to the neoliberalist claim about the need to replace state/s with a non-state mechanism of global government.

If the “refugee crisis”, considered as a “humanitarian crisis”, can draw our attention to anything, it is the following: the emergence of such a great number of people, whose human capacities are superfluous, is evidence of the actual state of the new global world and of the fact that the problems of refugees will not be solved as long as they remain without any status, or any country willing to accept them. And it is only in this framework that refugees can carry a “political message” and represent the “vanguard of their peoples”: namely, insofar as they point to the actual source of their endangerment, the failure of the state.

In *The Origins of Totalitarianism*, Hannah Arendt defined the problem in a very precise way and also suggested that the solutions of the problem of people without citizenship, which signals the phenomenon of superfluousness, by no means lie in the abolition of the state or in any kind of cosmopolitan global state. Quite on the contrary, the situation we have found ourselves in shows us with blinding clarity the lesson from the 20th century that keeps repeating in the 21st century: without the protection of the state, without belonging to a political community that can protect human rights, these rights (and the people they are supposed to protect) become mere spectres – even if they are additionally protected by an international institution

or court, they ultimately have to be implemented by a state.

Secondly, the reduction of the “origin” of the refugee problem to the question of wars is also a source of depoliticization. For the “production” of refugees as superfluous people has for a long time not been a matter of wars, violence or persecution, etc. An artificial and thoughtless (though legal) division is clearly evident in the differentiation between “refugees” and “migrants”.¹⁴ Refugees are seen as the victims of political persecution and an immediate danger of war or violence so they are granted an existence in the framework of their struggle for bare life, which is why the law defines them as justified to seek asylum – in a country that is as close as possible to the source of the problem. “(Economic) migrants” are considered as those who are concerned about more than “bare life”: a better life than the one they are leading, or even a good life, which has been a leitmotif of the legitimacy of political communities in Western political tradition from Plato and Aristotle on. As already mentioned above, the calamity of “forced migrants” is usually produced by a combination of elements (political, violent and economic catastrophes) that finally force them to decide to leave.

An ambiguous joke I have heard recently (it is from the time of socialism, but has been made topical in this context) captures precisely this dimension of the problem. It goes like this:

Mujo¹⁵ dies in a car accident on the “Balkan refugee route”. When he comes before Saint Peter,¹⁶ the latter asks him: Where would you like to go, you wretch, heaven or hell? And Mujo replies: Can I go to Germany?

¹⁴ The following description gives the essence of this differentiation: “The word ‘migrant’ describes a person who leaves home to seek a new life in another region or country. The word is used broadly. It includes those who move through legal channels—to take a job in another country or region, for instance, or to re-join family members—as well as those who move across borders without a visa or government approval. (The latter is often called irregular or undocumented migration.) The word ‘refugee’ describes someone fleeing war, persecution, or natural disasters. Under international law, no one can be sent to a place where they face a real risk of being persecuted or seriously harmed by others. Those claiming this status can ask for asylum—legal permission to stay as a refugee—which brings with it rights and benefits. This application process can be lengthy and complicated. Not every asylum seeker will be recognized as a refugee, but every refugee is initially an asylum seeker” (OPEN SOCIETY INITIATIVE FOR EUROPE, 2015).

¹⁵ Mujo represents one of the typical characters of Bosniak jokes.

¹⁶ Although Mujo is a muslim, the version of the joke I’ve heard is framed by the Christian religious imagery, and not Islam which is telling in itself.

The joke can be read in two ways. According to the first interpretation, the joke seems to suggest – in a slightly racist way – that Mujo is as calculating as the contemporary refugees who did not want to stay in Turkey, Greece, Slovenia or Hungary, but want to go to Germany, where they will enjoy the greatest privileges of the welfare state. Numerous citizens of the parts of Europe that do not have the German standard of living react with doubt regarding the “verity” of the refugees’ distress and the necessity of leaving the environment in which they lived, and by creating an image of a sly and elusive migrant Mujo, who calculatingly heads to the country with the highest standard in the world to live his life there.¹⁷ Mujo not wanting to go to heaven and preferring to go to Germany truly shows the slyness of this Balkan Schlemiel. But in what sense? Why on earth would Mujo not prefer to go to heaven, the land of milk and honey, but instead wants to go to Germany, where he will certainly have to work?

