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# Beggars Can't Be Choosers or the Refugee as a Moral Agent?

Pamela Cartier Allen

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BEGGARS CAN'T BE CHOOSERS  
OR THE REFUGEE AS A MORAL AGENT?

A Dissertation

Submitted to the McAnulty College and Graduate School of Liberal Arts

Duquesne University

In partial fulfillment of the requirements for  
the degree of Doctor of Philosophy

By

Pamela Cartier Allen

May 2011

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Pamela Cartier Allen

2011

BEGGARS CAN'T BE CHOOSERS  
OR THE REFUGEE AS A MORAL AGENT?

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Approved 24 March 2011

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ABSTRACT

BEGGARS CAN'T BE CHOOSERS  
OR THE REFUGEE AS A MORAL AGENT?

By

Pamela Cartier Allen

May 2011

Dissertation supervised by Gerard Magill, Ph.D.

This project considers the ways in which the dominant discourse on refugees might reinforce the negative impacts or limit the positive impacts of aid. Care for refugees is a difficult task that takes place in a discourse that begins with numerical calculi, a language that expresses ambivalence about our obligations for this category of persons, fear of their collective identity, and a deep ceded notion of refugees as an object of concern, a worthy cause, a growing problem, and a burden that must be shared.

What we choose to do for and about refugees emerge from our present awareness (knowledge) as a process of deliberation predisposed and reinforced by the circulating and authoritative dominant discourse that has defined refugees and their relationship with

larger society. Any attempts to affect the discourse on refugees therefore must begin with the re-evaluating what has gone before.

The theoretical and analytical tools for the task of problematizing the dominant discourse on refugees were: 1) Analysis of the contemporary discourses on refugees, 2) Foucault's archeology and genealogy of discourse, 3) Mauss' theory of gift-exchange in the third party setting, 4) Goffman's total institution theory on stigma and identity, and 5) moral perceptions created by a discourse based on agency, reciprocity, solidarity, and hope.

Discursive analysis affirms that the dominant discourse has historically been absent the refugee voice and lacking the agency to affect contingent changes in his or her life. It was shown that our reservoir of knowledge about refugees has been deposited in multiple layers of meaning, metaphor, media depictions, statistics, institutional dogma, and a political/ organizational superstructure. The dominant discourse on refugees was then challenged with a more inclusive approach that includes the themes of agency, reciprocity, solidarity, and hope giving primacy to the human connection between the refugee and aid rendered as a means of improving the care and outcome for refugees.

This project embraces the idea that the words we choose in dialogue about others, distant or near, can bring either hope or complacency, mercy or empty justice, compassion or apathy, life or death. We are called on to choose life.

## DEDICATION

To My Heavenly Father Alone the Glory

To Bryant and Carol for all the Love.

To My Beloved Forever

## ACKNOWLEDGEMENT

Reflection upon the themes expressed in this thesis has proceeded over time and in various contexts, gathering a number of debts which require acknowledgement. The names are joined here at the opening and will be addressed individually.

Dr. James P. Bailey; Dr. Gerard Magill, Dr. Aaron Mackler; Dr. Adam Sohnen, Dr. Paul Lauritzen; Angela Fleming; Glory Smith; Aimee Zeller; and Dr. Jeffrey Allen

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Dr. Aaron Mackler endured the full length of the seven years of commentary, critique, and reading. When Dr. Mackler was unable to read, he directed Aimee Zeller to read the chapters to him so that he might fully engage with my writing. It is a testament to Dr.



Mackler's commitment to excellence and an unwavering dedication to provide a light for his students.

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My teachers, stood in the background and provided a sense of direction concerning what fundamental issues might invite further exploration. As they certainly did, I have (in my own way) honed my own course. I am grateful to them for providing such fitting examples of scholarly enterprise. I must express my gratitude and appreciation once again to all.

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# CHAPTER 1

## DISCURSIVE CONSTRUCTION OF THE REFUGEE

### Introduction

This chapter is designed to acquaint the reader with the dominant discourse about refugees and arouse sensitivity to those aspects of discourse that frame the collective perception of refugees. The central theme is that discourses (e.g., public, political, news/informational, historical) perform an appreciable role in evoking emotions, prompting action, and perpetuating taken-for-granted assumptions about refugees in ways that fall short of recognizing persons labeled *refugees* as whole competent participants in their own survival. The approach is to examine the dominant discourse on refugees across a broad spectrum of disciplines by presenting a descriptive and annotated analysis of the historical, legal, political, and media discourses that frame the refugee dialogue and have established the discursive landscape for discussing refugee issues. The goal is to show how these key discourses communicate, circulate, rhetorically repackage, and perpetuate a particular understanding of the refugee by the general public and policy-makers alike. Ultimately, these expressions used to identify and refer to refugees project an identity about those whom we speak, affect our attunement to their life situation, and

in the course of time, have consequences for our decision-making and moral reasoning about our obligations in response to their situation.

This chapter is structured in four sections so as to situate the dominant discourse about refugees along a continuum with a retrograde trajectory. The first section begins with an introduction to the discursive discord surrounding the Katrina disaster which affords a current snapshot of how *refugee* is interpreted by persons across a stratum of social groups and positions. The Katrina/refugee discourse is then situated within the larger contemporary discursive domain of the media. Of particular interest are the language, metaphors, and images that define the narrative landscape for discussing refugee issues, frame the refugee identity, and influence political action.

The second section examines the international legal definition of *refugee* and the historical construction of the refugee as a *category of person*. This definition, promulgated after World War II by the United Nation's *1951 Convention Relating to the Status of Refugees* and later expanded in 1967 by the *United Nations Protocol Relating to the Status of Refugees*, frames the contemporary international/humanitarian domains and structures the legal references within which they function in the protection of, distribution of goods to, and care for the refugee.

Section three explains the way the guidelines of the *1951 Convention* are interpreted and implemented by nation-states. The dispenser of asylum is the nation-state which has the privilege and authority to assimilate international directives with the tenets of the sovereign territory of the state.

The fourth section chronicles the historical antecedents and evolution of the concept *refugee* as detailed in Biblical heritage and Jewish tradition.

The chapter closes with a synopsis of the discourses and discursive practices that have contributed to the shaping of contemporary notions about what it means to be a refugee.

## 1.1. Contemporary Discourses about Refugees

The Katrina disaster of 2005 is the starting point for this first section. The dominant discourse on refugees is examined through the identification of metaphors and historical archetypes (verbal and visual) that portray *refugee* as a concept and a subject. The media, being the mainstay of information about refugees, steers a massive network of forums for discussing refugee issues. Examined will be the imagery and commentary used in publications and broadcasts that have an impact on the public perception of refugees. It is then shown how these rhetorical commentaries, coupled with images and buzz words, have been woven into a substratum of prior knowledge that defines the social identity of refugees and influences public action regarding refugees.

### 1.1A. The Katrina Disaster Discourse

Events surrounding the 2005 Katrina hurricane that descended upon the Gulf Coast provided an unsolicited and valuable opportunity for documentation of the concepts and interpretively rich understanding the word *refugee* holds for a broad cross-section of contemporary society. Hurricane Katrina made landfall in Louisiana on August 29, 2005 and by August 31st eighty percent of New Orleans was flooded, with some parts under fifteen feet of water.<sup>1</sup> How to describe the trapped, hungry, and homeless residents of New Orleans and other Gulf Coast cities became a matter of controversy. Within hours

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<sup>1</sup> NOAA, (National Oceanic and Atmospheric Administration). <http://www.katrina.noaa.gov/>.

of the storm's impact, the word *refugee* was being bandied about loosely by reporters and media commentators to describe the crowds of people affected by the hurricane. CNN's live coverage of the Katrina hurricane reported:<sup>2</sup>

New Orleans resembled a war zone more than a modern American metropolis Tuesday, as Gulf Coast communities struggle to deal with the devastating aftermath of Hurricane Katrina. Frustration was also rising among people who now find themselves *refugees* in their own city.

On September 3, CNN's Jeff Koinage had already compared the situation on the ground to that of "a refugee camp in a Third World Country."<sup>3</sup> Story after story made the connection between New Orleans' unfolding tragedy and the familiar but distant plight of the world's refugees.<sup>4</sup> As the situation worsened, the world watched with disbelief as this humanitarian crisis of gigantic proportions unfolded. The reports used terms as: "a sea of refugees",<sup>5</sup> "hordes of desperate refugees scrounge for food, water and attention",<sup>6</sup> and "tens-of-thousands refugees descend on Houston."<sup>7</sup> As the media reports continued, a debate quickly ensued as to whether or not the term *refugee* was appropriate in the current context. Protests soon began to inundate media outlets. Many were disturbed to

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<sup>2</sup> "New Orleans Shelters to Be Evacuated: Flood Waters Rising, Devastation Widespread in Katrina's Wake," narr. Cooper. *Nightly News*: CNN-Cable News Network (31 August, 2005). <http://www.cnn.com/2005/weather/08/30/katrina/index.html>

<sup>3</sup> "Katrina Hurricane," narr. Koinage. *Transcript of 'On Air' Report*: CNN- Cable News Network (3 September, 2005). <http://transcripts.cnn.com/transcripts/0509/03/ltn.06.html>

<sup>4</sup> Patrick McCormick, "Hung out to Dry," *U.S. Catholic*, 1 Dec 2005, p. 46-47.

<sup>5</sup> McCormick, "Hung out to Dry," p. 48.

<sup>6</sup> Joseph Treaster and Deborah Sontag, "Local Officials Criticize Federal Government over Response," *New York Times: the National*. 2 September 2005. <http://www.nytimes.com>.

<sup>7</sup> Sarah Kaufman, *The Criminalization of New Orleans in Katrina's Wake*, New York: Social Sciences Research Council, (2005). <http://understandingkatrina.ssrc.org>.

hear the media refer to the Katrina victims as refugees finding the term offensive, derogatory, and demeaning when applied their compatriots.<sup>8</sup> Newspaper readers, television viewers, and radio listeners alike objected to the use of the term.<sup>9</sup>

Vigorous debates about the proper use of terms began among copy editors and on journalism listservs. "It almost made them sound like they were some kind of alien group," said Mark Effron, vice president of news/daytime programming for MSNBC.<sup>10</sup>

Given what we're dealing with, there was a sense in the word 'refugee' that it somehow made these United States citizens, into aliens or foreigners or something less than they are. It just felt like the wrong word.

Bill Marimow, managing editor at National Public Radio in 2005, released a two-paragraph statement discouraging the use of the word refugee.<sup>11</sup> The National Association of Black Journalists encouraged editors to choose more accurate terms such as evacuees, victims, or survivors.<sup>12</sup> A number of media organizations, including *The Chicago Tribune*, *The Washington Post*, *The Wall Street Journal*, *The Baltimore Sun*, *The*

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<sup>8</sup> Tina Daunt and Robin Abcarian, "Katrina's Aftermath: Survivors, Others Take Offense at Word 'Refugees'," *Los Angeles Times*. 8 September 2005. <http://articles.latimes.com/2005/sep/08/entertainment/et-refugee8>.

<sup>9</sup> Dana Hull, "What's in a Name? Does 'Refugee' Depict the Desperate Plight of Katrina's Victims, or Does It Insult U.S. Citizens?," *American Journalism Review* Oct/Nov, (2005). <http://www.ajr.org/archive.asp>.

<sup>10</sup> Robert Pierre and Paul Farhi, *Refugee: A Word of Trouble*, U.S. Committee for Refugees and Immigrants, (7 September 2005). <http://www.refugees.org>.

<sup>11</sup> "Are Katrina's Victims 'Refugees' or 'Evacuees?'" narr. Pesca. National Public Radio (5 Sept, 2005). <http://www.npr.org/templates/story/story.php?storyId=4833613>

<sup>12</sup> Brian Dominick, "Racism, Nationalism, and the 'Refugee' Debate," *The News Standard*. 11 September 2005. [http://newstandardnews.net/alivewires/staff/content/?show\\_item=2343](http://newstandardnews.net/alivewires/staff/content/?show_item=2343).

*Miami Herald*, National Public Radio, NBC, CBS, Fox News, and CNN decided to cease using *refugee* in reporting the Gulf-coast events.<sup>13</sup>

The controversy over the use of *refugee* by the media quickly cascaded into articles and commentaries devoted to covering the debate itself. Some of these posts kindled even more hostility. In a report about term usage and controversy, Eric Deggans of the Los Angeles News Group commented that "*refugee* has become the *R-word*."<sup>14</sup> Many of the storm victims chimed-in as well declaring that the use of *refugee* was unacceptable. "I can't stand people calling me a refugee," one evacuated New Orleans resident complained, "I am an American and I love America."<sup>15</sup> Tyrone McKnight, resting outside a Baton Rouge shelter where 5,000 displaced New Orleanians were being housed, had this to say:<sup>16</sup>

I am a law-abiding taxpayer, not a refugee. I worked everyday and paid my taxes before this happened to me.

The heated controversy compelled religious leaders and government officials to join in the fray. Jesse Jackson, members of the Congressional Black Caucus and other civil rights advocates criticized the media and others for using the term *refugees*. Reverend Jackson stated that *refugee*<sup>17</sup>

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<sup>13</sup> Richard Prince, *Pulling Back on Refugee*, The Maynard Institute for Journalism Education, (5 September 2005).

<sup>14</sup> Eric Deggans, "When It Comes to Coverage of Hurricane Katrina's Aftermath," *Long Beach Telegram/Los Angeles Newspaper*. 8 September 2005. [http://findarticles.com/p/news-articles/press-telegram-long-beach-calif/mi\\_8074/is\\_20050908/coverage-hurricane-katrinai/ai\\_n47587208/](http://findarticles.com/p/news-articles/press-telegram-long-beach-calif/mi_8074/is_20050908/coverage-hurricane-katrinai/ai_n47587208/).

<sup>15</sup> "Help Arrives, Too Late for Some," narr. Roberts. *Evening News*: CBS/AP (29 September, 2005). [http://www.cbsnews.com/stories/2005/08/29/katrina/main802131\\_page2.shtml?tag=contentMain;contentBody](http://www.cbsnews.com/stories/2005/08/29/katrina/main802131_page2.shtml?tag=contentMain;contentBody)

<sup>16</sup> Pierre and Farhi, *Refugee: A Word of Trouble*.

<sup>17</sup> Dominick, "Racism."

. . . implies a foreign 'other' which demeans the largely African-American group the term is currently being used to describe. It is racist to call American citizens *refugees*.

In response to the continued objections Wayne Greene, the editor of the *Tulsa World* in Oklahoma City, notified his staff:<sup>18</sup>

Saturday afternoon we decided to not use the word *refugee* in reference to the evacuated people, even though that's a perfectly good English word that describes what they are. It's an issue that the Congressional Black Caucus has raised saying that it makes the people sound like second-class non-citizens. Under the argument that we'd rather switch than fight, we will use the words *evacuee* and *displaced people*. Other generics are fine. Please maintain that style. [emphasis in the original]

Danna Hull, reporting from the Congressional Black Caucus, recorded this comment made by the Democratic Representative from Michigan, Carolyn Cheeks Kilpatrick:<sup>19</sup>

First of all, the people are not refugees. They are American citizens. They pay taxes. They raise their families. They help America grow. And I wish the media would call them American citizens and not refugees, which relegates them to another whole status.

On September 4, 2005, Eric Zorn of the *Chicago Tribune* wrote an article entitled "Refugees vs. Evacuees." This article was a tripwire for debates as it drew responses from some very high ranking persons. The Reverend Al Sharpton, the President of the NAACP, and several members of the United States Congress went on-the-record with their definitions and ideologies about refugees as posted in the *Chicago Tribune*.<sup>20</sup>

They are not *refugees*. They are citizens of the United States. They are citizens of Louisiana and Mississippi, taxpaying citizens. They

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<sup>18</sup> Prince, *Pulling Back on Refugee*.

<sup>19</sup> Hull, "What's in a Name?."

<sup>20</sup> Eric Zorn, "Refugees Vs. Evacuees -- the Distinctions and the Difference," *Chicago Tribune* (On-line Blog Feed). 5 September 2005. [http://blogs.chicagotribune.com/news\\_columnists\\_ezorn/2005/09/refugees\\_vs\\_eva.html](http://blogs.chicagotribune.com/news_columnists_ezorn/2005/09/refugees_vs_eva.html).



are not refugees wandering somewhere looking for charity. These people are victims of neglect and a situation they should have never been put in the first place, said the Reverend Al Sharpton.

It's [*refugee*] an offensive term. These people are fellow Americans. Using the word *refugee* makes it sound like they are not one of us, said Bruce Gordon, president of The NAACP.

They are not refugees. I hate that word, said U.S Rep. Elijah Cummings, D. - Maryland.

*Refugee* calls up to mind people that come from different lands that have to be taken care of. These are American citizens, was said by the U.S. Rep. Diane Watson, D. - California.

The *San Francisco Chronicle* posted these comments by President Bush.<sup>21</sup>

The people we're talking about are not *refugees*, they are Americans and they need the help and love and compassion of our fellow citizens.

Robert Miranda of *The Hispanic Vista Report* posted:<sup>22</sup>

The slow response to support and help the victims of Hurricane Katrina is pathetic, now the media adds to the pain of the people impacted by this disaster by labeling them *REFUGEES* [emphasized in original], in essence, inferring that Black people are not American citizens.

In an e-mail, *Washington Post's* assistant managing editor, Don Podesta, notified his writers:<sup>23</sup>

We are using evacuee, survivor, and displaced people. The executive editor, among others in the newsroom, felt that *refugees* implies [sic] people fleeing political persecution or war. Our dictionary supports that connotation.

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<sup>21</sup> Dick Rogers, "Refugees Kicks up a Storm," *San Francisco Chronicle*. 12 September 2005. [www.sfgate.com](http://www.sfgate.com).

<sup>22</sup> Robert Miranda, *The People of New Orleans Are Not Refugees* On-Line News Service, (8 September 2005). <http://www.hispanicvista.com/HVC/Columnist/rmiranda/090805Miranda.htm>.

<sup>23</sup> Hull, "What's in a Name?."

*Business Week On-Line* posted this comment from an angry reader identified as Mike Reardon:<sup>24</sup>

Refugees are displaced nationals, who remain isolated in camps, for 3, 5, or 30 years, and they are not allowed to enter into the local population. We have here our own citizens who will not have housing, or employment to return to and so must relocate. *They will only be refugees if we encamp them without hope or action.* I hope that families, employers, and states services will welcome these new neighbours. [emphasis added]

These reactions to the use of *refugee* reflect powerfully harsh collective sentiments about what it means to be a refugee: *[they] are not one of us, aliens, have to be taken care of, wandering . . . looking for charity* (as opposed to being victims), *isolated in camps*, and *to be without hope or action*. The very word *refugee* was hated by the Congressman from Maryland and considered racist by the Reverend Jesse Jackson.

Social position is inextricably linked to authority, legitimacy, and social correctness. The man of authority in the Katrina tragedy that citizens and reporters alike anxiously awaited a statement from was the Mayor of New Orleans, C. Ray Nagin. Mayor Nagin expressed a familiar sentiment in his remarks, a powerful statement about what is acceptable for foreigners living in this country and suffering alongside citizens. Here is the quote:<sup>25</sup>

It is the idea of storm victims as outsiders -- as others, as foreigners -- that is driving some people crazy. If those *refugees* are not quite Americans, not quite our own, it becomes acceptable for the nation to do less than its *best by them*. [emphasis added]

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<sup>24</sup> Daunt and Abcarian, "Katrina's Aftermath."

<sup>25</sup> Adrian Walker, "Refugees in Their Land," *Boston Globe*. 5 September 2005. <http://www.boston.com/news>.

The Katrina incident brought together a broad variety of voices expounding on a singular reference, *refugee*. When bundled in this fashion it is not difficult to recognize the way value orientations, attitudes, and interpretations of our world are endorsed, reinforced, and coalesced cultivating by a discourse with a shared frame of reference. The Katrina tragedy illuminated the social cultural context of contemporary beliefs about refugees. The language that articulates those beliefs affects everyone: bystanders, newspaper readers, victims, communities (religious, cultural, and beyond), the media, politicians, and the high ranks of government.

### **1.1B. Discourses of the Media**

The Katrina victim-versus-refugee debate highlighted the power of discourse as something that does more than articulate the understanding of an issue or subject. The word *refugee*, as this war on words suggests, carries a heavy semantic charge. *Refugee* struck a discordant note across social strata exposing strong notions of national identity, what it means to be a citizen as opposed to foreigner, to be of one race as opposed to others, and to be responsible tax payers as opposed to hopeless encamped people looking for charity.

Discourses also have an illocutionary force (i.e. how speaking certain words constitutes a form of action). *Refugee* did not only describe the images and events of the storm it also insulted, inflamed emotions, and fostered a sense of social responsibility. There is a perlocutionary force (i.e., how saying something has subsequent consequences) inherent to discourses as well. The Katrina discourse unified a large social response which, in turn, had consequences for the media coverage as well as national policy.

