Review for *Ethics and International Affairs*

Emma Haddad, *The Refugee in International Society: Between Sovereigns*, Cambridge: Cambridge University Press 2008, pp.x + 235

How is it that, in a couple of short decades, "refugees" in European public perception went from being the archetypal "heroes" of the international system – dissidents and fugitives fleeing communism and despotic regimes in the name of freedom and individualism – to being a universally despised and unwanted "flood" of new migrants: a mass of apparently poverty driven migrants, clogging the migration capacity of overly generous western legal systems and welfare states, and masking their motives behind false claims of asylum and persecution? By the mid 1990s, the overwhelming numbers of such movers claiming asylum and filling migration quotas across Europe led to a new wave of immigration restrictions, the imposition of strict control mechanisms including mass detention centres and forced repatriation, and a downgrading of the hard won international norms of refugee recognition – dating back to the UN convention of 1951 – into much less idealist regimes of temporary protection, remote control and regional population containment.

Much of refugee studies today does not respond adequately to this question. Dominated by a mix of short term pragmatic policy imperatives and a naturally defensive humanitarian bias that seeks to protect the claims of "true" refugees from contamination with other migrants, it lacks the analytical distance to capture the shifts in international

politics that have rendered the idealist norms of the post-war refugee system ineffective. Emma Haddad's authoritative and sophisticated study provides exactly this kind of resource for rethinking refugee migration in a more complex post-Cold War era. Rather than upholding the post 1951 order, it argues that its idealist human rights construction was in fact an anomalous episode in the treatment of refugees historically. It has overlooked the historical fact that refugees are an inevitable, albeit unfortunate, product of an international system of nation-state sovereignty that, by carving up populations into territorial jurisdictions which give rights and recognition according to citizenship status, always leaves certain peoples the wrong side of borders, or vulnerable to exclusion from basic rights. These are the "refugees" of the modern international system, and the post-Cold War world has returned us to a more complicated patchwork of
new wars and fragmenting sovereignties, in which protection norms based on individual human rights and founded claims of persecution are flatly inadequate to protect many vulnerable populations. Haddad argues that such claims of protection against the state ("negative sovereignty") will always face compromise with the claims of ("positive") state sovereignty—*raison d'état* based on security, social order or other political imperatives. The question then becomes what is to be done? Haddad thus goes on to use this insight to argue for expanding rather than contracting or compromising our notion of refugee protection. The sovereign claims of states are thus both the source of the problem and its potential solution, when they proactively seek to restore a protective state-citizen-relation to vulnerable mobile or displaced populations.

Haddad is a rare example of a scholar whose efforts have been distributed between academia and the highest level international policy work: she could hardly be

better placed to speak of the ethical and political consequences of rethinking refugee protection. Strikingly, she takes a resolutely conceptual and normative approach to the analysis, arguing that conventional policy analysis and international relations has been part of the problem in not recognising how and why the category of "refugee" needs rethinking. Defining what a refugee truly "is" thus becomes be an historical "question of semantics" (p.170), charting an "essentially contested concept" that tries to "negotiate a way between the is and the ought"—it continually underlines how much any use of the concept has always been normative loaded and full of political consequence. She identifies her insights with the "English school" of international relations, but this is also another work in migration studies that owes much to the pioneering studies of Aristide Zolberg, who first put the question of nation-state formation at the heart of the creation of refugee and migrant flows.

The Refugee in International Society also works as a comprehensive advanced introduction to refugee studies. Haddad deftly synthesises ideas that have been around in the literature – this is above all a very thoroughly referenced and intertextual work – but that have not been put together with this cogency, or extended to their full implications. These implications are large, if they are suggesting a revision of the 1951 framework to include all kinds of mobile and displaced populations, set adrift by nation-building and nation-dissolving processes. In this sense *all* migrants in today's porous world are disruptive pollutants in the official political carve up of territorially divided world of nation-state citizenries, a world of homeless persons who (usually) may have an unproblematic right to exit their country, but face a far more restricted right to enter and gain status in others. This of course begs the question of where Haddad would limit the

claims of “refugee” status. That the distinguishing factor appears still to be the “choice” to move (by an “economic migrant”) versus the “forced” migration (of a “refugee”), is a distinction hard to sustain within a social ontology, as here, that mostly characterises all migrant’s agency born of social disadvantage, discrimination and harsh economic necessity; in other words, as largely determined by broad forces out of their control. As Haddad points out, an “economic” migration can be “forced” if it is a result of a state deliberately discriminating against or economically debarring whole segments of the population. Nevertheless, in the legal order we live in, for functional reasons only a small proportion of all migrants can be recognised officially as “refugees”: otherwise the claims of those “really” deserving protection would have no moral or ethical weight. There are problems too in always sympathising or siding with the refugee as this study does. For once the usually valid feminist move of feminising all pronouns that might complacently assumed to be male is ambiguous in its results. Does identifying all refugees as “she”, as Haddad does here in the book, stress their agency as women or rather cement an image of all refugees as powerless victims?

For all the necessary historical and contextual sensitivity to shifting semantics, we cannot ultimately avoid the moral issue of *who* deserves protection and who *not*. These will surely come back to something like the basic human rights-related standards of the post-war era, albeit extended in some of the directions Haddad suggests. Yet some “refugees”, as defined by Haddad, will be more deserving than others. By extending the “construct” of refugees ever more broadly we also dilute its imperative. Haddad’s historical analysis above all reminds us of the cost of lacking principles; how far what has been designated as deserving has so often been imprisoned by ideology and international

power relations. The US for example, has been famously generous to certain “refugees” and not others: the waves of mostly middle class Croatians and Bosnians given blanket access to US citizenship during the 1990s, or Nicaraguans and Cubans fleeing communism in the 1970s and 80s, while Vietnamese and El Salvadorans were left to drown in their makeshift boats. No wonder the international refugee system has come to be so discredited. Haddad clearly has political and ethical norms in mind for restoring some principles – this is a book above all that displays strong convictions – but these convictions, whether grounded in some notion of “decency”, “justice” or “human rights,” are surely the one thing that needs to transcend the thoroughgoing historical and contextual logic otherwise applied so effectively in this study.

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