

Chapter 1

Who Is a Refugee?

Why Definitions Matter

The definitional problem with which we start is no mere academic exercise but has a bearing on matters of life and death. Although the term *refugee* has deep historical roots, its significance as a legal and administrative category has been vastly enhanced in our own times. The point can be brought home by considering the words that Emma Lazarus used in her poem a century ago:

*Give me your tired, your poor,
your huddled masses yearning to breathe free
The wretched refuse of your teeming shore. . . .*

Which, among the arrivals thus greeted, were “real” refugees? The need for precise categories did not arise under conditions of unlimited immigration, and so the distinction was not made explicit. However, given the growing numbers, restrictive immigration policies, and limited availability of aid, criteria must be established for distinguishing a set of persons deserving priority with respect to asylum and assistance. *Refugee* has become a category on whose basis international organizations and individual states engage in a process of worldwide triage. Refugee status is a privilege or entitlement, giving those who qualify access to certain scarce resources or services outside their own country, such as admission into another country ahead of a long line of claimants, legal protection abroad, and often some material assistance from private or public agencies.

Confusion arises from the fact that *refugee* has acquired a diffuse meaning in ordinary parlance and a much more precise one in legal and administrative jargon. Jacques Vernant observed as far back as 1953 that “in every-day speech a refugee is someone who has been compelled to abandon his home.” Such refugees include victims of an earthquake or a flood, as well as of war or persecution. More generally, the emphasis has been on victimization by events “for which, at least as an individual, he cannot be held responsible.”¹ This is still the emphasis today, as in press references to the victims of

famine in Africa as "refugees." When conceptualized in this manner, the term covers a large and varied universe of oppressed, suppressed, malcontent, and poor persons, whose movements can be attributed to conditions commonly considered as "push" factors that produce migrations. But a good indication of why this definition is not satisfactory is the distinction in the press of many Western countries between "genuine" and "false" refugees. *excludes internally displaced people + families / disaster refugees*

On the other side, the prevailing definition in international law displays an air of considerable precision and, in reference to international migrants, is highly selective. According to the Protocol Relating to the Status of Refugees agreed upon by the United Nations in 1967, the term *refugee* applies to "any person" (but only that person) "who is outside the country of his nationality . . . because he has or had well-founded fear of persecution by reason of his race, religion, nationality, membership of a particular social group or political opinion and is unable or, because of such fear, is unwilling to avail himself of the protection of the government of the country of his nationality."² This definition, which also applies to people without nationality in the country of their habitual residence, figures centrally in the statute establishing the Office of United Nations High Commissioner for Refugees (UNHCR), and for this reason the set of persons constituted on this basis are generally known as *statutory refugees*. But among those people who genuinely need refuge and assistance, many do not qualify. Is the triage based on this definition warranted? Or should the definition itself be changed to reflect current realities?

We shall return to the protocol and related matters later in this chapter. For now, we point out only that disagreement on these issues is unavoidable, because defining refugees for purposes of policy implementation requires a political choice and an ethical judgment. Research on refugees is also affected by these considerations and so cannot ignore the underlying problems. If refugees are identified simply as the people who have been recognized as such by the appropriate United Nations agency or the authorities of a particular state, research conducted on this basis will consequently help legitimate the ongoing practices and hence exclude a consideration of policy alternatives that might give refugee status to others whose need is even greater. To counteract this, scholars might adopt what some call an *ethnomethodological* stance and accept the self-definition of all those who claim to be refugees. But although this approach might be valid for some purposes, it too would reduce the usefulness of the resulting study for the formation of refugee policy.

Another possibility is to define refugees on a sociological basis, that is, according to criteria grounded in observable social realities, independent of any determination by official bodies or by the refugee's own claims. But this would just move the problem back one step: What criteria should we use to distinguish "genuine but unrecognized" refugees from "false" ones?

This chapter tries to answer the question *Who is a refugee?* It begins with an analytic review of the Western historical record, identifying the types of social situations that have led to the labeling of particular groups of people as refugees and to the development of commensurate legal categories. The analysis also indicates why only some populations and not others in similar situations were treated as refugees and thereby how the development of codes reflects broader political considerations and discretionary judgments by state authorities. We then consider current legal codes and practices to help clarify today's controversies and to help justify our position in relation to them.

Classic Refugees

Religious Persecution

Although banishment, flight into exile, and the granting of asylum to strangers in need are practices found throughout history, the appearance in early modern Europe of *refugee* as a noun suggests a new awareness of a distinctive social phenomenon. Originating in France in the late seventeenth century, the word *refugee* is recorded as having been used in 1573 in the context of granting asylum and assistance to foreigners escaping persecution.³ The date suggests that this phenomenon probably referred to the arrival of Calvinists from the adjacent Low Countries, a region where the Reformation had gained considerable support but whose Spanish rulers were engaged in an all-out repression of religious dissent.⁴ The English word *refugee* is derived from the French; ironically, it was first used about a hundred years later in reference to the Huguenots, persecuted Calvinists from France who streamed into England immediately before and after the revocation of the Edict of Nantes by Louis XIV on October 18, 1685.⁵

The case of the Huguenots illustrates particularly well the refugee phenomenon.⁶ In the early seventeenth century, France was unusual among the European states in having achieved a relatively peaceful coexistence between a Catholic majority and a Protestant minority, which was based on the Edict of Nantes, enacted in 1598 after four decades of civil war. The edict institutionalized a political compromise between Catholic and Calvinist nobles—the latter then amounting to perhaps one-fourth of the aristocracy—whereby Catholicism was reestablished as the state religion but the Protestants achieved a large measure of political autonomy in an archipelago of fortified cities, complete with their own courts of law and military forces. To clinch the compromise, Henry IV—a Calvinist noble who had returned to Catholicism as a condition for assuming the crown—took on the Calvinist Duc de Sully as his chief minister.