But the Katrina conversation must be understood in the context of a much larger discourse. This larger discourse has, over time, deposited layers of shared

understandings about the world making communication and the sharing of information possible. Ways of *knowing* the refugee as a shared knowledge (true, false, or somewhere in-between) are integrally bound to the sources of our information and the dissemination of that information. Mass media has perfected the art of gathering and reporting the news over the past century. Distribution of the news has progressively widened the audience base through the bulk distribution of newspapers and journals, the broadcast radio, televised –news, on-the-field video, documentaries, and instantaneous web based e-sources. These, along with the ever popular sound-bite, have become the means through which several generations have had access to a large part of our information about the world. But the media is not merely a vehicle through which information is shuttled. It is in the media that social issues are given a forum and a common vocabulary is crafted for discussing the issues. Therefore, mass media can be considered a focal point in the discursive construction of the public image of and shared knowledge about the refugee.

The language and images chosen by the media, then, can be powerful tools for conveying, circulating, and maintaining key words, phrases, and visual impressions that become instantly recognizable frames of reference for unfamiliar or highly complicated issues. One of the more effective discursive tools used by the media to present information in a way that is easily understandable is the metaphor. Metaphors are particularly useful for defining, understanding, or virtually experiencing new phenomena because they serve as carriers of meaning from a situation that is well understood to one that is not.<sup>26</sup> Popular discourses are embedded with metaphors that have become a way

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<sup>26</sup> Paul Ricoeur, *The Rule of Metaphor: Multi-Disciplinary Studies of the Creation of Meaning in Language*, (Toronto: University of Toronto Press, 1979), p. 57.

of linking refugees to other narratives and images, such as citizenship, stability, security, human rights, peace, and warfare. The linking of *refugee* through metaphors is not merely a colorful way of presenting information, it is also part of an interpretational schema through which information about refugees is presented, received, understood, and accepted.

The metaphor, as a rhetorical device, has played a powerful role in creating and reinforcing notions of the refugee as helpless, silent, not belonging, or some-*thing* to be feared. Most people have experienced the *refugee* within the narrow parameters of a few metaphoric themes such as wanderers, aliens, invaders, and scavengers. A brilliant example of the mental image that *refugee* conjures up for many people is verbalized Mr. McKnight.<sup>27</sup>

The image I have in my mind is people in a Third World country, the babies in Africa that have all the flies and are starving to death. I am not a refugee and I am in America.

While most people have never been to Africa, a Third World country, or a refugee camp, the conceptual reality embodied in *refugee* sits in stark contrast to the known reality of *citizen*, specifically, American citizen. Reporters, in using *refugee* to describe and inform the public of the events surrounding the Katrina Hurricane disaster, had tapped into a prior knowledge or a collective memory that, over a long period of time, established frames of reference and stereotypes about our selves as well as refugees. One way these frames of reference have gained stability is through the production and reproduction of metaphoric themes which, if left unquestioned, become an inner logic that can structure our interactions; they become the taken-for-granted ideas that legitimate the reality they

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<sup>27</sup> Pierre and Farhi, *Refugee: A Word of Trouble*.

portray. Taken together, this is the discursive landscape that channels energies and guides the imagination in the refugee lexicon.

As such a powerful tool, metaphors have the same potential to influence actions in the care of refugees, particularly when invoked by a credible source. The media is one such credible source. The media has a definitive aura of authority because the listening, reading, watching public is inclined to accept media descriptions of political issues, persons, and/or social events as factual as opposed to fictional.<sup>28</sup> Therefore, the media's choice of metaphors in framing cultural narratives does not come without material consequences.<sup>29</sup> In the case of Katrina, the material consequences were manifest as a change in reporting policy and Congressional action. This strength or power of the metaphor, then, is not necessarily in the origin or the truth of the metaphor, but rather in the discursive and/or visual landscape it defines, constrains, and creates as reality. The metaphors that inform and structure a reality about *refugee*-ness have been and will continue to be a powerful force for action embedded in the dominant discourse on refugees.

Josef Stern argues that metaphors function "not in isolation but as belonging to a family or set that organizes a network of motifs."<sup>30</sup> The metaphorical family expressing the threat of invasion, either by force or contamination, has contributed to a large portion of the collective identity of refugees. This family of invasion/contagion metaphors consists of a distinctly recognizable sub-class of metaphors related to war, water, plagues,

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<sup>28</sup> James Paul Gee, *Social Linguistics and Literacies: Ideology in Discourses*, 2nd ed., (London: The Falmer Press, Taylor & Francis, 1996), p. 142.

<sup>29</sup> Gee, *Social Linguistics*, p. xi.

<sup>30</sup> Josef Stern, "Knowledge by Metaphor," *Midwest Studies in Philosophy* 25, no. 1 (2001), p. 214.

the uninvited, and the unwanted. The implications of war and the uncontrollable nature of water underscore the irregular unpredictable circumstances of entry into sovereign territory. It is this type of invasion that brandishes refugees (and asylum seekers) as invaders warranting extreme measure to protect ourselves with physical, geographic, or political barriers.<sup>31</sup> The erection of barriers adopts a more intimate quality when metaphors of disease or plague are invoked; the barrier inferred is one of distance. Both invasion and contagion metaphors arouse a sense of alarm and suggest the need for self-protection. Because these two metaphoric motifs do so in distinctly different ways, they will be detailed separately.

Invasion metaphors that reference war or water tend to center on the point of arrival, overwhelming numbers, or arrogation of authority. Invasion is successfully communicated as populations *pour over* borders. They arrive in *swarms*, *tides* and *waves*, threatening to *swamp* and overrun host communities. Wilbanks draws attention to conventional uses of water (drip, stream, and flood) in describing *flows* of refugees.<sup>32</sup>

The following is a political cartoon, entitled *The Wave*, as published in *The Harold Tribune*, 1992. Captured in this one image is the power of water coupled with the fear of being inundated by huge numbers of refugees. It leaves a lasting impression. It is reprinted here with the permission of The Harold Tribune.

*The Wave* illustration captures the full force of the quality of metaphors to transfer ideas and meaning from a known concept to another "by analogical extension, [to] some

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<sup>31</sup> Dana W. Wilbanks, *Re-Creating America: The Ethics of U.S. Immigration and Refugee Policy in a Christian Perspective*, (Nashville, TN: Abingdon Press, 1996), p. 22.

<sup>32</sup> Wilbanks, *Re-Creating America*, p. 22.

domain to which those ideas do not immediately apply."<sup>33</sup> Water metaphors yield a type of momentum to the dominant discourse on refugees. And, as mentioned above, metaphors spur action. The water metaphors either alone or coupled with images, such as *The Wave*, create a sense of urgency for action by receiving nations to *stem the tide*.



Figure 1.1. The Wave<sup>34</sup>

The language of war and battle has often been used to describe the threat refugees pose to national security. As these perceptions of threat accumulate, an increasingly complex system of language cues emerge effectively distancing the refugee. These cues disengage the refugee from his/her context and situate the refugee as a subject in the context of our fear. The closer in proximity refugees come to western borders, the

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<sup>33</sup> Wilbanks, *Re-Creating America*, p. 22.

<sup>34</sup> Jim Moran, *The Wave*, 1992. [www.MiamiHerald.com](http://www.MiamiHerald.com).



greater the emphasis shifts from the protection *of* refugees to the protection *from* refugees.<sup>35</sup> W. Gunther Plaut states it this way, "Many observers see the fear of refugees (and immigration) replacing the former fear of nuclear war."<sup>36</sup>

The fear of threat by invasion is the substratum defining the narrative landscape of protectionist attitudes and policy making. Protectionist language and the metaphors of barriers have been rhetorically repackaged and perpetuated in literary works as well. Books entitled *Fortress Europe*,<sup>37</sup> *the Guarded Gate*,<sup>38</sup> and *The Beleaguered Gatekeeper*<sup>39</sup> alert the reader to the subject content merely by reading the cover. Because the perceived threat of refugees has the ability to stir strong public emotions, the *refugee threat* has been used to command attention and generate an urgency to act in other forums. For example, a serious contender for the 2010 Sundance Film Award is a motion picture entitled *Climate Refugees*.<sup>40</sup> The title is meant to tap into that known fear of refugee invasion and link it to the speculative consequences of global climate change. The need for protection from invaders is reinforced when used in conjunction with other metaphoric phrases such as climate wars, environmental national security risks, and

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<sup>35</sup> Emek M. Ucarer, "Managing Asylum and European Integration: Expanding Spheres of Exclusion?," *International Studies Perspective* 2, no. 3 (2001), p. 298.

<sup>36</sup> W. Gunther Plaut, *Asylum: A Moral Dilemma*, (Westport, CT: Praeger Publishers, 1995), p. 6.

<sup>37</sup> "Fortress Europe Raises the Drawbridge," narr. Reynolds. *Nightly World Edition*, London: BBC NewsLondon (2002). <http://news.bbc.co.uk/>

<sup>38</sup> Norman Zucker and Naomi Zucker, *The Guarded Gate: The Reality of American Refugee Policy*, (San Diego: Harcourt Brace Jovanovich, 1987).

<sup>39</sup> Michael Kagan, "The Beleaguered Gatekeeper: Protection Challenges Posed by UNHCR Refugee Status Determination," *International Journal of Refugee Law* 18, no. 1 (2006).

<sup>40</sup> *Climate Refugee*, Directed by Nash. Los Angeles: Left Hook Entertainment & Yarmony Foundation, (2009).

atmospheric nuclear terrorism (as noted earlier by Plaut). The metaphor does not need to be accurate or the statement true, the strength of the metaphor is in the discursive and/or visual landscape it defines, constrains, and creates as reality. It is in the discursive realm of invasion and barrier references that actions and interactions with refugees are structured from a point of defense: pre-entry criteria, screening and deterring practices, defensive border controls, asylum hearings, and containment of refugees in distant places.

Erecting barriers adopts a more intimate quality when metaphors of disease or plague are invoked. Contagions invade in a slightly different manner and immediately cue the need to distance as well as to barricade. Contagions do receive attention. That attention is directed at keeping the contagious at a distance. Defensive barriers are typically thought of as geographic so that metaphors of disease, attributed to travelers or refugees, suggest a disregard for spatial boundaries, a threat to normal function, and the possibility of contamination.<sup>41</sup> Metaphorical descriptions of the refugee as an *infestation* appeal to the fear of a contaminant that spreads quickly and indiscriminately. For example, in April of 2006, the UN High Commissioner for Refugees, Antonio Guterres, responded to a statement made by British National Party Chairman Nick Griffin during his trial. Commissioner Guterres is recorded to have said:<sup>42</sup>

It is chilling to read that a European politician [Chairman Griffin], albeit one from a minor party, was recently in court for -- among other grotesque statements -- describing refugees seeking asylum as *cockroaches*.

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<sup>41</sup> Tim Cresswell, "Weeds, Plagues, and Bodily Secretions: A Geographical Interpretation of Metaphors of Displacement," *Annals of the Association of American Geographers* 87, no. 2 (1997), p. 338.

<sup>42</sup> Antonio Guterres, "Abusers or Abused?," *Refugees* 142, (2006), p. 3.

Refugees have been turned into *faceless bogeymen* by an unscrupulous popular press. He [the refugee] as a foreigner is the *prey*, the *enemy*, the *cockroach* that needs to be crushed. Unfortunately they [refugees] are increasingly victims of intolerance in asylum countries as well as intolerances that forced them to leave their own country.

Much can be said about these statements and the metaphoric harangue; however, it is what these statements do that deserves notable attention. Sadly, there are no good words here about refugees, no counter discourse that identifies the refugee as a human person in the context of human tragedy or deems it a dishonor to speak of courageous people in such a derogatory manner. The discursive landscape is identical from both the Chairman on trial and the Commissioner advocate. The repetition of descriptive images such as *faceless bogeymen* and the *enemy* maintain and continue to fix the conceptual boundaries for thinking about refugees. The discursive parameters are further limited by Commissioner Guterres' affirmation that refugees are the same (unwanted and not tolerated) everywhere, locally, in asylum countries, and in their home countries as well. The Chairman and the Commissioner are both people in power and their statements can be understood as endorsements that influence the way other people act. The embedded message in these statements is consistent, it establishes the norm; refugees are not like ordinary people and are unwanted by all.

Protectionist metaphors regarding refugees are also often likened to contagions of diseases or plagues. Too many refugees, it is feared, will *infect* our cities with their crime; even their poverty is *contagious*.<sup>43</sup> It is considered a new *outbreak* or *rash* of refugees when there is a sudden forcible movement of people. Diseases, swarms, and

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<sup>43</sup> Cresswell, "Weeds, Plagues," p. 338.

contagions need to be stopped, hence the quasi-justification in keeping the *gate guarded* and contain refugees at a distant location. A clear division is constructed that separates the citizen from the asylum seeker that descends like a *plague of locusts* on land that is not his/her own.

In recent years, refugees from the wars in the European Balkan Peninsula, South and Southwest Asia, and the Middle East have been the flash-point for some of these same fears of invasion and contamination of local communities. The political cartoon, Figure 1.2, illustrates the personification of contagion as cultural dilution. Though this sketch was produced in 1921, the message remains relevant in the 21<sup>st</sup> Century. Clearly, the message is that too many *foreigners* or *aliens* will contaminate the host population.

To be practical, no nation can open its doors to all the world (even if all the world were to wish to take advantage of the possibility). Plaut so aptly reminds us:<sup>44</sup>

. . . the passion we can muster on their [refugee] behalf stands in inverse relation to the numbers of refugees whose cases we take up. Keep this human trait in mind, there seems to be an in-built limit to the sympathy that we can bring to bear on the problems of refugees, and for that reason it is essential to supplement our natural passions with strong moral convictions.

By focusing on the immense number of persons seeking refuge and not on lives or the danger those lives are in, it becomes extremely difficult to humanize or personalize the refugee. That is to say, aid to refugees is about *life*. At times, alleviating the suffering of *life/lives* is pre-empted by a message that offers a perpetual supply of hopelessness or triggers fear with images of numbers too large to comprehend. It becomes evident that this family of invasion/contagion metaphors presents a forceful and persuasive stronghold

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<sup>44</sup> Plaut, *Asylum*, p. 71.

for self preservation. Gradually these metaphors can attenuate the fervor of altruistic encounters, both in quality and quantity.

A distant cousin to the invasion/contagion family of metaphors is that of the uninvited guest. An *uninvited guest* is not expected to force themselves upon others. There is an expectation that foreigners (refugees and others) ought to go through proper

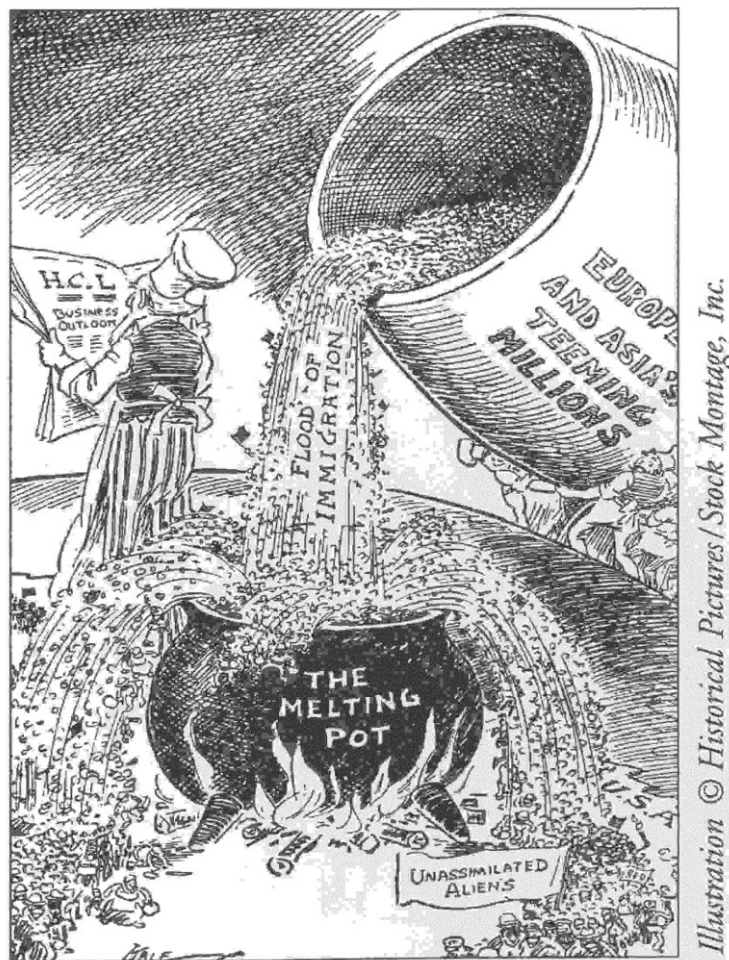


Illustration © Historical Pictures / Stock Montage, Inc.

"Spoiling the Broth"

Figure 1.2. Spoiling the Broth. A. Gale Cartoon. Stock Photo of the UCD History Project.<sup>45</sup>

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<sup>45</sup> A Gale Cartoon, *Spoiling the Broth*, 1921, The UCD History Project. <http://historyproject.ucdavis.edu>.

procedures of verification before being granted admittance. Deviation from this social norm of order could be cause for contention. Refugees (and asylum seekers) have often been portrayed as an imposition on our hospitality or to make demands on resident citizens. As *The Wave* illustration suggested, there is a sense that refugees can *pour* in or *bulldoze* their way in to the country. Disregard for proper entry procedures would add *trespasser* to the refugee persona. Not to wait his/her turn or to evade and bypass procedure would be brash and contemptuous. Presenting false documents or fallacious claims can be considered to show such disregard. It is often referred to as *queue jumping* when an asylum seeking refugee perpetrates some act of purposeful deception, fraud, or other ruse in order to *storm* past others or get beyond the border barrier.

*Queue jumping* is repelling because it offends our sense of fair play. The *queue jumping* metaphor invokes images of someone shoving their way to the front of an otherwise orderly line. Such an offence can be the reassurance needed to justify a tough approach in dealing with those who try to *stampede* their way in. A failure to obey the rules of common courtesy reinforces the sense of the offender not being a compatriot and amplifies the sense that such people do not belong in *our* society. Disregard for the law or proper procedure is characteristic of a criminal, not a person with the virtue of patience and gratitude. Rupert Colville expresses his concerns about the *uninvited* and *queue jumping* family of metaphors:<sup>46</sup>

The notion of *queue jumping* is perpetuated by a mistaken belief that somewhere there exists an orderly line of refugees patiently being processed by international or host governments. This essentially constructs two types of refugees, those that are compliant (good) and those that are not. [emphasis in original]

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<sup>46</sup> Rupert Colville, "Words and Images," *Refugees* 142, no. 1 (2006), p. 14.

Compassion is found to be better directed to those people who wait their turn *patiently* in *squalid* refugee camps overseas . . . nothing evaporates compassion faster than the feeling you're being tricked, by exaggeration and lies, into compassion. [emphasis in original]

Colville's observations offer insight to the way rhetoric of this nature can alter the disposition for compassion. The consequences for compassion abatement (in the form of donor restraint or even withdrawal) are very real. Sadly, such sentiments often shift concern away from the well-being of refugees to self-protection.

Malkki has suggested that a refugee *sea-of-humanity* is more accurate than a *queue*.<sup>47</sup> Malkki is quick to point to the fact that the *queue* analogy fails to acknowledge that (for many) there is no queue to join, that refugee camps which are intended to provide safety are often themselves a site of violence and abuse, and the waiting out time in camps may never produce the asylum or safety so often sought.<sup>48</sup> Liisa Malkki understands that "refugees occupy a place in the collective imagination as desperate, brown-skinned, hoping to gain from our beneficence," and that the message being sent is, "*They* are what *we* are not, *they* want what *we* have, *they* are not *us*."<sup>49</sup> Yet, Malkki and others are hopeful that increasingly the precarious existence of refugees (even after they have escaped an initial violent conflict) is being recognized.<sup>50</sup>

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<sup>47</sup> Liisa Malkki, "Speechless Emissaries: Refugees, Humanitarianism, and Dishistoricization," *Cultural Anthropology* 11, no. 3 (1996), p. 388.

<sup>48</sup> Malkki, "Speechless Emissaries," p. 388.

<sup>49</sup> Malkki, "Speechless Emissaries," p. 384.

<sup>50</sup> Malkki, "Speechless Emissaries," p. 397; B.E. Harrell-Bond, "Can Humanitarian Work with Refugees Be Humane?," *Human Rights Quarterly* 24, (2002), p. 481; Charlotte Dufour, Veronique de Geoffroy, et al, "Rights, Standards and Quality in a Complex Humanitarian Space: Is Sphere the Right Tool?," *Disasters* 28, no. 2 (2004); MORI (Market & Opinion Research International), "Attitudes toward Refugees and Asylum Seekers," Refugee Week Commissioned Report (UNHCR, 2002).

A parallel theme to being in the *queue*, *jumping the queue*, or otherwise out-of-line is to be *rootless*. Metaphoric *uprooted*-ness conveys disparity and weakness in a distinctive way. Without roots a *thing* becomes weak, unproductive, and powerless; it is transient and with minimum loyalties. Things are *uprooted* because they do not belong. Stereotypical representations of refugees in the media as wandering in the desert and descriptions of fleeing people arouse a communal fear. A *rootless transient* is a taker from the community and not contributor or *grass-roots* member. Cresswell explains the analogy this way:<sup>51</sup>

They (refugees) are like *weeds*, unwanted where their roots were.  
They colonize available ground and crowd out the thriving  
community.