When asked by journalists why they wanted to go to Germany in particular, many refugees in the current crisis did not point out its standard of living, but the significance of the “status” they would thus obtain, that is, the status of a “person” with a German residency paper or perhaps even a passport; a dignified life, since Germany is after all a country whose constitution guarantees the protection of human dignity in its preamble. For Mujo knows very well that to become a German resident means to obtain a “political framework” – a framework for a safe and good life – and that nobody will persecute him because his name is “Mujo”. He knows very well that he wants to go to a country whose borders will guarantee him a status that nobody will be able to deprive him of. The difference between the bare human being “Mujo” and the German resident “Mujo” (even if he does not have a German passport) is like that between night and day.

Mujo’s logic clearly shows the problematic position of those leftists who think that states need to be abolished instead of created and made to fulfil their function in the sense of them being political communities which are supposed to provide people with the framework for a good life: for the flow of capital and information, and for the elites in the global economy, states can be superfluous, but for a refugee, they mean “everything” (HUFER and FALGUNI, 2015). Mujo’s logic also tells us something about the

most political conclusion of the ancients that happiness cannot be reached individually and independently of any political community, that it is not contentment reached in a private otherworld, but is possible only in the circumstances of a good, democratic political community. Or, as one of the Afghan refugees told to a researcher: “I wanted to go to a country where we can live as human beings. I wanted to live in a country with peace and justice. I had no specific country in mind” (cited after CRAWELY et al. 2016, p. 7).

Conclusion

In view of this, we could perhaps go a step further and conclude with the following. It might be that precisely those who do not flee from immediate war and do not try to save their bare lives from violence in a straightforward sense, but flee from their reduction to bare human beings in an economic sense (as a reduction to beings that have minimal or even no needs, especially no human – political – capacities) represent the actual global political demand for equality and justice – and thus the demand for the change of the existing global form of government. The problematic aspect of this form of government is not that it represents a system of different “national” states with different political systems that have borders, it is the fact that it abolishes all the main functions that the state contains in its idea – for example, restricting unlimited greed and creating a space for rights/justice and freedom:¹⁸ This abolition does not take place “only” outside the “Western world”, as has been the case since the times of imperialism, but everywhere, “there” and “here”. It is evidenced not only by the neoliberal “laws” of economic enrichment that tend more and more towards reducing the likewise increasingly greater shares of the population of richer countries to bare life, but also by the more and more bureaucratic government measures that tamper with the elementary principles of democracy and introduce ways of adopting decisions that portend an increasing superfluousness of our political capacities. The modes of introducing measures for the “control of migration flows” in numerous European countries, the current tightening of asylum legislation and the erection of a razor wire fence, in which, as politically responsible, the citizens of particular states (Slovenia, Hungary, and

¹⁷ The fact is that numerous young inhabitants of less affluent European countries are moving to richer parts for the same reason, but this phenomenon is seen and explained in a considerably different manner.

¹⁸ See, for example, Hegel’s *Grundlinien der Philosophie des Rechts* (Outline of the philosophy of right), §30, §257, §258, §259 (HEGEL, 1972).

so on) are *nolens volens* involved, are signs of the fact that here and now, on the territory of the states that are supposed to protect them, we are renouncing the ideals of equality and freedom. The syndrome of organised innocence lies precisely in the renouncement of civic and thereby political capacities, since it is precisely the citizens and those with a citizenship status who are in a position of political responsibility in relation to those who do not have citizenship or have been deprived of it. The danger of being deprived of citizenship as the framework of political life therefore no longer concerns only those that are no longer protected by any state, so refugees, but also the ones living in a state that (at least to an extent) still protects us. The greater and clearer our “inability to treat stateless people (= refugees, added by V.J.) as legal persons and the greater the extension of arbitrary rule by police decree, the more difficult it is for states to resist the temptation to deprive all citizens of legal status and rule them with an omnipotent police (...).” (ARENDT, 1986, p. 290).

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