However, with each subsequent step in the consolidation of state power, the Protestants' situation came to be viewed as more anomalous. Religious conformity was imposed on the aristocracy in the late 1620s, and Protestant towns such as La Rochelle were shorn of their defensive walls as well as deprived of their political autonomy. Henceforth, the Reformed community survived at the mercy of the king. By the middle of the seventeenth century, French Protestants were reduced to a minority of from 6 to 8 percent, largely bourgeois in character, except for a rural enclave in the south (Languedoc). Having achieved considerable prominence in the economic and professional sphere, the Calvinist bourgeoisie rallied in support of the monarchy during the mid-century confrontation known as the Fronde. Nevertheless, shortly after seizing power in 1661, Louis XIV set out to eliminate Calvinism from France. This undertaking makes sense only in regard to absolutist ideology, as an effort by the king to achieve what he conceived to be a perfectly unified polity.

The revocation of the Edict of Nantes in 1685 was the capstone of a twenty-year-long systematic attempt to undermine every requirement for the survival of the Reformed community, making it impossible for people to be born, work, marry, or die as Calvinists. Except for the ministers, many of whom were sent into exile, the objective was not to expel the Calvinists from France but to force their return to the Catholic fold. On the eve of the revocation, the Calvinist population numbered about 878,000, down to about 4 percent of the French total. In keeping with the tenets of mercantilism, the state prohibited this valuable population from emigrating. Nevertheless, the Calvinists began to leave the

country in the early 1680s, and about 40,000 escaped each year between 1685 and 1688. The total outflow is estimated at 200,000 between 1681 and 1720, nearly one-fourth of the Protestants—and by all accounts, the most affluent part of the community. The exiles scattered widely, with most going to Britain and the Netherlands, some to Switzerland and Brandenburg-Prussia, and a few as far afield as Russia, the British colonies of North America, and the Dutch colony in southern Africa. Among the three-fourths who remained behind, some converted; a small number were sent to the galleys; the southern peasants rose up in rebellion; but most led a quiet double life, quietly going about their secular affairs while surreptitiously participating in “desert” congregations until the dawn of tolerance in the mid-eighteenth century. The surviving community was about half its pre-Revocation size.

What made the Huguenots refugees? First, they were people fleeing a life-threatening danger—with “life” referring to spiritual as well as physical existence—but they constituted something more distinctive than an aggregate of individuals in flight, and the danger they faced was distinctive as well. Their plight stemmed from membership in a religious organization targeted for destruction by the governmental authorities of their own country, in peacetime and without any provocation on their part. Although this persecution may have been rooted in the emergence in Europe of a “persecuting society” that actively repressed all forms of deviance, our own analysis focuses more immediately on the dynamics of absolutist state-formation.⁷ As persons whose flight can clearly be attributed to the fear of persecution on account of religion, the Huguenots would certainly qualify as statutory refugees under the current definition. Indeed, they provide a historical model of the classic type of refugees, still relevant today.

How relevant it is, however, is one of the questions that this study seeks to answer. On the occasion of the tricentennial of the revocation of the Edict of Nantes, an unofficial publication of the United Nations High Commission for Refugees (UNHCR) emphasized that this historic movement into exile “had many features in common with the situation of refugees today: emergency assistance, protection, refoulement, pirate attacks on ‘boat people’ at sea, integration problems, resettlement, repatriation.”⁸ The article concludes with the observation that the Huguenots “also brought great benefits to their countries of asylum.” However, it neglects to point out that most of the people with whom the UNHCR is concerned today do not fit this classic type and that the new types of refugees are much more likely to be a burden than an asset to the receiving countries.

What made the Calvinists refugees was not only persecution by Louis XIV but also their recognition by other countries’ political authorities as people to whom asylum and assistance were due. The fact that the term *refugee* originated among the receiving countries highlights an ill-understood but fundamental feature of the phenomenon: For a refugee flow to begin, certain conditions must be met in one or more of the states of destination as well as in the state of origin. People cannot leave their country if they have no place to go—a truism that holds for all types of international migration—and the availability of such a place is in turn largely determined by those who control the places of destination, usually governmental authorities.⁹ Should a government be bent on persecuting some target group, the asylum policies of other countries may well determine whether the persecution will lead to a refugee flow or to some other outcome, such as acceptance of severe disabilities by the target group, or even mass murder. The experience of many European Jews during the Nazi era is a tragic case in point.¹⁰

Asylum was available to the Calvinists because whatever made them unacceptable to their state of origin was, on the contrary, supported by some politically powerful groups

elsewhere. Most obviously, they were welcome in states that had established some form of Protestantism as their official religion, or in which fellow Calvinists had achieved significant power. A sense of obligation toward fellow Protestants in distress was undoubtedly a leading motive, and although this might be labeled *humanitarianism*, it should be understood that this humanitarianism was decidedly partisan. Within the conflictual international political arena of the sixteenth and seventeenth centuries, the provision of refuge to foreign Calvinists also was an astute move in the game of statecraft. Moreover, in the dawning age of mercantilism, the prospects of gaining a population renowned for its skills and wealth clearly came into play as well, as the UNHCR article cited reminds us.