The capacity for moral agency is rhetorically circumvented because the *uprooted* are regarded as not sharing any responsibility or culpability in the community. Lack of responsibility or culpability reaches its logical conclusion in being a burden; a burden which the community or society must bear. This is especially true where communities (refugee camps included) have come to see assistance as a discretionary charity rather than a moral or legal obligation.

Defining a person as something analogous to *rootless*, *uprooted*, or scattered about indiscriminately fails to attribute any contextual or historical human reference at best; at its worst, it fails to acknowledge the human struggle against forces more powerful than themselves. Operating within the framework of a lesser moral agency, these innocent persons become labeled as a *consequence* or *product* of circumstances, such as of war or political upheaval. Once personified as a *product* or *consequence* (foreseeable

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<sup>51</sup> Cresswell, "Weeds, Plagues," p. 335.



or unforeseeable), the *product* is now a *problem*; a drain on resources. Being a *product* is the antithesis of an individual with agency, skills, or with the capacity to contribute and be an asset to their new communities. A *problem* is not a contributor; a large *problem* calls on the whole of the community to share the *burden* or solve the *problem*. If it is the *refugee problem* or the *humanitarian problem* then it is yet another unquestioned moment in the refugee lexicon.

Present but not noticed is that the refugee almost never speaks. Moral agency is further obscured by this silencing of refugees. Critically linked to the speechlessness of refugees is, again, the image of helplessness. In an article entitled *The Refugee Experience: Defining the Parameters of a Field of Study*, Barry Stein claims that "refugees are helped because they are helpless; they must display their need and helplessness."<sup>52</sup> This vision of helplessness and silence is inextricably linked to the essence of *refugee-ness*: helpless victims need protection – they need someone to speak for them. In his/her place is the journalists' still photo.

By now, the images have become familiar to us all: a city of fluttering tents in the blazing sun, people walking barefoot in the dust, and the child lifting an empty bowl. The visual representations of refugees, by donation campaigns as well as the media, appear to have become a singularly translatable mode of knowledge about them. Allen Feldman's essay on *Cultural Anesthesia* describes these kinds of images as:<sup>53</sup>

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<sup>52</sup> Berry Stein, "The Refugee Experience: Defining the Parameters of a Field of Study," *International Migration Review* 15, no. 1/2 (1981), p. 327.

<sup>53</sup> As quoted by Liisa Malkki in Malkki, "Speechless Emissaries," p. 388. Feldman's essay can be found in its entirety in Allen Feldman, "On Cultural Anesthesia: From Desert Storm to Rodney King," *American Ethnologist* 21, (1994).

Generalities of bodies – dead, wounded, starving, diseased, and homeless – are pressed against the television screen as mass articles. They function as pervasive depersonalization, an anonymous corporeality . . .

Images of this kind make it very difficult to draw a parallel between *them* – the anonymous corporeality – and *us* – television viewer or newspaper reader. Words like eyewitness and testimony can be misleading. A particularly poignant example can be found in a *Life* magazine special feature called *Eyewitness Rwanda*.<sup>54</sup> A short opening paragraph introduces six pages of full-color photographs of human genocide in Rwanda. This short paragraph reads:<sup>55</sup>

What persist are images – a handful of pictures from among the thousands that have raced before our eyes on videotape or stared out from our daily newspapers. They require no elaboration. In their silence, they tell the story of Rwanda.

The *eyewitness* in this report was not a survivor or relative of the 1994 Rwanda Genocide, nor was it a person at all. The eyewitness is the lens of the camera and the cameraman's perspective. The *story* is left to us. The story, however, is theirs to tell not ours to fabricate. Casting refugees as helpless silent victims denies their very real participation in and experience of a lived world. And while refugees are well aware of their powerlessness in the face of ongoing wars and political conflicts, they are nonetheless agents in creating their own meanings in the world, their communities, their relationships, and their lives.

On the positive side, the representations do not have to remain fixed, but can be modified by subsequent representations and counter discourses. Any complete account

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<sup>54</sup> "Eyewitness Rwanda," *LIFE* 17, no. 9 (1994).

<sup>55</sup> "Eyewitness," p. 74.

of media representations of refugees, visual or rhetorical, ought to include factors that exist beyond the immediate setting. This calls for accompanying captions, texts or commentary with a narrative sequencing of the encapsulate/pictured refugee. Pictures in the media of suffering people may truly invite the audience to experience moral compassion at a distance; they can mobilize compassion. A subjective awareness of the limits of the media and the viewer's capacity for relating to and alleviate the suffering in distant places should not be minimized.

### 1.1C. Buzz Words in Discourse

Buzz words are considered here as coinages or recognizable phrases that may have a wider meaning than the mere words suggest. Only two examples of these phrases have been chosen and both occur in the political forum. First, a front page article in the *NewStatesman* headlined: *The Truth About Health Tourists*. The first paragraph of this article deserves to be quoted.<sup>56</sup>

Happy New Year; we don't want your sort here! Only a few days into 2004 and it looks like being another year in which the two big political parties compete to be the toughest kid on the refugee policy block . . . As though asylum-seekers and refugees didn't *generate enough foam* in parliamentary mouths, we now also have 'economic refugees' to contend with.

The title functions as a sound bite that not only establishes the *Truth* or validity of the statement to come, it also sets the tone. A *tourist* is generally not a citizen, is transient, and has no responsibility or culpability for maintenance of the community they visit. The title is constructed so as to beg the question, "Who are these *tourists*?" and "Did we not know the truth?" A closer analysis makes it obvious that the first statement (generally the

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<sup>56</sup> Andrew Simms, "The Truth About Health Tourists," *New Statesman*, (2004), p. 30.

first thing that is read) "we don't want your kind here" follows the *Truth* in the title. If one reads nothing more, they already know that the *Tourist* is unwanted. Foaming at the mouth generates the visual metaphor of the mad dog. It is a powerful image of politicians *going mad* over multiplying fronts of onslaught they must protect against. Clearly the message is that the refugee is a recurring *problem* on many levels and that *problem* is getting larger.

Understandably curious cultures, exotic dress, unfamiliar traditions, and uncommon values can be challenging for communities to assimilate. As has been shown, such cultural differences may be considered a threat to the identity, the stability, and the congeniality of communities. The buzz-word or phrase *Not In My Backyard* – frequently abbreviated to NIMBY in the press – has been used to refer to the stiff opposition which local citizens mounted to prevent individuals or institutions that they considered undesirable from moving into their communities. The Canadian Refugee Council posted this commentary on its website in 2004:<sup>57</sup>

On 29 December 2004, Canada closed the door on most refugee claimants seeking protection at the US-Canada border.

Item #10: The *goal* and the effect of the agreement is to reduce the number of refugees who can claim refugee protection. By implementing this agreement, Canada joins a sorry group of countries that take the "Not In My Backyard" approach to refugees.

The significance of the phrase *not-in-my-back-yard* is that it is predicated on the reader's prior knowledge of the use of this cliché in reference to a previous social issue, the nuclear power plant. According to the *Oxford Dictionary of New Words*, NIMBY was

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<sup>57</sup> Canadian Refugee Council, *10 Reasons Why Safe Third Country Is a Bad Deal*, (29 December 2004). <http://www.ccrweb.ca/10reasons.html>.

coined in about 1980 by the head of the American Nuclear Society, a pro-nuclear group.<sup>58</sup> The Canadian website's message can be interpreted more than one way. On the one hand, the statement (as a whole) can be interpreted to express regret; on the other hand, it links refugee policy to a strongly contested social issue. Regressive and/or restrictive policies are often the consequence of the negative and unquestioned logic at the core of our understanding of refugees.

Conspicuously absent in the mass of media generated discourse is the refugee him/her self. The burden of refugees is a burden experienced by the refugees yet defined and debated by others. Refugees have become the *hot potato* in humanitarian efforts as well as political debates and will likely continue to be at the center of heated debates everywhere. The discursive landscape of such debates can have material consequences for the care and aid of refugees.

#### **1.1D. Donation Discourses: The Live-Aid Message**

Humanitarian action is the focus of most altruistic yearnings and is familiar to the vast majority of people only through the media.<sup>59</sup> Television, a particular form of mass media, and more recently the internet have the advantage of transmitting images of geographically remote events with little or no time lag and they provide the sense of being in contact with those who otherwise we would never have met. While these mediated productions lack the opportunity for the face-to-face interchange, they do engage large groups of people in order to provide beneficence for a group of distant

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<sup>58</sup> *Oxford English Dictionary*, 11th Oxford, Oxford University Press, (2010). <http://library.jcu.edu>.

<sup>59</sup> Luc Boltanski, *Distant Suffering: Morality, Media and Politics*, trans. Burchell, (Cambridge: Cambridge University Press, 1993), p. xiv.

persons who are shown to be suffering from such things as poverty, famine, or political oppression. The most traditional means of engaging refugees is through news broadcasts and charitable appeals hosted by recognizable media personalities. Such performances or telecasts bring into the ordinary and private lives of millions of people situations and events which are extraordinary by their scale and ability to shock and disturb. The television and news documentaries of the famine in Ethiopia in the mid-1980s captured public attention to such a degree that it generated international media events like *Band-Aid and Live-Aid*.

Such media events, as *Live-Aid*, have had a pivotal position in the responsive action of western populations to the needs and sufferings of persons at a significant distance. While these events occur annually, biannually (or less often) and are short-lived when they do occur, they can play an integral part in constructing discourses which characterize all human beings as of equal worth without being patronizing or unintentionally disparaging. Apart from activities geared to monetary donations, these events present occasions for moral learning within the confines of the family or household conversations. They present opportunities for the general public to participate in ways other than by just watching television. These events have initiated and served as models for the patterning of other fund-raising events such as charity walks, school projects, and donation boxes at the local checkout.

There are other considerations, however, in the message of these planned and choreographed events. These messages reinforce the language and notion of a *First World* (economically developed nations, a *Third World* (nations lacking industrial infrastructure with low per capita income/lacking natural resources), and in the case of

refugees, a *Fourth World* (people without a nation). These terms truly prohibit the face-of-the-other from being recognized as members of the same world as us. It also presents the image of the flow of material aid as an act of charity that occurs on the periphery of life and not as a part of our lifeworld; the occasion to contribute or respond to the needs of these distant desperate people comes around once a year or so. Interestingly, Meehan conducted a study that suggests the amount of donation or funds raised for assistance by these events is often in a positive proportion with the level at which the audience feels entertained as well as by considerations of care and caring.<sup>60</sup>

The significance of these powerful fund-raising practices is the customary linking of refugees to a categorically different world, creating much of the "us" and "them" perspective. This can be said of all the metaphorical and rhetorical practices discussed. Laden with undertones of domestic/national jeopardy, they can be formidable when considering that public opinion is constantly being constructed. Ultimately, in our portrayal of others we define ourselves.<sup>61</sup> The overall perception of the refugee(s) as a *problem*, as a *threat*, and as a need for barricades (i.e., to keep them out) precludes seeing the similarities between these persons and our selves. These identifiers have imbued a disposition to respond and react to challenges posed by the global refugee population in characteristic ways. Essentially, the publicly constructed identity of refugees, validated by one's peers, and buffered by fear can be seen as having a powerful impact on the willingness to aid refugees and consequently *care-for* the refugee.

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<sup>60</sup> Eileen Meehan, "Commodity Audience, Actual Audience; the Blind Spot," in *Illuminating the Blindspots: Essays Honoring Dallas W. Smythe*, ed. Wasko, Mosco, et al., (Norwood, NJ: Ablex Publishing Corp., 1993), p. 384.

<sup>61</sup> E. Goffman, *Stigma: Notes on the Management of Spoiled Identity*, (Englewood Cliffs, NJ: Prentice-Hall, 1963), p. 5-6.

## 1.2. International Discourses: The Ethos of Political Refugee

This section will chronicle the evolution of the definition of refugee, clarify who is and who is not a refugee, and review the rights of both the refugee and nation-states as prescribed in the United Nations discourse concerning refugees. In review are the foundations for the definition of *refugee* within the 1951 *UN Convention Relating to the Status of Refugees* and the period leading up to that Convention along with the 1967 *Protocol Relating to the Status of Refugees* that relieved the limitation of the 1951 *Convention* document. These two guidelines are generally referred to in tandem as the *1951 Convention cum Protocol* and will be referred to as such within.

This section closes with the circulating discourses concerning gender persecution as a valid reason for refugee status and a short discussion of gender persecution, what some of the issues are, and the contentious debates relating to the interpretation of political persecution in regard to gender specific issues.

### 1.2A. Refugee Defines Refugee

A refugee is first and foremost a person with an identity, a past, a history, a cultural heritage, and a subjective experience of their life events. A refugee is a person who crosses two lines simultaneously; by crossing an international border they also cross a line that separates national responsibility from international responsibility. Being a refugee is about the human person in the context of fear, danger, and forced movement. Escape represents a fundamental break with social and familial systems founded on safe relationships and protected citizenship.<sup>62</sup> Becoming a refugee is a process that starts with

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<sup>62</sup> E. Valentine Daniel and John Knudsen, eds., *Mistrusting Refugees*, (Los Angeles: University of California Press, 1995), p. 19.



events in the refugee's home country. These events set them on the path of a long journey that comes with no guarantees.

**Don't Call Me Refugee**

If everybody calls me a refugee /  
why do you say that to me? /  
Some people say / it is my true nickname /  
but don't call me that way. //

I am a child of flesh and blood too /  
so don't take me / as a torn bag, not you.//  
I had myself a ball, a doll /  
blocks I made towers of /  
but now it is ashes and smoke all.//

I am not an orphan, I am not /  
lost and found on a street, /  
I am, like you / by a mother born.//

I have eyes, nose, mouth, ears /  
I have good and bad sides in my soul /  
have you too that all? //

I know how to laugh too /  
and I know how to cry as well /  
so don't think if you call me /  
a refugee that I differ from you. /  
Look at me well / and you will see yourself.

(Manana Burazovic, 12 years old)

Figure 1.3. Don't Call Me Refugee<sup>63</sup>

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<sup>63</sup> Majana Burazovic, "Don't Call Me Refugee," in *The Suitcase: Refugee Voices from Bosnia and Croatia*, ed. Mertus, Tesanovic, et al., (Berkeley: University of California Press, 1997), p. 135.

The refugee has a name and a voice. The person most qualified to answer the question "Who is a refugee?" is the person who has experienced being a refugee. The following poem was published in *The Suitcase*, an anthology of refugee stories.<sup>64</sup>

### **1.2B. Conventions & Global Discourse Define Refugee**

As shown in both the Katrina narratives and media discourses, the image and concept of refugees exists in a constellation of discourses. The current international definition of *refugee* clarifies the legal status of refugees everywhere, but does not exist in isolation. The international, legal, and humanitarian discourses are yet other vectors crossing in the discursive landscape that shape the interpretation and applications of this definition. The accepted legal definition of *refugee* has its own historical and political bibliographic repertoire that renders a depth of understanding to the way *refugee* appears in international and nation-state discourses. In an effort to understand the meaning of *refugee* it is necessary to examine the trail of political events.

The present legal and internationally recognized definition of a refugee was originally promulgated by the *1951 United Nations Convention Relating to the Status of Refugees* held in Geneva (herein the 1951 Convention) and was later expanded in 1967 by the *United Nations Protocol Relating to the Status of Refugees* (herein as the 1967 *Protocol*). The legal definition of refugee in the international community is currently defined in the *1951 Convention cum 1967 Protocol* as a person who:<sup>65</sup>

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<sup>64</sup> Julie Mertus, Jasmina Tesanovic, et al, eds., *The Suitcase: Refugee Voices from Bosnia and Croatia*, (Berkeley: University of California Press, 1997), p. 135.

<sup>65</sup> UNHCR, "Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees," HCR/IP/4/Eng/REV.1 (United Nations High Commissioner for Refugees, 1992). Art 1. <http://www.unhcr.org>.

. . . owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

The above definition of *refugee* is revised from the restrictive limitations of the original *1951 Convention's* definition. Written shortly after the Second World War, the original document defined the refugee as existing in a designated place (Europe) and time (prior to January 1951). The *1951 Convention's* definition excluded most of those seeking protection located outside Europe. It also placed an historic barrier upon access to protection -- those eligible for refugee status must have been affected by events prior to January 1951.<sup>66</sup> In effect, refugees had been brought into being in a specific time and place.<sup>67</sup> As war and persecution shifted from Europe to countries in the developing world, provisions of the *1951 Convention* no longer addressed those persons in areas other than Europe. The *1967 Protocol Relating to the Status of Refugees* removed both the temporal and geographic restrictions of the *1951 Convention* and extended the umbrella of refugee protection globally. It is this *1951 Convention cum Protocol* that is at the core of international law regarding refugees.

This legal and internationally recognized definition of *refugee* anchors the dominant discourse on refugees at a fixed point. The legal ascription of *refugee* as a category of person is predicated on the existence of a world of sovereign nation-states,

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<sup>66</sup> Philip Marfleet, "Refugees and History: Why We Must Address the Past," *Refugee Survey Quarterly* 26, no. 3 (2007), 139.

<sup>67</sup> Guglielmo Verdirame and Barbara Harrell-Bond, *Rights in Exile: Janus-Faced Humanitarianism*, (New York: Berghahn Books, 2005), p. xiv.

the premise being that human rights are the responsibility of a state to its citizens. Once a person crosses over the international border of their home state to escape persecution their own government's jurisdiction no longer reaches them and therefore can no longer protect them, provide for them, or hopefully harm them. This is the point at which the definition of refugee is a vital dimension of international refugee law.

The legal definition of refugee identifies persecution (*a well-founded fear of*) as the key qualifier for the designation of refugee and thus for the protection and assistance assumed under international law represented first and foremost by the United Nations High Commissioner for Refugees (UNHCR).<sup>68</sup> However, persecution is a term left to interpretation and the actual granting of asylum is a right of the state in which the individual seeks refuge. That is to say, the state of in which the refugee seeks refuge is not required to grant asylum and has the privilege and authority to objectively interpret what constitutes *persecution* as opposed to the subjective interpretation of persecution by those seeking asylum. The nation-state has the right to assimilate international directives with the tenets of the sovereign territory of the state and not recognize the refugee (asylum seeker) as having the rights, protection, and privileges of a citizen of that state. Being granted the legal status of refugee is extremely important then, because it makes available the protection and care provided by the UNHCR.

The groundwork for the mechanisms by which the refugee is presently defined was normalized in the course of events prior to the birth of the UNHCR in 1951. The

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<sup>68</sup> Stephen John Stedman and Fred Tanner, eds., *Refugee Manipulation: War, Politics, and the Abuse of Human Suffering*, (Washington, D.C.: Brookings Institute, 2003), p. 140.

inaugural event of an international understanding of refugee as a *category-of-person* came in the 1920s.

In 1921 the newly established League of Nations High Commissioner for Refugees (LNHCR), under the auspices of the League of Nations project, emerged as the first international organization explicitly mandated to deal with refugee situations.<sup>69</sup> The need for such an organization was warranted by the unprecedented displacement of vast numbers of people in the heart of Europe before and after the First World War. The early years of the twentieth century, between 1911 and 1920, featured events including dissolution of empires, famines, and war. The First World War and the Russian Revolution forced the movement of thousands who would be unable to return home and found it difficult to gain legal entry into another country. The convergence of these events brought about the rapid displacement of many millions of persons in a relatively short time. The displaced millions were on the move in an effort to save their lives, to be sure, but their movements also disrupted the relations of states and territories. These events created a situation with severe human consequences and drastically altered the political environment, concomitantly forcing an alteration of the strategies and practices of regimentation which territorially grounded traditions of the sovereign state.<sup>70</sup> The general view among states was that a regimented institution needed to be designed to safeguard their sovereignty while coordinating their fragile desire to protect the

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<sup>69</sup> Nevzat Soguk, *States and Strangers: Refugees and Displacements of Statecraft*, (Minneapolis: University of Minnesota Press, 1999), p. 107.

<sup>70</sup> Soguk, *States and Strangers*, p. 103.

refugees.<sup>71</sup> It had become apparent that cooperation between states and for states (to safeguard their sovereignty and citizens) was now imperative. The League of Nations was petitioned to assist nation-states overwhelmed by the influx of people and the need to defend their territories.

The world of sovereign states was not alone in its difficulties. In spite of the efforts by a host of organizations such as the International Red Cross, the Save the Children Fund, the International Union for Helping the Children, and various other Red Cross societies across Europe, these organizations realized that "their work would not suffice" and that "the problem [of the 800,000 Russian refugees] should be dealt with in a more centralized manner."<sup>72</sup> These philanthropic organizations petitioned for assistance from the League of Nations as well.

The League of Nations recognized that dealing with millions of refugees was beyond the capacity of both philanthropic organizations and nation-states that "lacked the mutually agreed-upon mechanisms to carry out the immense amount of negotiations necessary to address the *problem* refugees posed for them."<sup>73</sup> The League of Nations responded in the establishment of the League of Nations High Commissioner of Refugees (LNHCR). The inauguration of the LNHCR was to shape the enduring and lasting meaning and practice of humanitarianism. The development of the international refugee regime, led by the LNHCR in 1921, marks the beginning of a distinct history of collusion

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<sup>71</sup> Michael Barnett, "Humanitarianism with a Sovereign Face: UNHCR in the Global Undertow," *International Migration Review* 35, no. 1 (2001), p. 251.