Extrapolating from these specific historical circumstances to a more general level, we can think of the classic type of refugee as arising from a broader universe than merely the country within which persecution occurs. This universe contains several interacting political entities—let us call them states—controlling territories and the people they contain and varying significantly from one another with respect to some ideological elements (e.g., religion), thus forming a world characterized by certain pluralist features. One such world was that of the ancient Greek city-states, in which the phenomenon of political exile and asylum appears to have been quite common. Another such world arose in Western Europe in the epoch that we are considering, when the region as a whole experienced major upheavals resulting in the formation of competing national states and religions.

The significance of outsiders in determining whether victims of persecution become refugees is highlighted further by the contrast between what happened to the Calvinists from the Low Countries and France, and the approximately 150,000 Jews forced to leave Spain in 1492 for refusing to convert. Some sneaked into neighboring France, from which Jews had been officially expelled at the turn of the fourteenth century; others moved similarly to the Low Countries or quietly joined correligionists living under the pope’s protection in his own states. Many more moved to Portugal, whose sovereign saw in them a golden opportunity for economic promotion, but in a few years, they were expelled from that country as well. Most of the Jews of Iberia scattered among the Muslim states of North Africa and the Middle East, which welcomed them for the wealth and skills they brought and where they joined established communities of their own kind.

Like the Huguenots, the Iberian Jews were faced with a life-threatening danger because of their religion. Banishment from one’s own country might be thought of as “social execution,” paralleling the notion of “social death” that is central to slavery.¹¹ However, from the perspective of Christian Europe in the late fifteenth century, the Jews were not “innocent victims” of religious persecution but a people guilty of wrongfully resisting legitimate acts of their sovereign, by adhering to a proscribed religion; they therefore deserved their unhappy fate. But because they would qualify as refugees according to the criteria used in international law today, we can think of them as a classic case of *unrecognized* refugees.

But let us note that this judgment is based on a relativistic view of religion—that is, that all are equally deserving of respect—such as that underlying the notion of religious freedom in the American Bill of Rights and other Western constitutions. Because this is a modern conception of religion, not universally shared even today, the statement that “the Jews of Iberia were unrecognized refugees” is accepted as valid only in the context of specific shared understandings. It is precisely the formation of such a community of discourse, within which certain categories of persons are viewed as refugees, that we are

seeking to reconstruct. Its development followed a "Kantian" progression, beginning with particularistic judgments of the sort we have just seen, contingent on the circumstances prevailing in a given country at a given time; to which, over time, other categories were added; and gradually becoming more universalistic until, after World War II, the general criteria for identifying refugees were institutionalized in a body of international law administered by a bureaucratic organization staffed by appropriate experts.

Religious refugees proliferated throughout Europe in the sixteenth and seventeenth centuries. In addition to those cited, major streams included Muslim Spaniards, expelled in a series of waves beginning immediately after the fall of Granada in 1492 and culminating in the deportation of 275,000 people across the Mediterranean in the five years after 1609; German Catholics and Lutherans, involving a series of exchanges of religious minorities at the end of the Thirty Years' War, when the innumerable principalities of the Holy Roman Empire attempted to sort themselves out according to the principle that the ruler's religion determined that of his territory as a whole; and Irish Catholics, beginning in the late sixteenth century, and especially in the mid-seventeenth, when many fled to Spain and France in the face of Oliver Cromwell's attempt to deport them to the waste of Western Ireland (Connacht) or, if they resisted, as indentured plantation labor to Barbados. To these might be added the various groups of Protestant dissenters who came under pressure to relocate from England and Scotland to their sovereign's possessions in the dangerous wilderness of the New World. But refugees were generated even in the New World itself, as when French Acadians were expelled from their Nova Scotia home by British authorities after 1755, with many ending up in Louisiana.

These movements halted by the middle of the seventeenth century, partly because after two centuries of enforcement, most of the states concerned had in fact achieved a high degree of religious homogeneity and also because by then Catholic-Protestant differences had lost their significance in regard to international political conflict. As absolutism gave way to enlightened despotism, religious tolerance became accepted on grounds of principle as well as self-interest. Committed to a doctrine of individual rights, the revolutionary regimes that subsequently emerged in America and France emancipated religious minorities from their remaining disabilities. The absence of religious persecution became the hallmark of "civilized" states, and thus anyone who was so persecuted came to be considered a refugee.

Political Opposition

The conflicts of this new age fostered a new type of refugee flow. In the latter part of the eighteenth century, the West—now encompassing the descendants of Europeans who had settled in North and South America—began experiencing another epochal transformation, extending into the political, cultural, and economic spheres, each of which conditioned the others, and involving once again interpenetration of the domestic and international levels.¹² It was both the age of democratic revolutions and the onset of this great transformation that resulted in the emergence of industrial capitalism as the dominant mode of economic organization. A distinctive feature of the conflicts of this period is that they were fought in the nascent language of political ideology, with the objective of preserving or achieving a particular regime and with status groups—the aristocracy, the bourgeoisie—as the most relevant social categories. This ideological dimension entered the international level as well. By the early 1790s, France was seeking to expand in the name of revolution, and most of the other European states were coalescing to contain France in the

name of legitimacy. At the same time, internal political divisions became internationalized: English democrats were viewed as French agents, and French conservatives as the servants of Austria or England.

These new waves of refugees in the West were also recorded in linguistic usage. In English, the old term was put to new use in the late eighteenth century: "Since the revolt in the British colonies in America," noted the *Encyclopedia Britannica* in 1797, "we have frequently heard of American refugees."¹³ In France, however, the revolutionary experience gave rise to a new term, *émigré*. Unlike *refugee*, it was a term of opprobrium, imposed by those who disapproved of the people departing.

The total number of refugees produced by the French Revolution has been established at 129,000. On the basis of a population of 25 million, this is a ratio of approximately 5 per 1,000.¹⁴ Of these, 25,000 were members of the clergy, deported for refusing to take an oath of allegiance to the revolutionary constitution. The others consisted of two somewhat overlapping categories: members of the nobility who came under general suspicion during the Terror, regardless of their degree of involvement in the political opposition, and political opponents of successive ruling groups in the various phases of the revolution, or merely those whom they believed to be their enemies. Less well known is that the American Revolution triggered an equivalent movement. Although estimates of the number of loyalists who left for Canada, Nova Scotia, or England run as high as 100,000, R. R. Palmer adopts a more conservative 60,000. On the basis of a population of about 2.5 million (including slaves, some of whom became refugees), this produces a ratio of 24 refugees per 1,000, five times higher than in France.¹⁵

The refugee flows caused by the revolutionary conflicts of the late eighteenth century differed significantly from the classic type, in that the repression was directed against individuals deemed undesirable or dangerous because of their political opinion—that is, their response to current issues, especially to the objectives to be pursued by the government and the activities carried out to implement them. This reflected the rise of ideology as a major element of political communities, a process initiated by revolutionary challengers, who justified their attacks on the legitimate authority by appealing to higher principles. But revolutionaries breed counterrevolutionaries; in the face of these challenges, defenders of the status established a doctrine founded on principles of their own. As in the case of religious homogeneity for absolutist states, the achievement of these objectives was evidence of political unanimity. Thus, revolutionary and counterrevolutionary regimes were driven beyond the mere neutralizing of opponents to repress systematically any political dissent.

The French Revolution was rapidly internationalized as the new regime launched preemptive moves in preparation for a Europe-wide counterrevolutionary thrust and as involvement in war helped radicalize the regime. With refugees living in what were now enemy countries and participating in operations against France, internal dissent came to be perceived as even more dangerous. As tensions were exacerbated, the domain of repression expanded to encompass *ancien régime* elites as a whole, whose loyalty was questioned because of their position in the social order. The nature of the target thus shifted perceptibly, from a collection of individuals holding certain political opinions to a social group.

Across the Atlantic, the bulk of the outflow consisted of what the American revolutionaries called *Tories*, colonial partisans of continued British rule, many of whom fought on the British side in the war, and they even included some slaves, who were rewarded with manumission. As already noted, from the British perspective there was no

doubt that these "Loyalists" were refugees. But considered from a contemporary perspective, their status is more ambiguous. The decision to leave undoubtedly reflected widespread apprehension of what the Americans might do once they came to power, but because the people in question left before having lived under the new regime, there was no opportunity for "persecution" to take place. However, the governments of the several states did confiscate the property of those who emigrated, as revolutionary France later did as well, and in many instances, they enacted laws prohibiting their return. Because the impossibility of returning to one's homeland does provide grounds for claiming asylum, it can be argued that many of the Loyalists would qualify as refugees today.

The outcome in this case was tantamount to repatriation, not only to Britain itself, but especially to what are now the Canadian provinces of Quebec, Nova Scotia, and Ontario, where the Loyalists received large grants of land in exchange for guarding the remainders of the British Empire in North America against its southern enemies and for preparing for the next round of conflict. The fact of having desirable places to go to probably stimulated some departures but also contributed to the ambiguity of the movement, by giving it an element of ordinary migration. Overall, much as the case of the French émigrés foreshadows the initial type of refugee flow produced by successful social revolutions, the American experience anticipates the exodus characteristically triggered by wars of national liberation.

Mirroring the cause of the new flows, the response of states was determined essentially by the orientation of their government. It is noteworthy that the issue of refugee policy precipitated a major political crisis in the new American state. In the 1790s, as the world's only successful revolutionary republic, the United States emerged as a potential place of asylum for defeated European democrats. However, the ruling Federalists viewed the arriving British and Irish political refugees as dangerous "Jacobins" and devised legislative barriers both to restrict their entry and to punish their American friends. The campaign to repeal the Alien and Sedition acts in turn contributed to the triumph of the Jeffersonians in 1800 and helped liberalize the American regime.¹⁶

The comings and goings of political refugees became commonplace in the West in the nineteenth century. The outcomes of the continual confrontations between revolutionaries and counterrevolutionaries, as well as between national independence movements and imperial authorities—the two often being intertwined—led to new flows of refugees or enabled earlier exiles to go home, as did the French émigrés after the Restoration. Michael Marrus has emphasized that politically determined migration during this period "generally concerned *exiles*, individuals who had chosen their political path, rather than large masses of people torn loose from their society and driven to seek refuge."¹⁷ However, the streams of exiles sometimes became quite large and concentrated in time, showing that crises tended to occur in waves, not only because the political conjuncture of most of the Western countries was affected by common transnational processes such as fluctuations in the business cycle, but also because these countries had become a single network of communication, within which events in one country (e.g., the French Revolution of July 1830) could have instant effects elsewhere (e.g., in Belgium, Poland, and even Canada).