<sup>72</sup> United Nations, "Memorandum from the Committee International De La Croix-Rouge," (1921). [www.un.org](http://www.un.org). as quoted in Soguk, *States and Strangers*, p. 105.

<sup>73</sup> C. A. Macartney, *Refugees: The Work of the League*, (London: League of Nations, 1929), p. 20. as quoted in Soguk, *States and Strangers*, p. 109.

between humanitarianism and practical political concerns.<sup>74</sup> The need for and the founding of the LNHCR "firmly conferred upon the refugee a central role in the field of human displacement, thus marking the beginning of what many have come to call the century or age of the refugee in modern state politics."<sup>75</sup>

The refugee, in the early 20th century world of states, was the antithesis of the community of citizen-constituents. *Refugee* was defined in terms of an aberration to the established norm, the sovereign nation-citizen-state. The simple definition of *refugee* was that the refugee was not a citizen; and a citizen was not a refugee.<sup>76</sup> Being that the refugee was defined in terms of what they lacked, citizenship, the approach to the burgeoning number of refugees (at the time) was predicated on the precept that:<sup>77</sup>

. . . [the] refugee is a territorial and security problem. Where the constellation of citizen/nation/state is regarded as the primary concern: the refugee is accorded a secondary status as an aberration of that norm.

The refugee continued to be defined as a problem based on his or her territorial ties to their country of origin. For example, the *Convention on Refugees* in 1926 formally defined the Russian refugees as "any person of Russian origin who does not enjoy or who no longer enjoys the protection of the government of the Union of Soviet Socialist Republic and who has not acquired another nationality."<sup>78</sup> It was not until after the Second World War that *refugee* was defined as a condition of a more broad and generic

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<sup>74</sup> Soguk, *States and Strangers*, p. 107.

<sup>75</sup> Soguk, *States and Strangers*, p. 103.

<sup>76</sup> Soguk, *States and Strangers*, p. 35.

<sup>77</sup> Soguk, *States and Strangers*, p. 35, 107.

<sup>78</sup> Barnett, "Humanitarianism with a Sovereign Face," p. 250.

territory and not until the 1967 *Protocol* that the definition of refugee was revised and refined so as to be applicable everywhere and at any time.

There are several distinguishing characteristics of this definition which establish a set of assumptions that construct the reality of the refugee experience. The discursive formation of the refugee, as embodied in the current definition, is intended to provide legal interpretative guidance for governments, legal practitioners, decision-makers and the judiciary, as well as UNHCR staff carrying out refugee status determination in the field. Once a person has been conferred the status of refugee, then and only then do they *enjoy* the rights of a refugee. Below is a list of the rights accorded to the refugee followed by its corollary meaning.<sup>79</sup>

1. The refugee has the right to leave their country and escape oppression.

There is no corresponding right to asylum.

The right of states to grant asylum, rather than the rights of the individual to gain asylum, is paramount in international practices.

2. A person cannot be declared to be a refugee until *after* the border into another country has been crossed.

Essentially, escape means being outside of the home nation.

3. Those escaping to different place within the country are defined as the Internally Displaced and are not protected by the UNHCR, nor do they have the rights afforded a refugee.

Escape also means being an uninvited guest in a new nation. That is unless visas, border passes, and/or other permits had been arranged.

4. Conferring the status of *refugee* is the exclusive right of the territory offering asylum.

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<sup>79</sup> Tony Kushner and Katharine Knox, *Refugees in an Age of Genocide*, (London: Frank Cass, 1999), p. 12-14.



Escaping across a recognized border does not guarantee refugee status. Nor does it guarantee asylum. (as above)

5. Conferring the status of *refugee* is determined by the country in which one seeks asylum.

Even if a person believes himself/herself to be a refugee, it is not the individual's subjective perception of threat that qualifies as persecution, but rather it is the host state's interpretation of persecution (a foundational criterion) that has precedence.

6. Once outside the boundaries of citizenship, all decisions become the privilege of others.

7. Refugees do have human rights, but those rights are difficult to exercise.

8. The UNHCR is designed to be protector of those human rights.

It is clear that nation-states are the ones that give identity to, define, and determine the solution to the refugee *problem*. As the *uninvited* guest, the refugee is a beneficiary beholden to the State for: a) granting asylum, b) for determining worthiness of the refugee status, c) for bestowing that status, and consequently d) for the assistance gifted by that status. Assistance emerges as presupposing that the flows of interaction and material aid are all one way, and as aid is a *gift* (funded voluntarily), it is not expected that anyone (most especially the recipients) should examine the quality or quantity of what is given. The structure of refugee protection and care must be understood in the light of the unquestioned logic, 'beggars can't be choosers.'

### **1.2C. Clarifying Discourse: Who Is Not a Refugee?**

The differences between refugees as defined by the 1951 *Convention cum Protocol* and other displaced persons are important and necessitate a brief explanation. Refugee policy identifies basic threats to the individual as usually divided into three (3)

categories: persecution, vital (economic) subsistence, and natural calamities.<sup>80</sup> The assembly of these three categories of persons is identified as *persons (populations)-of-concern* by the UNHCR. At the close of 2008, the total population-of-concern was nearly forty-two (42) million persons.<sup>81</sup> Refugees, defined as politically persecuted and having crossed the internal border, constituted 15.2 million of these persons; of these, only 10.5 million refugee-persons were receiving protection or assistance from the UNHCR at the end of 2008.<sup>82</sup>

Notably, the UN 1951 *Convention cum Protocol* definition of *refugee* does not include those persons displaced from their homes (due to persecution or fear of harm) yet remaining within the internationally recognized borders of their home country.<sup>83</sup> Persons that do not cross the border of their country of citizenship are (as a matter of law and policy) categorized as Internally Displaced Persons (IDP).<sup>84</sup>

Victims of natural disasters are not considered to be refugees under the 1951 *Convention cum Protocol* definition. The loss of the *necessities-for-survival* is not the criteria for *refugee-hood*.<sup>85</sup> While events such as the Banda Aceh tsunami and, of course,

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<sup>80</sup> Atle Grahl-Madsen, "Identifying the World's Refugees," *Annals of the American Academy of Political and Social Science* 467, no. 1 (1983), p. 17.

<sup>81</sup> UNHCR, "2008 Global Trends: Refugees, Asylum-Seekers, Returnees, Internally Displaced and Stateless Persons," Annual Report on State of Refugee Worldwide (UNHCR, 2009), p. 2. <http://www.unhcr.org>

<sup>82</sup> UNHCR, "2008 Global Trends UNHCR," p. 2.

<sup>83</sup> Stedman and Tanner, eds., *Refugee Manipulation*, p. 140.

<sup>84</sup> Barbara Crossette, "UN Studies How Refugees Qualify to Get Assistance," *New York Times*. 14 January 2000, A7.

<sup>85</sup> UNHCR, "2004 Global Refugee Trends," (United Nations High Commissioner for Refugees, 2005). p. 23. <http://www.unhcr.org>; Verdirame and Harrell-Bond, *Rights in Exile*, p. 227.

the Katrina Hurricane left millions without food, shelter, and water, the victims are not refugees. *Refugee-hood* has a political antecedent (gender persecution being the exception that has been debated). Refugees, unlike those who are tragically without their basic needs due to a natural disaster, have a well founded fear of persecution.

Shacknove, in his often cited 1985 article *Who Is A Refugee*,<sup>86</sup> explains the reasons for victims of natural disasters to be excluded from the definition of refugee. Natural disasters are not considered political events. However much debatable, the bonds uniting citizen and state are said to endure even when the infrastructure or harvest of a region is obliterated.<sup>87</sup> Disaster victims may be forced to move in-land or across state lines to secure personal safety, in which case they are again classified as Internally Displaced Persons (IDP). These victims of natural disasters would still not be considered refugees even if they crossed an international border for safety as there is no *well-founded fear of persecution* and *no fear of harm* when (if) they are able to return. So that even if the victims of the Katrina hurricane had fled across the US border to Mexico, they would still not have been defined as refugees. Though victims of natural disasters are not legally refugees, the UNHCR, as well as other agencies, can be requested to provide services to the victims if a country so chooses to invite them.

On the matter of criminal persons, application and interpretation of Refugee law has remained consistent. Criminal elements seeking escape from prosecution, members of the military (AWOL or conscientious objectors), or those considered being held

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<sup>86</sup> Andrew Shacknove, "Who Is a Refugee?," *Ethics* 95, no. 2 (1985).

<sup>87</sup> Shacknove, "Who Is a Refugee?," p. 279.

hostage are excluded even if an international border has been crossed.<sup>88</sup> There are circumstances, however, that make identifying criminal elements very difficult when people move across borders *en masse*.

<u>Who Is a Refugee</u>	<u>Who Is Not a Refugee</u>
<ul style="list-style-type: none"> <li>• Refugee must be civilian</li>   <li>• Must cross a border</li>   <li>• Unable to Return due to Well Founded Fear of Physical Harm</li>   <li>• Political Persecution / Involuntary (<i>Pushed Out</i>)</li>   <li>• Passed Legal Status Determination Process</li>   <li>• Must be found to be Persecuted acc. to State (Subject to State Interpretation)</li>   <li>• Fleeing Gender Persecution (Subject to Interpretation)</li> </ul>	<ul style="list-style-type: none"> <li>• Members of Military</li>   <li>• Internally Displaced Persons: (Fled home but not crossed border)</li>   <li>• Victims Disaster, Famine, Drought (even if a border has been crossed)</li>   <li>• Criminals escaping prosecution</li>   <li>• Deliberate / Voluntary: seeking <i>better life</i> (pulled out; education, economic, health)</li>   <li>• Asylum Seekers not yet granted Status or Asylum</li>   <li>• Persons Held Hostage</li>   <li>• Fleeing Gender Persecution (Rape, Female Genital Mutilation, family planning, forced abortion)</li> </ul>

Figure 1.4. Who is and Who is not a Refugee

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<sup>88</sup> Shacknove, "Who Is a Refugee?," p. 279.

There is, however, one phenomenon that often causes confusion, which is the term economic refugee, which will be referred to here as immigrant so as to avoid confusion. The fundamental distinction between economic refugees/immigrants and legal refugees is that immigrants choose to leave their countries voluntarily (usually in search of better economic opportunities). This is called being *pulled-out* by the prospect of a better life. Refugees, on the other hand, are considered *pushed-out* of their countries due to human rights violations or fear of persecution. Therefore, immigrants are also sometimes referred to as voluntary migrants or economic refugees. Although this distinction is helpful, it is not free from ambiguity.

#### **1.2D. A Discourse in Contention: Gender Blindness**

Gender persecution has not been fully integrated into the definition of refugee as of now. However, the current circulating discourse reflects a relentless pursuit to this end. The 1951 *Convention cum Protocol* did not recognize those who fled their homes for reasons of gender persecution or harms such as rape, female genital mutilation (FGM) or spousal abuse. However, as the refugee definition has been an evolving international norm, gender persecution issues have gained substantial recognition. War Crime Tribunals and International Human Rights concerns about forced abortions, China's family planning programs, and female mutilation in African societies have captured public attention. In 2002, the UNHCR promulgated guidelines addressing gender-related persecution. The *Guidelines on International Protection: Gender-Related Persecution*<sup>89</sup> are intended to provide "interpretative guidance for governments, legal practitioners, decision-makers

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<sup>89</sup> UNHCR, "Guidelines on International Protection: Gender-Related Persecution within the Context of Article 1a(2) of the 1951 Convention *Cum* Its 1967 Protocol Relating to the Status of Refugees," *International Journal of Refugee Law* 14, no. 2-3 (2007). [http://cgrs.uchastings.edu/law/unhcr\\_un.php](http://cgrs.uchastings.edu/law/unhcr_un.php).

and the judiciary, as well as UNHCR staff carrying out refugee status determination in the field."<sup>90</sup> For a person seeking asylum in the United States of America, the U.S. government accepts that the definition of *refugee* can be interpreted in terms of gender-related issues guided by these considerations.<sup>91</sup>

1. Gender-related persecution is a term that has no legal meaning per se. Rather; it is used to encompass the range of different claims in which gender is a relevant consideration in the determination of refugee status.
2. It is an established principle that the refugee definition as a whole should be interpreted with an awareness of possible gender dimensions in order to accurately determine claims to refugee status. This approach has been endorsed by the General Assembly, as well as the Executive Committee of UNHCR's Programme.
3. Adopting a gender-sensitive interpretation of the 1951 Convention does not mean that all women are automatically entitled to refugee status. The refugee claimant must establish that he or she has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political affiliation.

While there is nothing in the wording of the refugee definition that implied women could not be refugees, the definition continues to be applied with a lack of gender sensitivity. Gender sensitive issues do not clearly meet the criteria of race, nationality, political group, or religion. Many contend that being of the female gender does make women members of a particular social group and therefore do qualify for refugee status consideration and protection.

Flight motives specific to women take many forms. One such issue that remains at the forefront of the current circulating discourse is that of social rules relating to dress.

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<sup>90</sup> UNHCR, "Guidelines on International Protection."

<sup>91</sup> U.S. Committee for Refugees and Immigrants, "Risks and Rights," World Refugee Survey 2006. Washington D.C.: USCRI, (2006). [www.refugees.org](http://www.refugees.org).

While there is no definitive answer yet on whether mistreatment of women over their failure to comply with dress codes qualifies as political persecution, there is continued suffering. Complicating the issue is the fact that many Muslims believe that the Islamic holy book, the *Qur'an* require both men and women to dress and behave modestly in public.<sup>92</sup> If dress code transgressions are seen as a violation of religious tenets, it is one step removed from the political realm and thus not criteria for refugee status. At the most, a dress code infraction is seen [in Muslim countries] as a discriminatory practice, which then may be dismissed from a refugee case as pertaining to a law of general application.<sup>93</sup> This insight can be gained from Figure 1. 6. Regulations, coercions, and persecution center around women's veiled garments, from the head veil *hijab* to the full body garment called the *burqa* or Afghan *chadri* (Figure 1.5).

While some women wholeheartedly embrace the rules, many more protest. Sudan's criminal code allows the flogging or fining of anyone who "violates public morality or wears indecent clothing", albeit without defining "indecent clothing."<sup>94</sup> Successful informal coercion of women by sectors of society to wear *hijab* has been reported in Gaza. Hamas campaigned for the wearing of the *hijab* alongside other measures, including insisting women stay at home, segregation from men and the promoting of polygamy. In the course of this campaign women who chose not to wear the *hijab* were verbally and physically harassed, including stonings, with the result that the *hijab* was

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<sup>92</sup> Ahmed Souaiaia [sic], *Contesting Justice: Women, Islam, Law, and Society*, (New York: State University of New York Press, 2009), p. 4-5.

<sup>93</sup> Thomas Spijkerboer, *Gender and Refugee Status*, (Burlington, VT: Ashgate Publishing Co, 2000), p. 69.

<sup>94</sup> Souaiaia [sic], *Contesting Justice: Women, Islam, Law, and Society*, p. 99.

being worn "just to avoid problems on the streets".<sup>95</sup> Wearing of the *hijab* is enforced in the Kingdom of Saudi Arabia and in the Islamic Republic of Iran as well.<sup>96</sup>

The obligation to veil can be contained in national law or can be based in social practice, custom, and culture.<sup>98</sup> Often it is difficult to identify the government from the social groups, militias, and religious monitors. In India a 2001 "acid attack on four

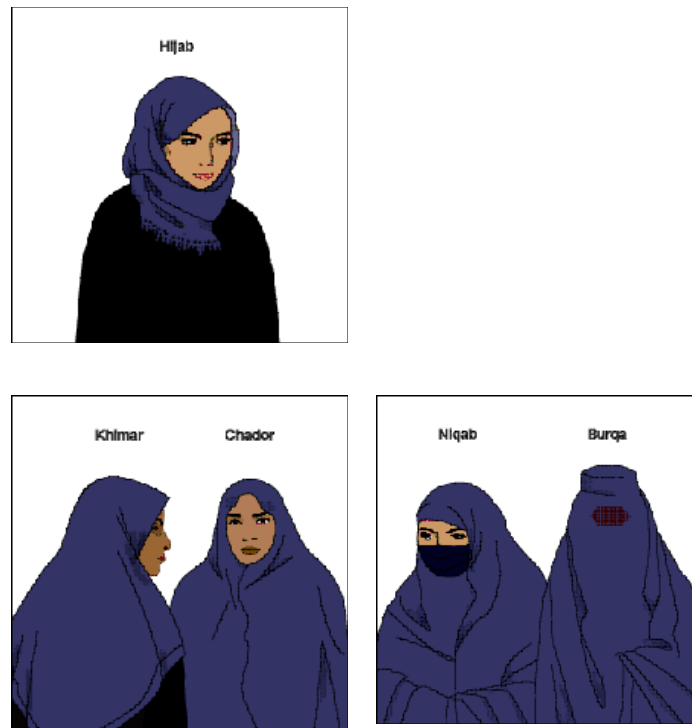


Figure 1.5. Veils. The Hijab is least concealing with full face, hands, and body exposed. The Niqab is a veil that leaves the face and area around the eyes clear but covers hands and full body. The Burqa (in Pakistan: Chadri) is the most concealing of all Islamic veils. It covers the entire face and body, leaving just a mesh screen to see through.<sup>97</sup>

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<sup>95</sup> Cheryl Rubenberg, *Palestinian Women: Patriarchy and Resistance in the West Bank*, (USA: Lynne Rienner Publishers, Inc., 2001), p. 231.

<sup>96</sup> Rubenberg, *Palestinian Women: Patriarchy and Resistance in the West Bank*, p. 230.

<sup>97</sup> *Islamic Veils*, Middle East Illustrations Archives, BBC News, (2005).  
[http://news.bbc.co.uk/2/shared/spl/hi/pop\\_ups/05/europe\\_muslim\\_veils/html/1.stm](http://news.bbc.co.uk/2/shared/spl/hi/pop_ups/05/europe_muslim_veils/html/1.stm).

<sup>98</sup> Dominic McGoldrick, ed., *Human Rights and Religion: The Islamic Headscarf Debate in Europe*, (UK: Hart Publishing, 2006), p. 5.



young Muslim women in Srinagar . . . by an unknown militant outfit, [was followed by] swift compliance by women of all ages on the issue of wearing the *chadar* (see Fig 1:5) in public."<sup>99</sup> Wearing of the *chadri* was enforced by the Taliban regime in Afghanistan. The Taliban's Islamic Emirate required women to cover "not only their head but their face as well, because the face of a woman is a source of corruption for men not related to them."<sup>100</sup> In Basra, Iraq "more than 100 women who didn't adhere to strict Islamic dress codes were killed between the summer of 2007 and the spring of 2008 by Islamist militants (primarily the *Mahdi Armi*) who controlled the police there," according to the CBS news program *60- Minutes*.<sup>101</sup>



Figure 1:6. Dress guidelines in Banda Aceh (Indonesia).<sup>102</sup> The text at the bottom reads: Following the leading Islam principles according to article 13, paragraph 1, every Muslim has to wear Islamic clothing. Whosoever does not follow these accepted Islamic customs will be punished with Tazir crime.

<sup>99</sup> Sandhya Jain. "Acid Test in the Face of Acid Attacks," *The Pioneer* 14 August (2001). <http://meaindia.nic.in/opinion/2001/08/14pio.htm>; Peter Popham, "Kashmir Women Face Threat of Acid Attacks from Militants," *The Independent*, (2001). <http://www.independent.co.uk/>.

<sup>100</sup> M. J. Gohari, "The Taliban: Ascent to Power," (Oxford: Oxford University Press, 2000), p. 108-110.

<sup>101</sup> "Hostage Recalls Basra Kidnapping Ordeal," narr. Stahl. *60 Minutes*: CBS News (22 February, 2009). <http://www.cbsnews.com/sections/60minutes/main3415.shtml>

<sup>102</sup> *Billboard: Dress Guidelines in Banda Aceh (Indonesia)*, Illustrations Archives, BBC News, (2003). <http://news.bbc.co.uk>.

The non recognition of dress code regulation violations as persecution is just one issue in the gender related challenge for inclusion in the definition of refugee. Other issues include persecution in the form of sexual violence against women (e.g., as torture or subversion to husband or State), these are often considered to be the act of a private person and therefore do not qualify. The one Child policy of The People's Republic of China (i.e., involuntary sterilization and abortion), while a violation against human rights, it has not been recognized by many countries as grounds for refugee status.<sup>103</sup>

The international community respects the power of nations to have full discretion in the decision-making process of status determination. The United States has promulgated a policy regarding interpretation of gender persecution. The notion of *other inhumane acts* is presently circumscribed by the recognition that such acts in fact cause injury to human beings in terms of physical or mental integrity, health, and human dignity. Yet these guidelines have not been granted full consultation in the official forum of international discourses. It does, however, continue to be the prerogative of the State to interpret *persecution* according to the tenets of their own state sovereignty. in this manner if they so choose.