The refugees of this period came mostly from the ranks of revolutionary and nationalist movements, which usually were unsuccessful, at least in the short term; havens were therefore limited to the few liberal regimes. Although they did not hesitate to repress indigenous revolutionaries, the governments of the liberal states were generally tolerant of the exiles, who made few demands on them beyond asylum itself, as long as they

stayed out of domestic politics and their presence was compatible with foreign policy. After a time, such refugees tended to go home, but occasionally they were asked to move on.

Among the major flows were the Polish rebels of 1830, inspired by the July Revolution, of whom over 5,000 fled after the insurgency was defeated, mostly to France. Another unsuccessful attempt at gaining independence from the Russian tsars triggered another outflow in 1863. Similarly, many of the defeated French Canadian *rouges*, followers of Papineau who had staged an uprising in 1837–38 on behalf of reform, along the lines of Jacksonian democracy, fled to the United States—as did some English Chartists and Irish nationalists. Although no detailed overview is available, by all accounts the Europe-wide mid-century crisis produced tens of thousands of refugees, originating mainly in France, Germany, Italy, and Austro-Hungary and going mostly to Belgium, Switzerland, the United States, and Britain. There were also intermittent trickles from Italy, Spain, and Russia, amounting to substantial numbers over the course of the century. Following the annexation of their region to Germany, about 130,000 residents of Alsace and Lorraine left home in 1871 in order to remain French, but this constituted another type of refugee movement, which we shall examine in the next section.

In the earlier part of the century, Marrus has suggested, "the world of political exiles was that of the relatively well-to-do or, at least, of the once well-to-do" because "national politics and a long-term investment in the business of revolution were not generally possible for ordinary Europeans." Moreover, "it took some measure of affluence to flee abroad in the first place."¹⁸ However, these observations are somewhat misleading with respect to Western Europe, where workers and even peasants participated quite early on in radical social and political movements. For activists from the lower classes, the consequences of defeat were more likely to be incarceration, transportation to penal colonies (such as Australia for the Irish and Algeria for the French), and even massacre, as occurred in Paris in June 1848 and again in the spring of 1871. Later, the increased availability of cheap long-distance transportation made it possible for workers to flee as well.¹⁹ Marrus has pointed out, for example, that in the French civil war of 1871 and its aftermath, 20,000 Parisians died; 35,000 were arrested; and about 45,000 fled, "including men and women from across the social spectrum," mostly to England and Belgium.²⁰ The failure of the Russian Revolution of 1905 also prompted a massive exodus of politically active workers. As there still were few barriers, most of them flowed with the ongoing immigration tide to England, France, and especially the United States. Nevertheless, the lower classes remained less mobile in the twentieth century, as tragically illustrated by the wholesale massacre of peasants after the defeat of the 1932 uprising in El Salvador.

National Minorities and the Stateless

The latter decades of the nineteenth century marked the beginning of a protracted crisis, lasting until the middle of the twentieth century, which propelled refugee issues to the fore of international concern and gave rise to the institutional apparatus that prevails today. This apparatus is characterized by both a resurgence of the classic types—on a much larger scale and under circumstances that rendered their plight more urgent and more difficult to resolve—and especially by the appearance of a largely new type.

Once again, these flows arose as the by-product of a regionwide upheaval.²¹ The global expansion of the international political and economic system entailed a dislocation

of the economic and political structures that had provided Europe with a century of peace. Its striving to become an economic and political empire—on the scale of Britain, the United States, and Russia—prompted Germany to embark on an expansionist path. The outbreak of World War I in turn exacerbated all existing tensions, including the social and national conflicts among the belligerents.

World War I had especially dramatic consequences for the Russian, Austro-Hungarian, and Ottoman empires, which formed a huge region spanning Europe and Asia and which had been experiencing for some time the familiar tensions and conflicts that accompany the transition from traditional social and political orders, and the transformation of empires into national states. Internationalization came on top of a number of other features that helped make these upheavals particularly serious. The region as a whole constituted a zone of economic “backwardness” in relation to the world of industrial capitalism, deeply affected by the destructive transformations it wrought, but without the benefits of the rapid increase in per-capita income it brought to the early developers. The region contained very large populations, mostly rural and living close to subsistence, that were beginning to increase more rapidly, and the upheavals came at a time when railroads as well as automobiles increased the possibility of moving large masses of troops and civilians over long distances. At the time the refugee-producing conflicts began, the relevant regions were already producing very large outflows of international migrants. Finally, all three empires had heterogeneous ethnic configurations by the standards of the Western European countries where the nation-state as a political form originated. Attempts to remold these configurations according to this model were therefore bound to run into almost insurmountable obstacles.

The war brought about the collapse and dismantlement of both the Ottoman and Austro-Hungarian empires, as well as the collapse of the Russian tsarist regime followed by revolution and civil war, which in turn produced numerous refugees. In addition, attempts by the successor states to “unmix” their nationalities resulted in the identification of minorities as obstacles to be eliminated.²²

Reflecting on this experience, Hannah Arendt observed in 1951 that “since the Peace Treaties of 1919 and 1920 the refugees and the stateless have attached themselves like a curse to all the newly established states on earth which were created in the image of the nation-state.”²³ Her explanation focuses on the “corruption” of the traditional Western doctrine of human rights which, with the proliferation of national states, gave way to that of nationally guaranteed rights. Implied from the outset in the system of nation-states was that “only nationals could be citizens, only people of the same national origin could enjoy the full protection of legal institutions, that persons of different nationality needed some law of exception until or unless they were completely assimilated and divorced from their origin.”²⁴ But this remained hidden from view until the nation-state formula was adopted to organize political life in states containing ethnically mixed populations, often so inextricably interspersed that it proved impossible to form viable, ethnically homogeneous political entities. The gap between the formula and the social realities generated enormous tensions, out of which emerged two “victim groups,” the minorities and the stateless.²⁵

The minorities were persons insisting on a nationality different from that of the state in which they lived. This different nationality often happened to be that of a neighboring state. As the doctrine of nationally guaranteed rights came to be equated with the notion of rights guaranteed to nationals only, the minorities were thus turned into political misfits.²⁶

The stateless were misfits in an even more extreme sense, in that no matter how national or provincial boundaries might be reorganized, they would always remain residual groups who did not belong to any established nation-state or recognized national minority. The proliferation of stateless persons, of whom the most prominent were the Jews, was the culmination of the nation's conquest of the state. This is why Arendt considered them to be “the most symptomatic group in contemporary politics,” people who live necessarily “outside the pale of the law” and hence are vulnerable not only in their states of origin but also in the world at large. Others were deliberately reduced to stateless status when a type of state emerged that “would rather lose its citizens than harbor people with different views.”²⁷ The counterpart to the rise of nationality as the exclusive source of rights was thus that “denationalization became a powerful weapon of totalitarian politics.”²⁸

As a historical account, Arendt's analysis is problematic in a number of ways.²⁹ Most important, her insistence on the newness of the victim-group phenomenon in the period following World War I is misleading in that, as we have seen, state-formation in the sixteenth and seventeenth centuries also resulted in the targeting of minorities for persecution. Nevertheless, Arendt brilliantly highlights the essentially political dynamics involved. With the qualifications indicated, the emergence of target minorities as a result of the “nationalization of rights” can be seen as an instance of a more general process, whereby the state's choice of an integration formula determines positive and negative categories of persons and its ensuing relationships with these groups. The formula is the construction of a collective identity encompassing the rulers and the majority of the population; its foundation may be religious, racial, or even ideological, as well as national, but each has distinct implications. In early modern Europe, for example, affiliation with one or another Christian denomination was conceived to be a matter of individual will, leading sovereigns to pressure their religious minorities to conform through conversion or abjuration. This also was the case for Islam and can be seen at work today in fundamentalist Iran, which persecutes Muslim heretics. But if religious categories are founded on ascendancy—traditionally conceptualized as “blood”—they are by definition immutable, and therefore the state cannot achieve its objectives by transforming the deviants into persons of the approved mold. In an earlier era, Orthodox Christians could be made into Muslims, but in the twentieth century, Greeks cannot be made into Turks. Under these circumstances, the adopting of a mononational formula by a multiethnic state entails some form of exclusion, either extreme segregation or expulsion. Moreover, interactions among several states striving to achieve this monistic objective tend to invite mutual hostility and endless attempts at unmixing nationalities.

The leading European powers, which formed a rudimentary international political community, undertook to guarantee from the outside the minorities' elementary rights. First devised as a condition for the minorities' support of Romanian independence in 1856, after World War I this method was included in the League of Nations, through minority treaties imposed on the newly created states.³⁰ However, these treaties were clearly discriminatory, in that only the new states were bound to such obligations; political resentment against the minorities consequently intensified because their very presence forestalled achievement of full sovereignty. For example, after independence Romania denied citizenship to Jews, despite its treaty obligations.³¹ Defined as enemies of the nation, the Jews were prohibited from attending state schools, harassed while carrying out their economic activities, and in many cases forced to relocate. Not only did the Romanian authorities deny the Jews protection, but they even encouraged violence against

them. Consequently, out of an estimated 200,000, nearly one-third had emigrated by 1914.

Unlike the Jews, most of the refugees associated with the "unmixing of peoples" remained in their original empires, usually moving from what had become a new state, in which they constituted a minority, to another where their nationality was dominant. Most prominent were the population exchanges following the transformation of the Ottoman Empire into a set of states aspiring to become nations, a protracted process that began with the emergence of Greece as an independent state in 1832 after a decade-long war and that is still far from completed, as indicated by ongoing ethnic struggles in Cyprus and Turkey.³² Internationalized from the start, when the Greek separatists obtained considerable support from various European powers, the resulting conflicts have remained so all along, as indicated by the Turkish invasion of Cyprus in 1974. Beginning with Greeks fleeing the island of Chios to escape massacre in 1822, the series continued with thousands of Bulgarian revolutionaries and Christian peasants leaving Bosnia and Herzegovina in the 1860s and 1870s, and Muslim settlers from Greece and territories annexed by Serbia and Montenegro in 1878. With the onset of nearly continuous war in the Balkans, target groups proliferated and refugees grew into the hundreds of thousands by the eve of World War I.