### 1.3. Refugees in Nation-State Discourses

This section will consider the way the dominant discourse on refugees has established a trajectory for the nation-states' decision making process in granting refugee status, asylum/entry requirements, and their own participation in the international efforts to aid refugees. Discussed will be some of the competing concerns that governments must face

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<sup>103</sup> Spijkerboer, *Gender and Refugee Status*, p. 72, 82.

and the way institutions established on behalf of the refugee paradoxically help to intensify problemization of the refugee category.

### **1.3A. Assist and Resist Discourses**

The previous sections have demonstrated that refugees are discursively constructed as a *problem*. A *problem* begs for a solution. It also begs the question of who is best suited to solve the problem and to whose benefit will the *problem* be solved. Nation-States have two ways of participating in the refugee *problem*. First, States both define the *problem* and possess the power to solve it. Second, States, either unilaterally or internationally, determine the limits of their assistance. The contributions to and support of aid for refugees are voluntary. The money and support is ours to give, not theirs to claim. It is through this lens that the discursive landscape of the refugee is ensconced thus shaping the approach of nation-states to refugee issues.

Nation-States have a prescribed refugee discourse articulating and circulating a specific refugee identity. This is the discursive context wherein refugees have become a *global problem* and a shared *burden*; *target* populations have been forgotten as human beings in the course of becoming refugees.<sup>104</sup> It is also a discourse with a double vision. On one hand, we engage the refugee on an emotional level, as an object of compassion, with a personal outrage for the indignation they suffer, and a compelling desire to help them. On the other hand, refugees are talked about as an enduring *problem*, carrying with them a *contagious* poverty as they pour over our borders and *invade* our communities. When persons do arrive seeking asylum, there is a confluence of generosity toward them.

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<sup>104</sup> B.E. Harrell-Bond, *Imposing Aid: Emergency Assistance to Refugees*, (Oxford: Oxford University Press, 1986), p. 12.

Yet nation-states tend to prefer their generosity to be maintained at a distance far from their shores. The dominant discourse about refugees has created the refugee as an object to be feared, as a destructive *Tidal Wave* (too many, with more on the way), and a disruption to national identity. It then follows that the discourses about admittance policies will reflect that tone.



Figure 1.7. Darfur At the Front Door: Handout<sup>105</sup>

Refugees exist on this fault line between our desire to alleviate suffering from a distance, and the recoil of our generosity as they become too close. When viewed from a distance, refugees are often portrayed as helpless victims of circumstance, deserving of compassion and assistance. The imagery and language change dramatically as refugees and asylum seekers pursue approach the nation's shores. Once at *the door* refugees

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<sup>105</sup> Bill Daly, *Darfur Handout*, Editorial Cartoon, 2001. <http://www.commercialappeal.com/staff/bill-day/photos/>.

suddenly slough off the facade of helplessness and become a threat to the order and security of the receiving state. They are transformed from a worthy cause and objects of our compassion into beggars at the *gate* asking for handouts. Consider the image presented in a sketch by Bill Day, previously an editorial cartoonist for *The Commercial Appeal*, Memphis, Tennessee.<sup>106</sup>

Wealthier nations have constructed a maze of governmental institutions that function in their role either as guardians of the *gate* or as a guide for those who come through it. Consider this statement by Bill Frelick, a refugee *specialist*.<sup>107</sup>

[The refugees'] concern is not for order, systems, or bureaucracies, nor for the general welfare. Their concern, rather, is for survival – their own and that of their families.

Governments, on the other hand have competing concerns: the sovereignty of borders, relations with neighboring countries, controlling immigration, promoting ruling ideologies, placating public opinion. If offering asylum to a refugee is consonant with those concerns, a government might come to his aid. If, however, the government cannot see a benefit in terms of its own interests, there is little incentive to pay the cost associated with extending protection to the refugee.

In addition to being a potential financial drain and source of other difficulties, refugees, being the consummate survivors, have another trait that makes governments wary of *opening the door*; once here, the refugee may not want to leave.

### **1.3B. Certifiable & Worthy Discourses**

The discursive imagery of the *guarded gate*, of invasion, plague, and contamination has created a barrier of policies directed at pre-screening procedures and quotas. Before the

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<sup>106</sup> Morin, *The Wave*.

<sup>107</sup> Bill Frelick, "No Place to Go: Controlling Who Gets In," in *Forced Out: The Agony of the Refugee in Our Time*, ed. Kismaric, (New York: Random House, 1989), p. 164.

*far-off refugee* can become the *close-up refugee* it is required by U.S. law that he/she undergoes a medical examination in their country of temporary asylum prior to obtaining admission to the United States. The required overseas medical examination has historically been used to identify diseases of public significance, such as infectious tuberculosis (TB), infectious Hansen's disease (Leprosy), infectious syphilis and other sexually transmitted diseases (STDs), and human immunodeficiency virus (HIV) infection.<sup>108</sup> The identification of any of these conditions can both protect citizens and exclude an individual from eligibility to resettle in the United States.<sup>109</sup> It does not, however, afford or offer treatment for an identified condition; the exam is performed as an entrance exam only. Once medically screened, refugees enter the U.S. at one of eight ports of entry staffed by quarantine inspectors of the Centers for Disease Control and Prevention (CDC). The Refugee Act of 1980 authorizes the quarantine inspectors to:

1. Ensure that all the medical documents are available and in order
2. Identify any refugees with medical conditions affecting public health<sup>110</sup>
3. Notify the public Refugee Health Programs (RHPs) of the refugee's arrival and any diagnosed medical conditions.

Refugees then require an asylum hearing before a judge. It is here that the claim of persecution is objectively assessed to be worthy of conferring the legal status of refugee and thus resettle in the United States. If the asylum seeker has family members already

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<sup>108</sup> This is applicable to persons greater than or equal to 15 years of age.

<sup>109</sup> INS (U.S. Immigration and Naturalization Service), "Refugee Medical Assistance: Regulations and History of Time Eligibility," (Government Printing Office, 2002).

<sup>110</sup> Under the banner of public health are: malaria, hepatitis B & C, intestinal or other parasites, and mechanisms for providing immunizations.

in the country or can be sponsored by a resettling agency, the chances are greater that asylum will be granted.

As the western countries have their *guarded gates*, so too refugees have *gated communities*, refugee camps. To live in one of these camps also requires being conferred the official status of refugee; maintaining these large camps is called refugee *warehousing*. Warehousing is the practice of keeping refugees, unable to repatriate, in protracted situations of restricted mobility with no opportunity to integrate into the host country and no prospects for permanent resettlement.<sup>111</sup> Of the world's nearly 10.5 million refugees being cared for by the UNHCR and supported by contributions from nation-states, more than seven million languish *warehoused* in refugee camps or segregated settlements.<sup>112</sup> Guglielmo Verdirame explains:<sup>113</sup>

Warehousing has emerged as an all too convenient means of *disposing of refugees* while the international community attempts to find durable solutions. Human rights cannot be respected in refugee camps.

Indeed the UNHCR's Standing Committee agrees,<sup>114</sup>

The high incidence of violence, exploitation, and other criminal activities are disturbing manifestations of them [refugees] remaining *passive recipients of humanitarian assistance* and continu[ing] to live in *idleness* and *despair*. [Emphasis added]

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<sup>111</sup> Harrell-Bond, "Can Humanitarian Work," p. 550.

<sup>112</sup> Merrill Smith, "Warehousing Refugees: A Denial of Rights, a Waste of Humanity," World Refugee Survey, 2004 (UNHCR, 2004), p. 39-40.

<sup>113</sup> Guglielmo Verdirame, "Human Rights and Refugees: The Case of Kenya," *Journal of Refugee Studies* 12, no. 1 (1999), p. 55; Verdirame and Harrell-Bond, *Rights in Exile*, p. 15.

<sup>114</sup> UNHCR, "Framework for Durable Solutions for Refugees and Persons of Concern," (United Nations High Commissioner for Refugees, 2003). p. 10. <http://www.unhcr.org>.

A major rationale for the warehousing of refugees in camps is that refugees, if *released*, would burden the host society.<sup>115</sup> That they would strain the host society is true. The countries that are in close proximity to parts of the world where civil unrest and political oppression exist are easily strained by large numbers of people in migration. These countries are overwhelmingly poor countries with poor infrastructures. Western countries *share the burden* by means of distributing goods to these nations to support them in their encumbrances. Therefore, the language of *problem-solving* leans toward warehousing and the concept of *burden-sharing* is expressed as supporting poorer countries in their burden of maintaining camps for large numbers of refugees.

The relief model upon which refugee assistance depends is subsidized by the voluntary donations by western countries. The discourse of investment/purchase dominates and directs the procurement of these donations from nation-states and their constituents. It is a discourse articulating contingencies on the donations or gifts. "Donors want the most bang-for-their-buck,"<sup>116</sup> explains Dr. Barbara Harrell-Bond. This language in and of itself may appear seemingly justified. The discourse bespeaks of the positive correlation between the donors' perceived worthiness of the cause, perceived urgency of the message, and a calculated assurance that the least costly/most efficient means to achieve a particular outcome will be exercised. Not to begrudge the fact that consideration of the cause, the urgency, and method of allocation of funds are prudent and necessary, it must be noted that this is a language that also expresses the donor's

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<sup>115</sup> Barnett, "Humanitarianism with a Sovereign Face," p. 255.

<sup>116</sup> B.E. Harrell-Bond, "Are Refugee Camps Good for Children," *The Journal of Humanitarian Assistance*. Working Paper no. 29 (2000), p. 8.



authority to define the desired outcome and fails to communicate the singular importance of the recipient. It is a discourse with less than an ideal fiduciary responsibility to the health and well-being of the refugee.

### **1.3C. Rights Discourses: The Refugee Versus the State**

Rights are inextricably linked to the dignity and respect of the human person, to human rights, and to health outcomes.<sup>117</sup> The 1948 *International Declaration of Human Rights* identifies a person's right to:<sup>118</sup>

- Freedom of movement (Article 13)
- Freedom of opinion and expression (Article 19)
- Freedom to seek asylum from persecution (Article 14)
- Protection from bodily harm: torture or cruel, inhuman or degrading treatment/punishment (Article 5)

These four rights pertain to state controls in regard to members of their populations. The state controls both who may enter and also who may leave their sovereign borders. The freedom of movement (voluntary) can be movement out of and into a state, movement within the borders of a state, and the right to voluntarily return to their country of origin. The person's freedom to leave a state finds its counterpart in the unwillingness of some nations to allow exit to those who wish to leave the country. The right to leave a country (or remain) is intimately bound up with the whole concept of the right to self-determination which is a topic to be addressed in chapter two of this paper. Such

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<sup>117</sup> Paul Farmer, *Pathologies of Power: Health, Human Rights, and the New War on the Poor*, (Berkeley: University of California Press, 2003), p. xxii.

<sup>118</sup> United Nations, "United Nations Universal Declaration of Human Rights," (UN General Assembly, 1948). <http://www.un.org/Overview/rights.html>.

freedoms of (or obstruction) expression provide a basis for the consideration of persecution. The right to seek asylum has been examined in previous sections, but will be recognized in the analysis of the right for protection.

The current discussion takes issue with the paramount right to protection. Protection is a real and ever current imperative owing to the complex and diverse factors that affect the refugee's (and other persons') vulnerability. The right to protection hinges on the potential for harm of the individual. Protection in the context of the refugee is a two pronged right: the first prong being a state's duty to protect the refugee, the second being the entitlement of the refugee to protection. First, it is the duty of States to provide protection to refugees in conjunction with the authority of the UNHCR to provide international assistance in support of that protection duty. Second, refugees are "entitled to the right of protection and to seek asylum."<sup>119</sup> Both rights, to protection and the right to asylum granted to the refugee can be exercised with contingencies. The right to seek asylum, as previously mentioned, is an incomplete right in the sense that the receiving state has no correlative duty to grant asylum. The refugee's right to asylum fails when eclipsed by the state's right to control their borders and decide who may enter. The refugee's right to protection is limited in a large degree by the *principle of non-refoulement*, or non-return. The *principle of non-refoulement* is a negative duty and the starting point for the legal obligation to protect under the international regime and not the right to asylum, as is often thought.

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<sup>119</sup> UNHCR, "The Convention Relating to the Status of Refugees," (United Nations High Commissioner for Refugees, 1951). Article 32 & 33. [www.unhcr.org](http://www.unhcr.org).

The right of *non-refoulement* derives its power in the clarity with which the 1951 *UN Convention cum Protocol* is written "prohibiting the return of a person to the country of origin if a well-founded threat of persecution remains."<sup>120</sup> It is the only right of the refugee that is *allegedly* guaranteed. It (unlike the right to asylum) is binding in international law. However, the refugee does not have the right *to choose* not to ever return. By not clarifying the term persecution, the 1951 *Convention cum Protocol* leaves the interpretation of persecution *ad libitum* of each nation-state; consequently, by default, the threat of continued persecution in the homeland is contingent on that interpretation as well. Western states have taken advantage of this ambiguity as a means of *gate-keeping* or limiting the number of persons that might be granted asylum. The 1951 *Convention* definition specifically allows for a decision which rests not so much on the intent of the persecutor to punish individuals as it does in identifying *serious forms of harm*.<sup>121</sup> This is to say that the circumstances of persecution are evaluated from the perspective of the asylum giver and not the subjective experience of the refugee-claimant. This non-validation of the refugee's experience further eclipses rights and challenges the moral agency of the refugee as a person.

#### 1.4. Historical Discourses

The concept of the 'stranger' has had a central position in the consideration of responsibility for others in society. Mass migrations and refugees are, of course, nothing new. They have existed for as long as recorded history. What is new is the accepted

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<sup>120</sup> UNHCR, "1951 Convention." Art. 33.

<sup>121</sup> Guy Goodwin-Gill and Jane McAdam, *The Refugee in International Law*, 3rd ed., (Oxford University Press, USA, 2007).

definition of *refugee*. This section will explore the rich historical discursive ancestry of the refugee and how this new definition would apply to situations in ancient contexts.

#### **1.4A. Biblical Discourses**

The first documented *refugees* were Biblical, but it is questionable whether they would qualify as refugees under the current 1951 *Convention cum Protocol* definition and thus receive aid, protection, and support from the international community. The following are some well-known biblical personalities and their stories. Each story is reviewed in light of the present definition of refugee. When put to the test, it is interesting to discover which persons would not be eligible for humanitarian assistance in contemporary times.

The following biblical references are taken from the *New Oxford Annotated Holy Bible (NRSV)*.<sup>122</sup>

- The story of Adam and Eve in Genesis 2:15-3:24 recounts their banishment from the Biblical Garden which was their home. (Forced out/non-voluntarily). They were unable to return to the Garden due to a well-founded fear of harm.

Explanation: At a glance it appears that Adam and Eve meet the immediate definition of refugee. In reality, in a refugee status determination process, it would be necessary for them to prove that it was persecution they were escaping. However, they would not qualify as refugees if they were exiled as a criminal penalty. Criminals are not considered for refugee status.

- The story of Noah's "escape from the waters of the flood" in Genesis 7:7 has been a topic of debates the question being whether the events would conform to the current *UN Convention* definition. This debate considers two possible interpretations of motivation for flight.

Explanation #1: If Noah's motivation for *packing-up-ship* to float away from his national home is to escape the *flood* (a natural

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<sup>122</sup> *Holy Bible: The New Oxford Annotated (NRSV)*, (New York: Oxford University Press, 1994).

disaster), then Noah and his family would not qualify as refugees as currently defined.

Explanation #2: However, if Genesis 7:9 is interpreted as a command from God, Noah's leaving might be considered involuntary; an act to escape death. According to this second interpretation, Noah and family might qualify as refugees as currently defined. First, leaving would not have been in effort to evade prosecution for a crime against God (Noah was considered 'worthy' of being saved). Second, Noah was forced out (involuntary) due to a well-founded fear of harm by the wrath of the "ruling power." The decision for refugee status remains clouded by the fact that Noah is unable to return to his homeland, but not for fear of persecution.

- There are two stories recounted of Moses fleeing Egypt. In the first story, Exodus 2:11-25, Moses had killed an Egyptian and feared that if his crime was discovered, the Pharaoh would have him killed for the crime. The story continues to say that Moses fled to the land of Midian, married, and lived there.

Explanation for Story #1: In this situation, Moses was voluntarily leaving the country to avoid prosecution for a crime (not persecution); as such Moses would not qualify for refugee status.

- The second story, particularly at Exodus 13:14-16 culminating with the dramatic chase in Exodus 14:5-29, the Israelites fled Egypt due to persecution and slavery. The event began with the Pharaoh's permission to exit. When the Pharaoh changed his mind, the mass exit turned into fleeing for fear of death.

Explanation for Story #2: Moses and his people were unwilling and unable to return due to this well founded fear. Under these conditions of persecution (well-founded fear of harm, and the inability to return for fear of harm) Moses and his people would qualify for refugee status under the current definition.

- Perhaps the most famous refugee, and least recognized as ever having been a refugee, is Jesus of Nazareth who, as an infant was taken into Egypt to the escape the wrath of Herod. (Mt 2:13-14)

Explanation: Under the conditions that this event is recounted, the child Jesus would qualify for refugee status as would his parents due to the child not being of an age of majority or able to escape on his own accord.

These historical figures and their overcoming of adversity frame many references in contemporary western society. Noah, Moses, and Jesus of Nazareth have been seen as extraordinary persons, the exception rather than the norm. In reality, in the world of international refugee law, they might have encountered an even greater challenge, that of achieving refugee status and thus humanitarian aid. Yet contemporary society rarely portrays refugees in their courage, in their need to be received, as educated persons, or in leadership positions, even though many of these people are or were leaders in their field.

There are many persons, both historical and contemporary, that challenge the stereotypical notions of *refugee*. Figure 1.8 lists a few names of persons that have been refugees. Their names are easily recognizable; their accomplishments are a tribute to the courage and fortitude of the individual to survive great tragedy. They are or were refugees; they just do not fit the contemporary discursive description of *refugee*.

There are many other refugees whose names are not as familiar. The courage and the strength to survive are theirs as well. They live among us and with us. We pass them on the street without a second glance; where there is no *us* and *them*. Each day in their lives is just as precious as each day in our lives. Regard for strangers in their vulnerability and delight in their uniqueness presupposes that we perceive them as equals, vulnerability and delight in their uniqueness presupposes that we perceive them as equals, as persons who share our vulnerabilities and uniqueness.<sup>123</sup> Awareness of other persons in our community is an important step in a readiness to experience the strangers among us as they experience us as strangers.

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<sup>123</sup> Thomas W. Ogletree, *Hospitality to the Stranger: Dimensions of Moral Understanding*, (Philadelphia: Fortress Press, 1985), p. 3.

<b>Persons Who Were Once Refugees</b>	
<b>Adam &amp; Eve</b>	<b>Biblical</b>
<b>Moses &amp; Israelites</b>	<b>Biblical</b>
<b>Jesus of Nazareth</b>	<b>Biblical</b>
<b>Frederic Chopin</b>	<b>19<sup>th</sup> Century Composer</b>
<b>Sitting Bull -</b>	<b>Sioux-Chief/ America to Canada</b>
<b>Albert Einstein</b>	<b>1933 German Scientist</b>
<b>Sigmund Freud</b>	<b>Psychoanalytic / London WWII</b>
<b>Marc Chagall</b>	<b>Painter</b>
<b>Henry Kissinger</b>	<b>Diplomat/ Nobel Prize</b>
<b>Madeleine Albright</b>	<b>US Secretary of State</b>
<b>Gloria Estefan</b>	<b>Cuban/ to Florida</b>
<b>Carl Fabergé</b>	<b>Russian jeweler</b>
<b>Sonia Fuentes</b>	<b>Founder: N.O.W.</b>
<b>Gao Xingjian</b>	<b>2000 Nobel Laureate</b>

Figure 1.8. Notable Refugees in History.

#### **1.4B. Scriptural Discourses: The Refugee in the Talmud**

In his books, *The Torah: A Modern Commentary*<sup>124</sup> and *Asylum: a Moral Dilemma*,<sup>125</sup> the Reform Jewish Rabbi and scholar, W. Gunther Plaut explains the centrality of the concept of the stranger in the Jewish Talmudic Law. This section will rely heavily on these two works of Plaut in an attempt to show the historical significance of the stranger,

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<sup>124</sup> W. Gunther Plaut and David Stein, eds., *The Torah -- a Modern Commentary*, 10th ed., (New York: Union of American Hebrew Congregations, [1981] 1993).

<sup>125</sup> Plaut, *Asylum*.

the weak, and the concept of hospitality in Jewish tradition. The following quotations are as quoted in Plaut's *Torah Commentary*.