The population exchanges between Greece and Turkey in the 1920s illustrate the formation of a new type of refugee, stemming from the organization of a largely involuntary unmixing of peoples under the aegis of international law.³³ Background features include the secular migrations of both Greeks and Turks from their respective homelands within the Ottoman Empire to regions inhabited by the other, and the tensions between Turkey and Greece beginning when the latter achieved independence at the expense of the former and became a client state of Russia and Britain, intent on reducing Ottoman power. Committed to the reunion of all Greek nationals, Greece steadily encroached on Turkish territory, and each of these gains in turn precipitated the flight of a part of the local Muslim population.³⁴ Turkey and Greece then joined opposite sides in World War I, hoping thereby to promote their respective aims. Being on the victors' side, Greece was awarded the remnants of European Turkey except for Constantinople (Istanbul) itself. Encouraged by the Allies, in 1921 Greece invaded Asian Turkey but was defeated by Mustafa Kemal (later "Atatürk") on the outskirts of Ankara. The Turks then pushed the Greeks back to Smyrna, where in September they laid waste to the Greek sections of the city and massacred the population. About one million refugees fled to Greece during the rout and its immediate aftermath.

The Turkish victory consolidated control in the hands of the Kemalist revolutionaries. Viewing the flight of the Greeks as an unanticipated opportunity to promote the transformation of Turkey into a genuine national state, the government not only refused their repatriation—in violation of international law—but also insisted that remaining citizens of the Greek Orthodox faith leave as well. In return, asserting that it had neither the resources nor the land to resettle these refugees, the Greek government demanded the transfer to Turkey of the much smaller Muslim population of Greece, already reduced from 800,000 to about 400,000 in the wake of earlier episodes of "unmixing." This was acceptable to Turkey, because the lands to be vacated by the Greeks would facilitate their resettlement and because they feared Greek reprisals against the Turkish minority concerned. Moreover, the convention establishing the exchange would retroactively legitimize the Turkish government's violation of international law with respect to its Greek Orthodox population.³⁵ The regrouping of populations helped end the international con-

flict and the violence. But in contrast with what was being done in similar situations in other parts of Europe, this regrouping was made compulsory, without any pretense of consulting the population concerned. Although few Greek Orthodox adherents remained in Turkey, a large number of Muslims still were living in Greece.

The most tragic of the target groups were the Armenians, who must figure prominently in any account such as this, not only because many of them became refugees, but also because most did not—a fate that befell also most European Jews two decades later and, more recently, victims of violence similarly trapped in Nigeria, Uganda, Indonesia, Kampuchea, and East Timor.³⁶ Long prominent in Eurasian long-distance trade, the Armenians were divided between the tsarist and Ottoman empires. In the latter, in the last quarter of the nineteenth century they constituted a Christian minority of 1.5 to 2 million, who controlled a large share of the expanding trade and were prominent at the highest levels of government. Although many remained in their Anatolian homeland, while carrying out their economic activities the Armenians scattered throughout the empire, with substantial clusters in most of the towns and cities. Concurrently, influenced by earlier developments in the Greek community, they became a self-conscious national group. However, in the 1870s Sultan Abdul Hamid sought to stem the empire's decline and disintegration, by reinforcing the central authority vis-à-vis the various national communities. This required, among other things, the "ottomanization" of the administration, an objective in which the Armenians emerged as an obstacle. With the onset of conflict between the sultan and the tsar, the Armenians' loyalty also became an issue. Although the victorious Russians imposed on Turkey a treaty affording protection to the Armenians, this merely compounded Ottoman resentment. Tensions were further exacerbated by the steady arrival in Turkey between 1878 and 1897 of Muslim victims of Christian persecution in Greece, Bulgaria, and Serbia, amounting to perhaps one million.³⁷

After nearly twenty years of intermittent repression, which in turn further stimulated Armenian aspirations toward national independence, a large massacre took place in the summer of 1894, triggered by the refusal of an Armenian community to pay tribute to the Kurdish chieftain to whom it was obligated. This was the first of a two-year-long series, culminating in the murder of 6,000 Armenians in Constantinople in August 1896. Estimates of the total number of victims range from 50,000 to 300,000, or between 2 and 15 percent of the Armenian population; many of the survivors fled to Russia or Persia. The use of terror was "rational" in that it forced the Armenians to withdraw from public life and thereby enabled Turkey to escape its treaty obligations, as did Romania with respect to the Jews. More massacres carried out by the reformist Young Turks in 1909 prompted the Europeans once again to intervene on behalf of their protégés, but the new guarantees fell by the wayside with the outbreak of World War I. Acting in the name of national security, in 1915 the authorities disarmed all Armenian soldiers, rounded up and deported most of the leaders, and drove masses of people from the Armenian homelands, adjacent to the Russian empire, to arid wastelands in the south, where they were not expected to survive. Massive deportation was not in itself a new method of persecution. The much earlier cases of the Moriscos, Acadians, and Irish come to mind. What was different, perhaps, was the alliance of modern technology and communication that enabled over a short period of time a vast operation of destruction, whose toll amounted to as high as 800,000, or from one-half to two-thirds of the target population. Hundreds of thousands of survivors fled north to Russia or south to Syria, with some turning up in Egypt as well.