Jewish law and tradition developed a distinct ethical approach for dealing with strangers in society. It is an approach grounded in Biblical text and Rabbinic *Responsa*. This rich tradition emphasizes the obligation to extend hospitality to the stranger accentuated by the fact that no other moral commandment is enunciated as frequently in the Hebrew Bible as the following:<sup>126</sup>

You shall not oppress a stranger, for you know the feelings of a stranger, having yourselves been strangers in the land of Egypt. (Ex 23:9)<sup>127</sup>

The Jewish heritage also developed a framework for the ethical treatment of strangers. Plaut explains that the concept of *stranger* has a very specific meaning in the context of the Torah. The Israelite tradition categorized arrivals by their intent to stay permanently or only temporarily. The stranger, or *ger* as written in the Hebrew text, was the term used to refer to the resident non-Israelite who could no longer count on the protection of his native tribe or society.<sup>128</sup> The *ger* might fit the definition of today's refugee, not a criminal and no longer protected by the homeland; although it is unclear if the *ger* exited the homeland/tribe due to persecution and is unable or unwilling to return for fear of harm. The splendid aspect is that the *ger* was to be given every consideration and care so that not only his rights were safeguarded but also his feelings. He was never to be shamed, but treated with kindness; he was treated as a citizen and was required to

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<sup>126</sup> Plaut, *Asylum*, p. 17.

<sup>127</sup> Plaut, *Asylum*, p. 29; Plaut and Stein, eds., *The Torah -- a Modern Commentary*, p. 520.

<sup>128</sup> Plaut, *Asylum*, p. 29.



perform the duties of a citizen.<sup>129</sup> Addressing the *ger* in this manner showed respect for the person as a fellow human being and a moral agent because the stranger not only enjoyed rights and privileges but also reciprocal obligations and responsibilities.<sup>130</sup>

When a stranger (*ger*) resides with you in your land, you shall not wrong him. The stranger who resides with you shall be to you as one of your citizens; you shall love him as yourself, for you were strangers in the land of Egypt; I the Lord am your God. (Lv 19:33-34)

Plaut explains that another term, *zar* or *nochri*, was used for those who's lodging in Israel was temporary and who had not abandoned previous loyalties, nor had been exiled.<sup>131</sup>

The Jewish term of *zar/nochri* was a stranger who, as a visitor, a temporary resident, and with national bonds intact, would not be considered a refugee by the current definition.

Nonetheless, Plaut makes it clear that kindness and respect was to be shown to everyone.

That even the weakest and most vulnerable (considered being widows and orphans) ought not to be mistreated.<sup>132</sup>

You shall not ill-treat any widow or orphan. (Ex 20:20.21)

If you do mistreat them I will heed their outcry as soon as they cry out to Me. (Ex 22:22)

Greater than the reception of God is the practice of hospitality. (Rashi on Gen 18:3)

The position of the orphan, the widow, and the stranger represent the unprotected in society. The fact that all Israel had suffered the fate of being strangers in Egypt

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<sup>129</sup> Plaut, *Asylum*, p. 30.

<sup>130</sup> Plaut and Stein, eds., *The Torah -- a Modern Commentary*, p. 1373.

<sup>131</sup> Plaut and Stein, eds., *The Torah -- a Modern Commentary*, p. 1270; Plaut, *Asylum*, p. 29.

<sup>132</sup> Plaut and Stein, eds., *The Torah -- a Modern Commentary*, p. 1354; Plaut, *Asylum*, p. 30.

emphasized the importance of kindness, hospitality, and thereafter, the stranger, widow, and orphan together became the touchstone of biblical justice.<sup>133</sup>

It is a travesty then, that following the final destruction of the Jewish State in 70 A.D., the Israelites were no longer inhabitants of a country that accepted strangers but became themselves strangers and wanderers of the Diaspora for nearly 2,000 years until the creation of the State of Israel in 1948.

#### **1.4C: Before Refugees There Was Sanctuary and Asylum**

Nation-states and relations among them are central to the identification of refugees in contemporary post-World War II. It was in the post World War II era that the international community agreed upon identifying specific migrating populations as those persons who cross borders with the solitary motivation being protection from persecution.<sup>134</sup> Yet, history is replete with incidents where massive movements of people are documented. The chronicling of ancient events by contemporaries of the time rarely used the term refugee; rather, the concepts of refuge, sanctuary, and asylum were the descriptives. That is, history is written by many authors, each using their own definition of refugee which would include those in exile, those migrating for economic advantages, those avoiding legal punishment, those guilty of crimes (yet not convicted), and those that desire to live within a community that shares a particular set of values.

Prior to the *1951 Convention on Refugees* and the creation of a distinct category of persons, forced and involuntary movement of people has in fact been a part of historic documentation under various categories. Ideas about sanctuary, asylum and refuge have

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<sup>133</sup> Plaut and Stein, eds., *The Torah -- a Modern Commentary*, p. 530.

<sup>134</sup> UNHCR, "Guidelines on International Protection."

an ancient lineage and are found in written records and oral traditions worldwide. The obligation to protect certain people outside of their homeland borders such as fugitives, ambassadors, the persecuted, and those abandoned by communities of origin has often been seen as a social priority and has been closely associated with the concept of sanctuary. Many of the earliest traditions of refuge were embedded in religious belief and practice such as the Jewish heritage described in the previous section. Often it is the case that places of protection or sanctuary are locations sanctified by deities or by those empowered by deities, such as an altar, a sanctified location, or a church structure. The practice of church asylum found its most notable expression in Europe from the 5th to the 15th centuries.<sup>135</sup> Faith-based sanctuary is not the only reference to providing sanctuary and refuge in the historical context. Ancient times were hostile with wars and plagues to escape. Large population movements have been documented as actual historical events in and of them self.

#### Peloponnesians at War with Spartans (431 - 404 B.C.)

The Peloponnesian War began in 431 BC between the Athenian Empire (or The Delian League) and the Peloponnesian League which included Sparta and Corinth. The war, which went on for 27 years, is named for the Peloponnesus, the peninsula on which Sparta is located.<sup>136</sup> The result of the war was the crushing defeat of Athens and the end of its maritime empire. The war was documented by Thucydides, an Athenian general and historian, in his work *History of the Peloponnesian War*. Actually, the

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<sup>135</sup> Plaut, *Asylum*, p. 19.

<sup>136</sup> John Bagnell Bury, *History of Greece to the Death of Alexander the Great*, (New York: Macmillan and Co., 1902), p. xvi.

Peloponnesian War was the first war that was recorded with a detailed historical account of the events.<sup>137</sup> Thucydides kept valuable records of the ongoing wars of Greece (culminated with Peloponnesian Wars) that brought to an end the Golden Age of Greece.<sup>138</sup> According to Thucydides, the cause of the war was the "fear of the growth of the power of Athens" throughout the middle of the 5th century BC.<sup>139</sup>

There is plenty of historical evidence to suggest that large numbers of people migrated out of a fear of the powerful Athens (that Thucydides speaks of) as well as to escape the wrath of smaller warring tribes that confiscated homes and farmlands.<sup>140</sup> Another large force that pushed people to move were episodes of disease and famine. There is historical documentation of an episode of Plague in 430, affecting the war and its outcome. The plague of that time was thought by some to be anthrax that was tramped up from the soil by the thousands of refugees from Attica to hide out in Athens during a siege by the invading Peloponnesians.<sup>141</sup> The plague ravaged the densely packed city, and in the long run, was a significant cause in the final defeat of Athens. Over the duration of the plague, it is said to have wiped out over 30,000 citizens, sailors, and soldiers and even Pericles and his sons, roughly one quarter of the Athenian population.<sup>142</sup> The plague was a disaster that affected manpower; drastically reduced the

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<sup>137</sup> Richard Crawley, *History of the Peloponnesian War*, [Google Book Download] (Letchworth, England: Temple Press, 1914), p. 1, 17.

<sup>138</sup> Bury, *History of Greece*, p. 42.

<sup>139</sup> Bury quoting Thucydides. Bury, *History of Greece*, p. 42.

<sup>140</sup> Crawley, *History of the Peloponnesian War*, p. 46, 314.

<sup>141</sup> The detailed account of the Plague is considered to have been Typhus. Bury, *History of Greece*, p. 438, 443.

number of troops. The fear of plague was so widespread that the Spartan invasion of Attica was hastened, as their troops were unwilling to be near the diseased enemy.

While Thucydides did not use the terms refugee or the phrase Peloponnesian War,<sup>143</sup> historians use the word refugee indiscriminately in historical chronologies such as these to refer to all kinds of migrations. Certainly there are people that can be considered to be refugees of this war. However, mobility was limited and conquered territories generally put the defeated to work as slaves, forced to produce food to feed the armies, or were involuntarily recruited to serve in the military defense. The plague can be considered a natural disaster and not a precursor of persecution.

#### Goths, Huns, Romans, and the City of God (376 - 410 A.D.)

Of course wars had been going on for thousands of years before and after the war between Athens and the Peloponnesus. Historians continue to use the word refugee as the broad brush for migrations regardless of motivation. The Romans, for example, were among those early independent governed states that ruled over large swaths of land. Defending territories, conquering, and invading territories were the norm of the contemporary cultures. Yet when in 376 A.D., Emperor Valens of Rome was informed by a messenger that the Danube River (the eastern frontier of the Western Roman Empire) was being threatened by a massive movement of barbarians it took little time to realize that this was a different sort of invasion.<sup>144</sup> This was not an invading force of soldiers, but a "whole

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<sup>142</sup> Crawley, *History of the Peloponnesian War*, p. 136.

<sup>143</sup> Bury, *History of Greece*, p. 431-432.

<sup>144</sup> George Childs Kohn, ed., *Dictionary of Wars*, 3rd ed., (New York: Infobase Publishing, 2007), p. 242.

nation on the move—refugees with their families and possessions piled into wagons."<sup>145</sup>

Historians explain that these people along the Danube were looking to the Romans for protection against an even worse barbarian tribe from their North, the Huns.

It can be debated if it is a proper use of the word refugee to describe this invading population. Under the present definition of refugee, they may or may not qualify depending upon two things: first, the Roman's had control of the area of the Danube that absorbed the early Goths that indeed was crossed. Second, crossing over a border into a country does not qualify; rather it is the crossing out-of a border that authenticates the contemporary refugee. It has not been shown that these people in migration were leaving a designated state or governed territory with recognized borders.

As history unfolded, the Huns become a powerful force that raided across what is now Europe mostly confiscating property and plundering villages.<sup>146</sup> By the 400s A.D., the Romans of the wealthy Eastern provinces had been reduced to paying an annual ransom to the Huns in exchange for their safety.<sup>147</sup> At this point there were most likely few persons that could be considered to be refugees because the Huns murdered during their raids and left little place for escape. The situation took on different proportions as the Huns came to pose a threat to Gaul; the threat to Gaul drew both the Romans and Visigoths as a united front against the Huns led by Attila.<sup>148</sup> In effect, the Huns had

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<sup>145</sup> Peter J. Heather, *The Fall of the Roman Empire: A New History of Rome and the Barbarians*, (Oxford: Oxford University Press, 2006), p. 200.

<sup>146</sup> Heather, *The Fall of the Roman Empire*, p. 150.

<sup>147</sup> Heather, *The Fall of the Roman Empire*, p. 224.

<sup>148</sup> Heather, *The Fall of the Roman Empire*, p. 213.

displaced the Goths and "many tens of thousands" people across Europe and the fall of the Roman Empire was well underway.<sup>149</sup>

In 410 A.D., Alaric and his army of Visigoths conquered and pillaged the city of Rome. Many of the people who fled to North Africa can safely be considered to be refugees. The fall of the Empire meant that protection and government were no longer the rule. Interestingly, many of these refugees that were non-Christian that believed Rome had fallen to defeat because it had abandoned its ancestral deities for Christianity.<sup>150</sup> Augustine, Bishop of Hippo in North Africa at the time (354-430 A.D.), wrote a massive book, *The City of God*,<sup>151</sup> in response to the non-Christian claims that Rome fell because it had abandoned the pagan Gods. In *The City of God*, Augustine described humanity as having been divided into two cities: the city of man (whose history is chronicled in the terms of fame, wealth, and human accomplishments), and the city of God (being found in the company of those who love and serve God).<sup>152</sup> Augustine developed that concept that it was not the love of earthly things in the world, but it was the priority of the things one love that makes a difference. In brief, those that belong to the city of God love all the things of this world, but they God first. Augustine developed

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<sup>149</sup> Heather, *The Fall of the Roman Empire*, p. 290-292.

<sup>150</sup> William Carl Placher, *A History of Christian Theology: An Introduction*, [Google Book Download] (Philadelphia: Westminster John Knox Press, 1983), p. 118.

<sup>151</sup> Saint Augustine, Bishop of Hippo, *City of God* ed. Dods, trans. Dods, [Google Book Download] (Edinburgh: T. & T. Clark, (ca 413-426)1947).

<sup>152</sup> It is said that Augustine's protagonists were not meant to be Rome and its enemies, but rather two radically different cities; however, Rome and the Roman Empire are named in the book. See: Saint Augustine, Bishop of Hippo, ed., *Saint Augustine: The City of God*, ed. Bourke, Abridged ed., (New York: Image Books of Doubleday, 1958), p. 9.

the concept of the Church as a spiritual city of God distinct from the material Earthly City.

Not only did *The City of God* prove to be a treasure of information about both paganism and the rise of Christianity. Another treasure of this book is that Augustine develops a just war theory based on both the attribute of peace and the horrors of war. It is within this peace that Augustine frames concept of killing in terms of both being forbidden by God and authorized by God. Briefly, Augustine explains his thoughts on killing:

The same divine law which forbids the killing of human being allows certain exception, as when God authorizes killing by a general law or when He gives an explicit commission to an individual for a limited time. Since the agent of authority is but a sword in the hand, and is not responsible for the killing, it is in so way contrary to the commandment, Thou shalt not kill, to wage war at God's bidding, or for the representatives of the State's authority to put criminals to death, according to law or the rule of rational justice.<sup>153</sup>

With Augustine's accomplishment in mind, it can be argued that the movement of refugees out Rome and into North Africa, then, had a great impact on the communities to which they migrated.

#### War of Religion and The Rights of Man (1500 - 1800 A.D.)

Mass movements of people have often made it into the pages of history as a consequence of something else.<sup>154</sup> Those wanting a history of refugees throughout this dark period of European history will find that it is a puzzle composed of three different categories under the hubris of refugee: political migrations (voluntary, involuntary, & exile), social-

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<sup>153</sup> Augustine, ed., *Saint Augustine: The City of God*, p. 57.

<sup>154</sup> Heather, *The Fall of the Roman Empire*, p. 108, 171.



economic migrations (war/famine/or military career), and or cultural migrations (most often faith based). For centuries historians referred to captured people or tribes as refugees, where today they may be considered as having been hijacked, human traffic, or inhabitants of annexed territories. These are widely different forms of migration that are not well separated by whether people were taken against their will, whether they migrated freely, or were forced to migrate.<sup>155</sup> Much of this scattered knowledge is buried in subcategories such as military histories, urban history, Ottoman history, Jewish history, and so on.

The turbulent times of the 16<sup>th</sup> to the 19<sup>th</sup> centuries meant that anyone could become a persecuted group as the seats of power shifted back and forth. Most notably during this time were the Wars of Religion, a name given to a period of civil fighting and military operation fought (primarily) between the French Catholics and Protestants (Huguenots). A complicated chain of events fueled the long era of peace, tolerance, persecution for heresy, failed alliances, and struggles to maintain the power of monarchies which culminated in the French Revolution in 1789.

By the year 1517, the Martin Luther had challenged the Roman Catholic Church, Pope Leo X, and the Holy Roman Emperor Charles V with his religious teachings about salvation and the grace of God.<sup>156</sup> His beliefs about faith and salvation were fundamentally opposed to the Catholic practices and teachings: salvation was not bought with indulgences or available through the Roman church alone; grace was given as a free

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<sup>155</sup> Bernard Porter, *The Refugee Question in Mid-Victorian Politics*, (Cambridge: Cambridge University Press, 1979), p. 5.

<sup>156</sup> Porter, *The Refugee Question in Mid-Victorian Politics*, p. 76.

gift from God given through faith in Jesus; advocated the Bible be translated and printed so the common people could read it; and ultimately challenged the authority of the Pope.<sup>157</sup> Like other religious reformers of the time, they felt that the Catholic Church needed radical cleansing and as the rhetoric became fiercer events unfolded, and eventually stirred up a reaction in the Catholic establishment.

The Catholic Church in France opposed the Huguenots, and there were incidents of attacks on Huguenot preachers, congregants, people in their homes, and on the streets. The height of this persecution was the St. Bartholomew when 5,000 to 30,000 were killed.<sup>158</sup> There were few Huguenot refugees at this time because most were killed. The Huguenots, retaliating against the French Catholics, frequently took up arms, even forcibly taking a few Catholic cities and destroying shrines as a result of the protestant iconoclasm.<sup>159</sup> Edicts promoting tolerance were agreed upon and broken several times over. It was not just the Protestants that were persecuted, 1648-1654 Ukrainian Cossacks and peasants led by Bohdan Khmelnytsky destroyed hundreds of Jewish communities and committed mass atrocities.<sup>160</sup> Ukraine was annexed by the Russian empire, where officially no Jews were allowed. The Protestants along with the Jewish and Muslims were victims of the Catholic Church and the mass movement of Huguenots ushered in a new era of thinking about immigrations.

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<sup>157</sup> Porter, *The Refugee Question in Mid-Victorian Politics*, p. .

<sup>158</sup> Samuel Smiles, *The Huguenots: Their Settlements, Churches, and Industries in England and Ireland*, [Google Book Download] (London: John Murray of Albemarle Street, 1880), p. 67.

<sup>159</sup> Smiles, *The Huguenots: Their Settlements, Churches, and Industries in England and Ireland*, p. 61.

<sup>160</sup> Frederic David Mocatta, *The Jews of Spain and Portugal and the Inquisition*, (Whitefish, MT: Kessinger Publishing, LLC, 2003), p. 6.

By the end of the 17th century, roughly 200 thousand Huguenots had been driven from France during a series of religious persecutions. They relocated primarily in England, Switzerland, the Dutch Republic, the German Electorate of Prussia, the German Palatinate, as well as to what is now South Africa and North America.<sup>161</sup> These Huguenots were the first to be identified by the term refugees by their contemporaries.<sup>162</sup> The Huguenots would most likely be considered meeting the criteria of the present definition of refugee as well because they left for fear of religious persecution and were unable to return to their country for a well-founded fear of continued harm.

The enlightenment jurisprudence of the 17<sup>th</sup> century changed many ideas and addressed issues of asylum and immigration as well. The Huguenots played a decisive part in the development of civil and civic rights for immigrants that can be found in present day principles of immigration. Hugo Grotius (1646) of London wrote: "A permanent residence ought not be denied to foreigners who, expelled from their homes, are seeking a refuge."<sup>163</sup> In 1758 Emmanuel de Vattel declared this to be a part of natural law:

Banishment and exile do not take away from a man his human personality, nor consequently his right to live somewhere or other. He holds this right from nature, or rather from the Author of nature, who has intended the earth to be man's dwelling-place.<sup>164</sup>

Christian Wolff followed Vattel's teaching in his 1764 treatise on the laws of nations:

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<sup>161</sup> Porter, *The Refugee Question in Mid-Victorian Politics*, p. 5.

<sup>162</sup> Bernard Cottret, *The Huguenots in England*, (Cambridge: Cambridge University Press, 1991), p. 9.

<sup>163</sup> Hugo Grotius as quoted by Greg Burgess. Greg Burgess, *Refuge in the Land of Liberty: A History of Asylum and Refugee Protection in France since the Revolution*, 1st ed., (Palgrave Macmillan, 2008), p. 1.

<sup>164</sup> Emmanuel de Vattel as quoted by Greg Burgess. Burgess, *Refuge in the Land of Liberty: A History of Asylum and Refugee Protection in France since the Revolution*, p. 1.

By nature the right belongs to an exile to dwell anywhere in the world, for exiles do not cease to be men because they are driven into exile. Therefore, since by nature all things are common, by nature the right belongs to an exile to live anywhere in the world.<sup>165</sup>

Wolff and the others were acknowledging principles that can be identified in Catholic social teaching, but not reflected in present day refugee law. Semantics is very important and Wolff is describing rights for those in exile and not necessarily those fleeing from persecution. Political refugees had become a distinct type of person taking refuge in foreign lands. The Dutch Patriots that had taken refuge in northern France in 1787 experienced the most dramatic shifts in approaches to asylum. Records of the aid and assistance they received give only a narrow view of the monumental changes in the relationship between those needing asylum and those granting it. The king alone, acting through his ministers and officials, determined who was entitled to asylum and aid for their sustenance.<sup>166</sup> If asylum was granted, refugees were held in depots that were highly policed and regulated. There were, however, public funds allocated for the provision of aid and support of the depots, but the number of Austrian and Dutch refugees eventually there was a cap placed on refugees allowed and provisions were scant.<sup>167</sup>

The fall of the Bastille (1789) brought more than a Revolution to France.

*Declaration of the Rights of Man and the Citizen* was approved in France that defined

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<sup>165</sup> Christian Wolff as quoted by Greg Burgess. Burgess, *Refuge in the Land of Liberty: A History of Asylum and Refugee Protection in France since the Revolution*, p. 1.

<sup>166</sup> Burgess, *Refuge in the Land of Liberty: A History of Asylum and Refugee Protection in France since the Revolution*, p. 15.

<sup>167</sup> Burgess, *Refuge in the Land of Liberty: A History of Asylum and Refugee Protection in France since the Revolution*, p. 15.

individual and collective rights of all.<sup>168</sup> Influenced by the doctrine of natural right (mentioned above) the rights of man were considered valid at all times and in every place. Although it established fundamental rights for French citizens and "all the members of the social body"<sup>169</sup>, it addressed neither the status of women nor slavery. The document did identify some of the basic rights recognized in the Universal Declaration of Human Rights and The United States Bill of Rights.<sup>170</sup>

- Right to liberty, property, security and resistance to oppression
- Principle of sovereignty resides in the nation. No other authority.
- Liberty is freedom to do everything that does not injure any one else.
- The law can only prohibit actions.
- No person shall be accused or imprisoned except according to law.
- The law provides for punishments, no one shall suffer punishment or persecution that is not law
- Persons are innocent until declared guilty, and all harshness not essential to be avoided
- No persecution (disquieted) for account of opinions
- Property is an inviolable and sacred right, not to be deprived, except for public necessity

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<sup>168</sup> "Declaration of the Rights of Man and of the Citizen." (Approved by the National Assembly of France, 1789). [http://www.constitution.org/fr/fr\\_drm.htm](http://www.constitution.org/fr/fr_drm.htm); Burgess, *Refuge in the Land of Liberty: A History of Asylum and Refugee Protection in France since the Revolution*, p. 210.

<sup>169</sup> The introduction states: ". . . this declaration, being constantly before all the members of the Social body, shall remind them continually of their rights and duties." "Declaration of the Rights of Man and of the Citizen."

<sup>170</sup> Paraphrased. "Declaration of the Rights of Man and of the Citizen."

As history often does, these rights redressed later with the failures of the French Third Republic following the defeat of Napoleon III in the Franco-Prussian War of 1870 and again later after the invasion of France by the German Third Reich in 1940.<sup>171</sup> As will be explained in the following text, the restoration of the Bourbon monarchy in 1814 France brought forth entirely different questions about responses to refugees.

#### Napoleon, Exile, and Refugees (1814 - 1860 A.D.)

The 19<sup>th</sup> century had its fair share of people on the move that were referred to as refugees in the history books. Not unlike previous centuries, there were persons called refugees, but the term covered a multitude of situations. As in centuries before, some of them were exiles by decree (*proscrits*) and others were deposed kings and royalists or the remnants of failed revolutionary armies, or escapees from prisons abroad. The return of the Bourbons to power after Napoleon's second abdication in 1815 provoked a wave of emigration from France and brought others to France during the revolutionary wars. The character of asylum during the Restoration had changed. Those seeking asylum were truly political exiles who had been sentenced to death in Italy for their opposition to Austrian occupations and had joined the foreign legion in Spain.<sup>172</sup> Policing of travelers and asylum seekers was pursued more stringently. By 1832, the society for "The Rights of Man" was organized as the June Rebellion famously described by Victor Hugo's novel, *Les Miserables*. Refugee restrictions on freedom of movement and residence were again

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<sup>171</sup> Burgess, *Refuge in the Land of Liberty: A History of Asylum and Refugee Protection in France since the Revolution*, p. 213-214.

<sup>172</sup> Burgess, *Refuge in the Land of Liberty: A History of Asylum and Refugee Protection in France since the Revolution*, p. 38.

challenged in 1848 and asylum issues and immigration issues were dominant well into the 18<sup>th</sup> century.<sup>173</sup>

Interestingly, many Napoleonic generals and senior officers fled, some to Germany, Prussia, Belgium, and America. Britain had received its fair share of immigrating people and exiled aristocracy; very few of them were exiles on account of their religion.<sup>174</sup> Louis Philippe (King of the French) entered the country under the assumed name of Mr. Smith<sup>175</sup> and was but one of many high level officials that sought refuge. Among other famous men seeking refuge during the 1850s was Karl Marx, who was fled from German authorities in August of 1849; Victor Hugo, Louis Kossuth (Regent President of Hungary), Alexander Herzen (Father of socialism), and many others that were deported under Louis Napoleon after his *coup d'état* of 1851.

Among Frances outlying districts were French colonies in Africa and America. "Of the hundreds of Bonaparte's faithful who fled to the United States, the most prominent became involved in the formation of a French settlement in western Alabama, in what is now the Demopolis area."<sup>176</sup> Best known as the Vine and Olive Colony, this short-lived establishment was the scene of one of the most colorful episodes in Alabama's history. In March 1817, Congress authorized the sale of four townships to the

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<sup>173</sup> Burgess, *Refuge in the Land of Liberty: A History of Asylum and Refugee Protection in France since the Revolution*, p. 89.

<sup>174</sup> Porter, *The Refugee Question in Mid-Victorian Politics*, p. 12.

<sup>175</sup> Porter, *The Refugee Question in Mid-Victorian Politics*, p. 14.

<sup>176</sup> Rafe Blaugarb, *Bonapartists in the Borderlands: French Exiles and Refugees on the Gulf Coast, 1815-1835*, (Tuscaloosa: University of Alabama Press, 2006), p. 30.

Bonapartists, at 2 dollars per acre.<sup>177</sup> Some of these exiled men were allowed to return France, a few remained in the Vine and Olive community, others moved to territories in Texas, and still others died in their Exile.<sup>178</sup>

History has not been without the movement of people either as conquerors, the defeated, the persecuted, the industrious, the explorers, and the victims. How these people treat others and are treated by others is predicated on communications and perceptions of threat, risk, and benefit for one or both parties.

### 1.5. Summary: It Is What You Say

This chapter acquainted the reader with the dominant discourse on refugees by first examining contemporary discourses that frame the perceptions, attitudes, and policies toward refugees; second, by clarifying the legal definition of *refugee*; third, by locating the concept of refugee within an historical context. The first section presented specific representative narratives where the refugee persona and ideologies about refugees are verbalized, transcribed, interpreted, and disseminated. The starting point was the Katrina disaster of 2005 which presented a unique opportunity to capture the current notions about refugees across a broad cross-section of society.

Initially, the media had presented images and commentary referring to the victims of the Katrina Hurricane as refugees. This brought an abrupt and immediate outcry from the public, politicians, and social communities alike. The suggestion was that the term

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<sup>177</sup> Blaugarb, *Bonapartists in the Borderlands: French Exiles and Refugees on the Gulf Coast, 1815-1835*, p. 117.

<sup>178</sup> Blaugarb, *Bonapartists in the Borderlands: French Exiles and Refugees on the Gulf Coast, 1815-1835*, p. 118-119.



*refugee* implied a foreign *other* and therefore, demeaned the African-Americans that were victims of the hurricane. Others argued that the use of *refugee* belied the citizenship of the victims and thus their right to much better treatment. The word *refugee*, as this war on words suggested, carries a heavy semantic charge. Social pressure to cease using the word *refugee* in describing fellow citizens in distress changed the linguistic choices of the media and highlighted the power of discourse as something that does more than articulate the understanding of an issue or subject.

The media is a vital source for information about our world to the listening, reading, and watching public. Therefore, the media's creation of reality through its choice of words, images, and metaphors can and does influence perceptions of events, the interpretation of those events, and the normative consequences. When the reference is to refugees, commonly used by the media and elsewhere, are the metaphoric themes of invasion and contagion. This metaphoric family characterizes and/or generates images of refugees pouring over borders, flooding communities, swamping schools, and draining resources. To convey the power of the metaphoric image, the editorial illustration entitled *The Wave* was introduced suggesting a large scale movement of people and provoking emotional responses, such as the need to hold *them* back. In addition, several examples were presented to show how one event or rendering can become the frame for representing subsequent events. One such event is a motion picture entitled *Climate Refugees*. The title is meant to tap into that known fear of a *wave* of refugees and link it to the speculative consequences of global climate change. Again, the metaphor does not need to be accurate or the statement true; the strength of the metaphor is in the discursive and/or visual landscape it defines, constrains, and creates as reality. It is in this

discursive realm of invasion and barrier references and from a point of defense that actions and interactions with refugees are structured.

Section two set out to clarify who actually is or is not a refugee within the international discourse. The legal status of the refugee is defined in the 1951 *Convention Relating to the Status of Refugees* in conjunction with 1967 by the *United Nations Protocol Relating to the Status of Refugees*. This definition reads:<sup>179</sup>

. . . owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

This definition of refugee creates a legal status recognized in international law which applies across national boundaries. In subsequent decades, the document has been the bedrock of international efforts to help and protect well over fifty million refugees.

Next, the political roots for the creation of such a category of person are presented beginning with the convergence of events surrounding World War I and the establishment of the League of Nations High Commissioner for Refugees in 1921. Prior to the 1920s there had not been an official discourse about refugees between the nations of the world. There had not been a legal definition for refugee nor had there been guidelines for a collective, cooperative, international response to persons forcibly displaced from their homeland. Countries, empires, ancient civilizations, and various faiths each had their own approach to the movement of people across borders.

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<sup>179</sup> UNHCR, "Handbook on Procedures."

The early years of the twentieth century, however featured events such as the dissolution of the empires, famines, and war. The First World War and the Russian Revolution forced the massive movement of thousands across Europe who found it difficult to gain legal entry into another country and were unable to return homeland. These events created a situation with severe human consequences. To find resolution to such a large scale problem required a unique cooperation of states and the alliance of philanthropic organizations. The general view among states was that a regimented institution needed to be designed to safeguard their sovereignty while coordinating their fragile desire to protect refugees.<sup>180</sup> The need for and the founding of the League of Nations High Commissioner of Refugees (LNHCR) "firmly conferred upon the refugee a central role in the field of human displacement, thus marking the beginning of what many have come to call the century or age of the refugee in modern state politics."<sup>181</sup>

The 1951 *Convention Relating to the Status of Refugees* is the culmination of progressively developed structures and practices in response to the plight of refugees that began in the 1920s along with the evolution of the LNHCR. It was the 1951 *Convention* that yielded the first international definition of *refugee*, promulgated an international legal framework for the protection of refugees, and forged international efforts in a unified approach for assisting refugees.

The third section covers the role of state politics in the refugee's hopes for asylum. The legal international definition of the refugee, as it stands since the *1951 Convention cum 1967 Protocol*, is dependant upon "a well founded fear of persecution." The

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<sup>180</sup> Barnett, "Humanitarianism with a Sovereign Face," p. 251.

<sup>181</sup> Soguk, *States and Strangers*, p. 103.

definition of persecution was left for each nation-state to interpret according to the laws and practices of their sovereign territory. Persecution, then, is not regarded as the subjective experience of the refugee or asylum seeker; the state is endowed with the right to interpret persecution through their own objective lens. In this way, the right of the refugee to seek asylum is restricted by the right of the state to grant asylum.

The state does not, however, have the right to alter the requisites of the definition. For example, to be a refugee one cannot be, in the military, a criminal avoiding prosecution, victim of a natural disaster, or a person who has not crossed an international border. The reason for these stipulations is that in granting the *legal status of refugee* entitles that person to receive international aid from refugee aid agencies. The central channel for such aid is through the UN High Commissioner for Refugees (UNHCR). Examples are given of the application of this definition in contemporary events, one of which is the Katrina Hurricane event. The victims of the hurricane are not refugees as legally defined by the UNHCR, and even if they had crossed the U.S. border into Mexico, they still would not qualify for the *legal status of refugees* and thus be eligible for international refugee assistance.

Section four traces the concept of refugee or stranger from Biblical and Scriptural roots. It was the distinction of the ancient Hebrews that their legislation called attention and reminders that strangers share with them a common humanity.<sup>182</sup> The right of asylum was recognized in *Talmudic* law, which stipulated specific guidelines for the treatment of strangers in society. Grounded in Biblical text and Rabbinic *Responsa*, the obligation to extend hospitality to the stranger is a moral commandment that is

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<sup>182</sup> Plaut, *Asylum*, p. 29.

enunciated frequently. The values and practices of the ancient Israelites are very much alive in contemporary Jewish traditions and communities. Yet, these values are not reflected in the present dominant discourse about refugees and the concept of voluntary benevolence has (at times) superseded the obligation of a moral commandment.

This chapter was designed to arouse sensitivity to those aspects of colloquial language that have contributed to, created, and perpetuate a particular understanding of what it means to be a refugee. The circulating discourses in the Katrina hurricane disaster reveal an overwhelming perception of refugees to be desperate, something to be feared, people who are somewhere else, and a category of person that nobody wants to be. It is no accident that this semantic debate was incited at a time when people were feeling so neglected and abandoned. This single word *refugee* became a flashpoint, a place to focus building frustration and rage. The public cry was that the Katrina victims needed help; they deserved more help than they were receiving and it was feared that help would not come. The corollary to that appeal is that being identified as a refugee somehow devalued these victims, these fellow citizens, and contributing members to our society. The reality is that a refugee is a person, a friend, a family member, and from a community that, as New Orleans, has been shattered and who also fear that help might not come.

This chapter shows that the dominant discourse about refugees is brutal; it falls short of recognizing person's labeled *refugee* as whole competent participants in their own survival and that our beliefs about reality play a role in our decisions and actions. The tribulations of the refugee have been documented as far back as Biblical scriptures. Having 'escaped with your life' used to be considered laudable and good. The present

day concept of *refugee* has been reshaped by the history and traditions that have formed generations of presuppositions. It is within these layers of tradition, political history, and discursive representations that our information about refugees and motivations for actions on behalf of refugees have taken place. Proceeding from such false or negative assumptions has its consequences in our lack of attunement to the refugee's situation and ultimately for our decision-making and moral reasoning about our obligations in response to their situation.

William James is quoted as having said that it is our attitude at the beginning of a difficult task which, more than anything else, will affect its successful outcome. The care for refugees is a difficult task, a task that takes place within a discourse that is embedded with a language that expresses ambivalence about obligations to this category of person, fear of their collective identity, and a deep-seated notion of the refugee as an *object* of concern and a growing *problem*. Left to be examined in the following chapter has been the impact that such discourses have on the *power over* aid and resources to refugees. In the next chapter, it will be shown that categorical distinctions and how they are used to classify people -- matter. That the language we use in public and/or private discourses and the way we talk about events and people in everyday life matter considerably in the way we think and the way we act toward them and they toward us.

# CHAPTER 2

## PROBLEMATIZING THE DISCOURSE ON REFUGES: THE PROBLEM WITH BEING A PROBLEM

### Introduction

Advancing from the notion that discourse both describes and influences worldview, this chapter will shift the examination of the dominant discourse on refugees from identifying what the broad societal level discourse is (the focus of chapter one) to how the discourse acts to shape and manage the institutional field. That is, how the dominant discourse on refugees creates a perception that operates as a form of power in shaping the normative framework within which humanitarian aid functions and outside of which how the acquiescence to such a framework has had morally problematic repercussions for those whom humanitarian aid is designed to assist. The approach is a synthesis of postmodern perspectives on discourse in general and the historical and social context of refugee discourses in the particular to demonstrate how objects of knowledge are created, unquestioned truths are sustained, and mechanisms of power are translated into the production of practices that fail to produce positive outcomes for refugees. The works of postmodern theorist Michel Foucault are engaged as tools for deconstructing the relations, conditions, and contexts from which the refugee discourse emerged. The goal

is to evoke critical awareness of the shaping of epistemologies by ourselves and others as discourse users.

The purpose of this chapter is not to provide an historical account of the displacement of persons, a critique of the treatment of refugees, or the international regimens that manage aid to refugees; nor is it to provide a scholarly review of a particular theorists' work. Rather the purpose of this chapter is to discover the relationship between the development of the discourse on refugees and the systems of power that circulate within that discourse. This mode of analysis will illustrate: the social and symbolic nature of discursively created realities; the perpetuation of such realities in social practices; the relevance of the discursively created reality for moral perception (individual and collective) of the refugee, and the potential for that reality to affect (negatively or positively) the consequences for refugees.

The dominant discourse on refugees is a dynamic process couched by a matrix of social, cultural, political, economic, and historical disciplines. Discourses chronicle the knowledge systems that have generated normalizing discourses and produced particular truths about how people conceptualized their world in a given context. A contributing force that affects refugee's lives at the point of intersection with the humanitarian community and beyond is the way in which refugees are discursively conceptualized, labeled, and socially positioned to be problematic entities whose presence is seen to burden the international community and, as such, are encountered only insofar as necessary to manage and pursue the goal of solving the *refugee problem*.<sup>183</sup> It is

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<sup>183</sup> Robert Needham, "Refugee Participation," working paper (Oxford: Refugee Studies Programme, 1994). ; Harrell-Bond, "Are Refugee Camps.," Jennifer Hyndman, *Managing Displacement: Refugees and the Politics of Humanitarianism*, (Minneapolis: University of Minnesota Press, 2000); John Sr. Hope-Simpson,



compelling, then, to examine the ways in which this value-laden discourse might reinforce the negative impacts or limit the positive impacts of aid.

## 2.1. Foucault and the Archaeology of the Refugee Discourse

Section one engages Michel Foucault's work on discourses to examine how historic-discursive resources construct and maintain power structures that constrain the limits of the development of a specific discourse. Foucault's methods offer a structure for identifying the construction of the refugee discourse and the creation of the refugee as a subject of knowledge or study. The examination of the refugee discourse in this manner offers a means to establish the limits within which refugees are considered and that circumscribe insight and moral perception in regard to refugees and refugee issues. Foucault's historical evolution of the construction of a discourse is applied to the development of the dominant discourse on refugees.

Archaeology, genealogy, and governmentality are three distinct domains or methods identified by Foucault in his analysis of the discourse of psychopathology that was germinated by the emerging practice of identification and isolation of the mentally ill in the eighteenth century. These three domains or methods serve as the structure and approach for analyzing the refugee discourse that was germinated by the emergence of national borders and state sovereignty in the late nineteenth century, the founding of

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*The Refugee Problem: Report of a Survey*, (London; New York: Oxford University Press, 1939); Liisa Malkki, "National Geographic: The Rooting of Peoples and the Territorialization of National Identity among Scholars and Refugees," *Cultural Anthropology* 7, no. 1 (1992); Malkki, "Speechless Emissaries."; Marfleet, "Refugees and History."; Judy A. Mayotte, *Disposable People: The Plight of Refugees*, (Maryknoll, NY: Orbis Books, 1992).

international institutions such as the Red Cross, and the inception of identification and isolation of those persons fleeing across defended borders post World War II.

Discourse can be regarded as a dynamic force able to shape a conceptual framework that brings into being objects of knowledge, categories of social subjects, and social relationships.<sup>184</sup> Foucault posits there is a direct relationship between what is perceived as real, the construction of perceived reality by discursive structures, and the conduct of persons and institutions. For Foucault, a discourse creates a subject of knowledge and structures the unquestioned norms of thinking and acting within that institution.<sup>185</sup>

In his earlier 'archaeological' work, Foucault focused on discourse and the discursive formation of subjects of knowledge. In his *Archaeology of Knowledge*, Foucault examined the formative powers of discourses over time to structure the thinking about a subject in a particular way and then mapped out the discursive systems of classification, rules, and procedures that, collectively, form a corpus of knowledge that presupposes the perceptual field about that subject.<sup>186</sup> By archaeology, Foucault effectively stresses that the main reason for focusing on discourse is not to uncover the truth or the origin of a statement but rather to discover the support mechanisms which keep it in place as a taken-for-granted truth. His first archaeological investigation pertained to the constitution of *madness* as an object of the discourse of psychopathology

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<sup>184</sup> Norman Fairclough, *Discourse and Social Change*, (Cambridge, MA: Polity Press, 1992), p. 39-41.

<sup>185</sup> M. Foucault, "A Question of Method," in *The Foucault Effect: Studies in Governmentality with Two Lectures by and an Interview with Michel Foucault*, ed. Burchell, Gordon, et al., (Chicago: University Of Chicago Press, 1991), p. 75.

<sup>186</sup> M. Foucault, *The Archaeology of Knowledge*, trans. Sheridan, 1972 ed., (New York: Pantheon Books, 1969), p. 32-33.

from the eighteenth and nineteenth century.<sup>187</sup> He chronicled the events and discourses particular to the emergence of mental illness as an identifiable social problem to show that an anthology of discourses merged to established the perspective for understanding that particular area of knowledge which is known as psychopathology. In doing so Foucault recognized that a conceptual framework was established by authoritative discourses which, in the collective, became the privileged discourse about mental illness and outside of which mental illness was not examined.<sup>188</sup>

Foucault's theoretical insight was in identifying discourse as actively constituting or constructing objects of knowledge. *Madness* as an object of knowledge was created by the relationship between all the discourses surrounding madness or psychopathology (i.e., that named it, divided it up, and described it) and the interplay of ordered rules and authority that made it possible to trace its emergence as an independent subject of knowledge.<sup>189</sup> His point of reference was "when the word *psychopathology* was first used, and how it achieved its separation from neurology on the one hand and psychology on the other."<sup>190</sup> Foucault detailed the rules and procedures developed to define madness and that permitted those deemed to be *mad* to become the object of the discourse of medical expertise.<sup>191</sup>

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<sup>187</sup> Fairclough, *Discourse and Social Change*, p. 41.

<sup>188</sup> Sara Mills, *Discourse*, (London: Routledge, 1997), p. 51.

<sup>189</sup> Foucault, *The Archaeology of Knowledge*, p. 42-45.

<sup>190</sup> Foucault, *The Archaeology of Knowledge*, p. 46.

<sup>191</sup> Foucault, *The Archaeology of Knowledge*, p. 48.