A third episode began with the collapse of the Russian empire and the onset of the Russian Revolution, which were viewed by the subject nationalities as an opportunity for

achieving independence. Among them were the Georgians, Azerbaijanis, and Armenians, all of whom attempted to create republics of their own, to be united in a trans-Caucasian federation. The possibility of an Armenian state fostered a massive outpouring from Turkey, whose population by the end of 1918 was estimated at 1 million, half of whom were refugees from the south. However, the new state was continuously besieged by its neighbors, and in 1921, Turkey and the Soviet Union settled their differences by dividing up the territory between themselves. The refuge thus turned into a trap. Abandoned by their European protectors, refused admission by Georgia and Azerbaijan, another 200,000 Armenians perished as the returning Turks took their revenge. The objective of the new Turkish state was no longer to subjugate the Armenians, but to rid itself of them. About 90,000 were expelled to Greece, where many were massacred by Turkish armies in the subsequent conflict. Others departed over the next few years for the Soviet Union, which in 1926 reported 94,000 foreign-born Armenians.³⁸ About 125,000 went to Western Europe, of whom half went to France. The United States recorded slightly more than 100,000 arrivals from Asian Turkey between 1910 and 1921, after which—as the result of immigration restrictions—the level was drastically reduced to an average of about 2,500 a year for the remainder of the 1920s.³⁹

The distinctiveness of genocide thus arises from the means employed rather than the objective to be achieved. In the cases of the Armenians and the Jews in Nazi-controlled Europe, as with many other minorities before and after them, the objective was to rid the land of their presence. Turkey initially sought to achieve this by terrorizing the Armenians into flight. In Germany, the Nazis similarly sought at first to rid themselves of the Jews by a combination of expulsion (foreign Jews) and the imposition of conditions that would cause them to leave (German Jews). In both cases, when external conditions made emigration impossible, the persecutor resorted to mass murder. Among these external conditions, particularly with respect to the Jews, was the refusal of other states to accept the target population as refugees. This constituted, in effect, collusion with the persecutor in a conspiracy to deny exit.⁴⁰

The Reinstatement of Barriers Against Exit

One of the hallmarks of the twentieth century is the reinstatement of prohibitions against exit, such as were common in the age of absolutism but now implemented by states with a much greater ability to control movement across their borders. The classic case is the Soviet Union.

Initially, the refugee flows generated by the Russian Revolution far exceeded any generated by violent regime changes in earlier historical experience, not only because the state affected had a much larger population than did any of the others, but also because the upheaval took place within the context of the collapse and transformation of the Russian empire, with consequences similar to those in the Ottoman case. The collapse was protracted, brought about by the catastrophic defeats Russia experienced at the onset of World War I.⁴¹ Already reaching about 2.7 million by the end of 1915, the number of internally displaced persons escalated further to 5 million within the next few months.

The seizure of government by revolutionaries a year later precipitated a protracted civil war involving complex shifting alignments of both social groups and nationalities, which were made more violent by substantial foreign intervention in support of the counterrevolutionary camp. As is almost inevitable under conditions of near-subsistence,

the upheaval disrupted basic food production and sanitary conditions to the point that the least unfavorable events might precipitate famine and epidemics, as in fact occurred in 1921. This type of situation is commonly encountered in the contemporary developing world as well. In Russia, the ranks of the uprooted were steadily swollen by masses of army deserters; of civilians escaping White or Red terror or just trying to get out of the way of the fighting; and of fleeing minorities, many of whom poured into provinces that were emerging as successor states. Although estimates of refugees originating in Russia ranged at the time up to 3 million, many of them were displaced Poles and Germans, who were merely returning to their homes, located in what had now become a new country. A more realistic assessment is that the Russian Revolution created about 1 million refugees outside the boundaries of the old empire. Many were defeated counterrevolutionaries who initially made their way to Germany and France, where they evoked considerable political sympathy. The United States, which at that time did not distinguish between refugees and ordinary immigrants with respect to admission, recorded about 92,000 arrivals from Russia between 1917 and 1924, after which the new quota system reduced the flow to about 3,000 a year for the remainder of the decade.

By this time, however, the policies of the receivers hardly mattered, as in the mid-1920s the Soviet Union adopted a no-exit policy, which with minor exceptions it has maintained to this day. Consequently, despite the massive initial flows, over the long term the Russian Revolution generated a much smaller number of refugees than probably would have been the case otherwise, as large numbers probably would have taken flight during the murderous collectivization drives and purges of the 1930s. As it was, these produced only a few individual escapes to Poland, Romania, and the Baltic states; the only mass movement recorded is the exodus of Kazakhs to China in 1933.⁴²

As Alan Dowty has pointed out, the roots of the Soviet Union's exit policy can be traced back to prerevolutionary Russia, which never had a tradition of freedom of movement, either inside or outside the country, because this was incompatible with the maintenance of serfdom. Although prerevolutionary Marxists advocated lifting such restrictions, Lenin's views of the state "laid the basis for future controls," in that all citizens were to be considered as "hired employees" of the state and to be required to serve it.⁴³ Adopted later on by many other states, this stance emerged as the common feature of a disparate array of modern authoritarian regimes, including not only those of the Marxist-Leninist persuasion but also Fascist Italy, Spain, and Portugal, as well as Nazi Germany.

The prohibition of emigration can thus be seen as a normal concomitant of state-directed economic autarchy. This was surely the leading motive in the case of Italy and Portugal (as late as the 1960s), as labor-exporting countries that sought to stem emigration in order to maximize the internal supply of labor and thus reduce its price. The need for such controls is even more urgent in the case of states trying to develop by imposing great sacrifices on the current generation. Beyond this, "the Bolshevik attitude toward emigration was also shaped by civil war and foreign intervention. It was feared that those leaving the country would swell the ranks of the White armies and other enemies abroad. From there it was a short step to equating the wish to emigrate with opposition to the socialist state."⁴⁴ This is applicable more generally to tense international conjunctures, including the Cold War and more limited regional conflicts such as that between the United States and Cuba.

But the prohibition of emigration also serves more purely political objectives. Because exit is tantamount to "voting with one's feet," an alternative to protest, authoritarian regimes that claim to rest on democratic consent cannot afford such concrete