Foucault's emphasis was on the historical emergence of discourses that created a reality and the consequent objectification of the person(s) within the hierarchal field of psychopathology. Foucault was particularly mindful of the contextual basis within which the meaning of madness found its origins and the continued negotiation of that meaning across time that established an unquestioned truth (whether true or not) about the *mad* and their madness.<sup>192</sup> Parallels can be drawn between Foucault's concept of archaeology as applied to psychopathology and the discursive practices that have defined and delimited refugees as a subject of knowledge. Refugee is a term predefined in our collective memory and perceived reality by a long history of metaphors, images, political cartoons, news reports, and photos that establish their position as helpless and needy. It is a discourse that portrays the refugee in stark contrast to the mechanisms that respond to their plight. Aid organizations, supportive nation-states, and private donors can find little in common with the refugee identity that is *fixed* as reality. The understood *truth* is that refugees really are the way they have been discursively created. The concept of the historical emergence of a discursively created reality offers a means to understand the limitations within which the refugee is regarded and outside of which is not considered.

Foucault began his archaeology of madness with the point of reference being when the word *psychopathology* was first used. So too in the archaeology of refugee discourses, one must go back to a time before the refugee was defined as an object of international attention. The first use of the word refugee has been widely debated. In *Escape from Violence*, Zolberg, et. al. suggest the first recorded use of the word *refugee* may have been 1573 in the context of providing shelter or assistance to the *stranger* or

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<sup>192</sup> Foucault, *The Archaeology of Knowledge*, p. 46-47.

*foreign-er*.<sup>193</sup> It is generally agreed that the etymology of the English term *refugee* can be traced to the time of the 1648 *Treaty of Westphalia*, when the notion of a sovereign state was born.<sup>194</sup> It seems the word *refugee* was born along with the birthing of the sovereign state. It was at this time that populations became ascribed to newly designated territories.<sup>195</sup> These neophyte nations remained in territorial isolation. Borders may have been open for fleeing people to cross but no collective or international implications were noted of people fleeing across territories.<sup>196</sup>

After the 1685 *Edict of Fontainebleau* outlawed Protestantism, hundreds of thousands of Huguenots (Protestants) fled France out of fear of religious prosecution, marking the first instance of the term *refugee* applied to a group of persons.<sup>197</sup> The Huguenots were the classic refugee group and the term *refugee* was coined to describe their status.<sup>198</sup> However, *refugee* was a term rarely used and there was no definition for a refugee in this system of territories.

Throughout most of the nineteenth century Europeans did not regard large numbers of people seeking refuge from persecution as being a distinctive kind of

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<sup>193</sup> Aristide Zolberg, Astri Suhrke, et al, *Escape from Violence: Conflict and the Refugee Crisis in the Developing World*, (New York: Oxford University Press, 1989), p. 5. Zolberg quoting a French source *Le Petit Robert* (Paris: Société du Nouveau Littre, 1978), p. 1641.

<sup>194</sup> Kushner and Knox, *Refugees in an Age of Genocide*, p. 21; W.R. Smyser, *The Humanitarian Conscience: Caring for Others in the Age of Terror*, (New York: Palgrave MacMillan, 2003), p. 22; Zolberg, Suhrke, et al, *Escape from Violence*, p. 5.

<sup>195</sup> Laura Barnett, "Global Governance and the Evolution of the International Refugee Regime," *International Journal of Refugee Law* 14, no. 2 & 3 (2002), p. 240.

<sup>196</sup> Barnett, "Global Governance," p. 240.

<sup>197</sup> Barnett, "Global Governance," p. 240.

<sup>198</sup> Kushner and Knox, *Refugees in an Age of Genocide*, p. 127.

victims.<sup>199</sup> As nations and their borders were shifting and being calibrated, exiled persons and asylum seekers increasingly became the topic of the circulating discursive exchanges. Refugee issues give rise to the institutional apparatus that prevails today.<sup>200</sup> At this juncture, the term *refugee* could have referred to any person that crossed a border or deserted an army. Gradually, refugees came into being as the category *refugee* was being forged. Although banishment, flight into exile, and the granting of asylum to strangers 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.<sup>201</sup> As borders were being entrenched and defended so was the concept of identifying the people who moved across them; the practice of passports for travel was initiated.<sup>202</sup> After the First World War the word *refugee* began appearing with more frequency in the company of established relief organizations such as the Red Cross (founded 1863) and the Save the Children Fund (1919). These organizations were already attending-to the thousands in Europe who had left Russia after the Russian Revolution, civil war, and famine.<sup>203</sup>

The first international coordination of refugee affairs was led by Fridtjof Nansen in the newly formed office of the League of Nations High Commissioner for Refugees in

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<sup>199</sup> Michael Marrus, *The Unwanted: European Refugees in the Twentieth Century*, (New York: Oxford University Press, 1985), p. 7.

<sup>200</sup> Zolberg, Suhrke, et al, *Escape from Violence*, p. 11.

<sup>201</sup> Zolberg, Suhrke, et al, *Escape from Violence*, p. 5.

<sup>202</sup> John Torpey, *The Invention of the Passport: Surveillance, Citizenship and the State*, (Cambridge: Cambridge University Press, 2000), p. 8, 49, 131.

<sup>203</sup> Kushner and Knox, *Refugees in an Age of Genocide*, p. 107; Smyser, *The Humanitarian Conscience: Caring for Others in the Age of Terror*, p. 26,116; Zolberg, Suhrke, et al, *Escape from Violence*, p. 98.

1920. The inaugurating task was to assist a million or more people fleeing the Russian Revolution and Civil Wars.<sup>204</sup> The ascription *refugee*, as defined in the short lived 1933 Refugee Convention, allocated refugee status according to specific nationalities and included *an obligation* for receiving states to provide them with material assistance and protection. Even then, the notion of the crossing of boundaries had not been consistently relevant for identifying persons as refugees. Lee offers this example:

During Japan's invasion of China in the 1930s and 1940s, internally displaced persons in China continued to be referred to as refugees in American official communications.<sup>205</sup>

Lee goes on to explain that the key aspect in prior conception of the meaning of *refugee* was the notion of vulnerability and the lack of protection.<sup>206</sup> The use of the term was not necessarily bound to the notion of the nation-state yet. The nation-state ideology and the protection of those national perimeters will eventually have significant influence on shaping the meaning of the modern category of the refugee as an individual who has crossed national boundaries.

During World War II, the scale of what was coming to be known as the refugee crisis increased to extraordinary numbers, displacing some fifty-five million people.<sup>207</sup> There was no real anchor to the task of providing for the millions of people scattered by the war and as nation-states dug in to defend their territories two consequential concepts had materialized, the inter-national organization and the commitment to impartiality and

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<sup>204</sup> Kushner and Knox, *Refugees in an Age of Genocide*, p. 1.

<sup>205</sup> Luke Lee, "Internally Displaced Persons and Refugees: Toward a Legal Synthesis?," *Journal of Refugee Studies* 9, no. 1 (1996).

<sup>206</sup> Lee, "Internally Displaced Persons," p. 31.

<sup>207</sup> Zolberg, Suhrke, et al, *Escape from Violence*, p. 41.

political neutrality. In 1943, the United Nations Relief and Rehabilitation Administration (UNRRA) was created to provide aid to countries liberated from axis powers.<sup>208</sup> In 1949, the UNRRA was dissolved and its tasks were bestowed upon the International Refugee Organization (IRO) which was founded in 1945.<sup>209</sup> It was not until December 1950 that the Office of the United Nations High Commissioner for Refugees (UNHCR) was established by the United Nations General Assembly with a mandate to "lead and coordinate international action to protect refugees and to resolve refugee problems worldwide."<sup>210</sup>

The concept of legally defining *refugee* had become a necessity for successful cooperative international efforts and materialized with the international endorsement of the *1951 Convention Relating to the Status of Refugees*. The legal and internationally recognized definition of *refugee* as it stands today (inclusive of the 1967 Protocol update) reads:

A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.<sup>211</sup>

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<sup>208</sup> Zolberg, Suhrke, et al, *Escape from Violence*, p. 22.

<sup>209</sup> Zolberg, Suhrke, et al, *Escape from Violence*, p. 22.

<sup>210</sup> UNHCR, "The Wall Behind Which Refugees Can Shelter: The 1951 Geneva Convention on the Refugee 50th Anniversary," *Refugees* 2, no. 123 (2001), Introduction. <http://www.unhcr.org>.

<sup>211</sup> UNHCR, "Convention Relating to the Status of Refugees, (Geneva, 28 July 1951); Protocol Relating to the Status of Refugees, (New York, 31 January 1967)," (United Nations High Commissioner for Refugees, 1951/1967). <http://www.un.org>.



The refugee as an identifiable entity, separate from others, was now born as a reality. This definition continues to evolve as new texts are produced; new interpretations of the definition are made by Nation-States (asylum purposes), international organizations (to structure aid to refugees), and as other discourses engage in refugee matters.<sup>212</sup> These collective discourses, each in their own way, contribute to the establishment of the refugee's social position as an object of knowledge or concern, and as a deviation from the norm or citizen.

Following Foucault's lead, the refugee became an object-of-knowledge by way of the articulation and combination of other discursive domains that implicate a unique social identity and subjectivity. The contemporary discourse about the refugee is a reality brought into being by a long history of fear of what is not understood, pragmatism, social intolerance, political strife, international tensions, journalism, media images, donation appeals, and benevolent institutions. The contemporary refugee holds a sanctioned legal status, but the legalization of personal tragedy and injustice does little to assuage the social identity of being a *problem* of one sort or another.

At present, the refugee crisis is often referred to as an international *humanitarian problem*. Discourses that preceded and co-emerged with the international identification and categorization of the refugee referred to the refugee crisis as a different sort of problem. Throughout much of World War II, the control of civilians and those (later to be called) refugees had already been widely considered as a *combat problem*. Military forces had recognized the benefits of organizing these *to-be-refugees* for *useful service*

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<sup>212</sup> The definition was expanded in 1967 with the *1967 Protocol Relating to the Status of Refugees*.

behind the combat lines.<sup>213</sup> In the last years of World War II the increasing number of persons displaced (later be defined as refugees) were referred to as a growing *problem of war*. It was anticipated that, upon victory, the multitudes of people uprooted during the war would soon be an enormous *problem* concentrated in Germany.<sup>214</sup> In the immediate postwar years, displaced people in Europe (soon to be defined as refugees) were classified as a *military problem*, and they were under the jurisdiction of the Displaced Persons Branch of the Supreme Headquarters Allied Expeditionary Force (SHAEF).<sup>215</sup> A host of voluntary relief agencies,<sup>216</sup> such as the Red Cross, made plans of their own to address refugees but it was clear from the outset that in the postwar years those later to be defined as refugees were to be primarily under the military or armed forces.<sup>217</sup> This problem-solving military mindset shaped the identity, the institutions, and organizational structures that followed. Therefore, refugees were constituted as a problem from the very beginning. In the tradition of Foucault, the refugee has been created as a reality by the collective discourses that constitute the dominant discourse on refugees: the historical, the political, the beneficent, media generated, and organizational discourses that are part of this collective.

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<sup>213</sup> M. Proudfoot, *European Refugees: 1939-52: A Study in Forced Population Movement*, (London: Faber & Faber, 1956), p. 107.

<sup>214</sup> Liisa Malkki, "Refugees and Exile: From Refugee Studies to the National Order of Things," *Annual Review of Anthropology* 24, (1995), p. 499.

<sup>215</sup> Malkki, "Refugees and Exile," p. 499.

<sup>216</sup> L.W. Holborn, *The International Refugee Organization*, (London: Oxford University Press, 1956), p. 145-166; Proudfoot, *European Refugees: 1939-52: A Study in Forced Population Movement*, p. 187.

<sup>217</sup> Malkki, "Refugees and Exile," p. 489-492.

Foucault's attention to the heritage of discourse is notably befitting in the refugee situation because the field of refugee studies is relatively recent. The discursive domains generated by the problem of refugees and the management of the refugee provoked the emergence of a new interdisciplinary discursive domain of refugee studies. The refugee had truly become what Foucault refers to as an "object of knowledge."<sup>218</sup> In 1964 the Center for Migration Studies of New York (CMS), a non-profit organization, was founded. The CMS publication, the *International Migration Review*, has become a leading peer-reviewed scholarly journal which *specializes* in the refugee. The 1970s and especially the 1980s continued in the systematization of the study of refugees. The generalized label of *refugee studies* began to appear more frequently, especially in the fields of geography and anthropology.<sup>219</sup> The field of refugee studies as a legitimate academic field for research and instruction was birthed with the establishment of the influential Refugee Studies Programme at the University of Oxford in 1982, followed by the appearance its peer reviewed *Journal of Refugee Studies* in 1988.

Historically tracing the discourses that, overtime, came to create the refugee as a subject of knowledge, supports Foucault's argument that discourses (of many discursive fields) implicating a social identity or subjectivity come together and emerge as a unique discourse or institution designating a particular subject of knowledge. Successive phases or networks of discourses support the archaeology of the dominant discourse on refugees.

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<sup>218</sup> Foucault, *The Archaeology of Knowledge*, p. 40-55, particularly at page 43.

<sup>219</sup> Pamela deVoe, ed., *Selected Papers on Refugee Issues*, ed. Association, (Washington, DC: Commission for Refugee Issues, 1992); Mary Carol Hopkins and Nancy D. Donnelly, eds., *Selected Papers on Refugee Issues: II*, (Arlington, VA: Commission for Refugee Issues, American Anthropological Association, 1993); V. Robinson, "Into the Next Millennium: An Agenda for Refugee Studies. A Report of the First Annual Meeting of the International Advisory Panel," *Journal of Refugee Studies* 3, no. 1 (1990); Roger Zetter, "A Label and an Agenda," *Journal of Refugee Studies* 1, no. 1 (1988).

There are six successive phases or components that Foucault identified as occurring in the architecture of a discourse: something must be named, pathologized, divided-up or categorized, described, explained or studied, and discursively created.<sup>220</sup> The discursive architecture of the *refugee-as-a-subject-of-knowledge* can be historically chronicled through the use of Foucault's six architectural components as follows:

- Name: The refugee became a *category of person* and a *subject of knowledge* clarified by a *legal definition* in the 1951 Convention *cum* Protocol and established in relation to a norm, the citizen.
- Pathologize: Pathologizing of refugees involves a degree of separation from the norm. The discourse obviates the contrast between citizen and non-citizen as a way of acting toward *refugeeness*. Rights and protection apply differently for the citizen-person (the norm) and the refugee-person (the non-norm). Pathologizing refugees in this manner means that rights, for a refugee-person are negotiated and politically situated. Political biases can affect the flow of aid regardless of the refugee's right to be aided.
- Divide up: Refugees are a specific category of displaced persons and as such have different rights that obligate the international community differently than citizens, internally displaced persons, and victims of natural disasters. This is a category division as well as a consideration of needs.
- Described: In verbally, visually or metaphorical ways: Described in terms of contagious poverty, moving en masse, the uncontainable nature of water, wandering in unidentifiable wastelands, invaders and plague carriers, and are silent.
- Required: In perpetual state of fear. Fear is the common identifier: fear of persecution in their home country is a necessary piece in the refugee description, fear of harm keeps them from returning to their homeland, and one might say being feared by societies is also a descriptive characteristic.
- Explain: Refugees have become an *object of knowledge* to be studied, to be explained in terms of trauma, needs, emotional disability, economic

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<sup>220</sup> Foucault, *The Archaeology of Knowledge*, p. 32, 57.

expenditures, statistically represented, as a worthy cause, and as an issue which is formally debated.

- Discursively create: The discourse within which refugees have been created is problem oriented (a combat problem, a military problem, an international problem, a humanitarian problem, and a global problem).

These six components of Foucault's archaeology of a discourse are the foundation of the organizational framework that operates on behalf of refugees and acts to support and reinforce the structure and approach of aid to refugees. The power of these components to normalize *a* truth about refugees lay in their interlocked totality, especially in the absence of any competing discourses. The disadvantage of these discursive components is that they have established a sustainable *truth* (whether true or not) about refugees. In the collective (i.e., naming, categorizing, explaining, etc.) they form a common operational language within which both refugees are subjectified and refugee issues are discussed. All of which frame the subject (refugee) in the context of caretaker and protector.

The refugee, as has come to be known, is not constituted solely by the discourse that takes place within the refugee system. The refugee persona has been constituted in our collective understanding by broad societal level discourses that act as both a resource and a constraint for the knowledge or reality that discourses impart. In this regard, the *discursive metaphors* identifying refugees as invaders, contagion, or as hapless people wandering in the desert (as presented in the first chapter) can be seen as contributing components that further develop a refugee reality that has permeated the collective memory. In the collective, these discursive components form the structures that frame the way we value, think about, and act toward refugees.

The refugee reality exists as the unquestioned norm that touches and informs the entire aid superstructure. For Foucault, these unquestioned norms secure the dominance of a discourse, shape experiences, and influence the behavior of aid organizations, their members, states and their constituents, volunteers, and refugees alike. The discourse performs the action of limiting the range in which refugees are understood and outside of which they are not considered and ultimately circumscribes moral perception (of all parties, including refugees) that links our moral reasoning and choices.

## 2.2. Foucault and the Genealogy of the Refugee Discourse

Foucault's major genealogical study is *Discipline and Punish: The Birth of the Prison*.<sup>221</sup>

There are a variety of interpretations of the difference between the archaeology and genealogy of a discourse in Foucault's work which are by no means simple. Foucault explained the difference this way:

. . . if we were to characterize it in two terms, then "archaeology" would be the appropriate methodology of [the] analysis of local discursivities that are constitutive of a knowledge and "genealogy" would be the tactics whereby . . . the subjected knowledge would be brought into play.<sup>222</sup>

Genealogy is a progression from the archeological analysis of discursive formations (naming, pathologizing, dividing up, describing, and explaining) to the way the discourse goes on to create relationships between social structures, institutions, and individuals that affect conduct in the world by the dual strength of knowledge and power. Foucault's genealogy theorizes how a particular discourse, once privileged, creates power

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<sup>221</sup> Fairclough, *Discourse and Social Change*, p. 49.

<sup>222</sup> Foucault as quoted by Mills: Sara Mills, *Michel Foucault*, (New York: Routledge Press, 2003), p. 26.

relationships (beyond the initial centralized institution) that interact and reinforce behavior which marginalizes and objectifies persons or ways of thinking. Overall genealogy problematizes the discourse, it questions and calls into doubt that which is assumed to have always been the case (i.e., the present refugee regime and refugee identity) by drawing attention to the power/knowledge which has made the taken-for-granted possible.

Whereas historical inquiries of the archeology of a discourse focus on the social chronological developments, genealogy is organized around the elements of a particular discourse that function as a way to create and order subject positions so that some subject positions have authority, while others are less visible and subordinate. Three of these elements are the Panopticon, examination, and governmentality. These three modes of analysis can be identified in the dominant discourse on refugees to the extent that they focus on the internal technologies or mechanisms that not only make the refugee identity/object but also different forms of rule possible. These technologies or mechanisms include the partitioning of geographic space (building designs and architectural forms); judgments of normalization (and corollary abnormal/alien); techniques of labeling and calculation; procedures of examination and assessment; the standardization of systems and practices for producing knowledge/information; and the associated practices dependent upon knowing the subject/object (resource management and distribution).

Foucault's genealogy adapts readily to the refugee discourse. Therefore, the emergence of the refugee discourse will be examined using Foucault's theory and three methods of genealogy (Panopticon, examination, and governmentality) to unfold the

materialization and development of the refugee discourse and conduct of the central institution providing refugee assistance, the UNHCR.

### **2.2A. Genealogy as Panopticon & the Refugee Camp**

The Panopticon and the refugee camp are examined in the historical and social significance, design, purpose, and function in establishing the refugee discourse. The refugee camp was chosen because it qualifies as the most conspicuous means of refugee assistance. The images of refugee camps shape a large portion of Western discourses concerning refugees in developing countries (both within and outside of the humanitarian organizations).<sup>223</sup> Even though camps are often seen as a third-world phenomenon, the increasing use of detention centers as a function of Western asylum procedures can be regarded as akin to the camp setting in the Global North as well.

The Panopticon is an architectural design described by the eighteenth century philosopher Jeremy Bentham that Foucault makes use of as a metaphor in *Discipline and Punish*. The Panopticon is a type of structure significant for the function and power of its spatial arrangement. The Panopticon was structured to confine, control, and provide surveillance over those confined within. It arranges the inside space around a central tower that is visible to all those outside the tower yet obscures the persons of the tower from those in its purview. The central tower renders those inside the tower an unobstructed view of all that surrounds it while they remain in total anonymity. The Panopticon's structural use of space not only physically separated those in the tower from those in the space outside the tower; it gave the overseers a position of power (looking

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<sup>223</sup> Médecins Sans Frontières, *Refugee Health: An Approach to Emergency Situations*, (London: Macmillan Press, 1996), p. 38. As a point of interest: MSF has awareness-raising campaigns involving a traveling exhibition reproducing a refugee camp.



down and out) on the confined and a position of knowledge (seeing everything that occurs without being seen). This rendered those persons/ inmates/ residents confined continually visible to an overseer in the tower and in a spatially vulnerable or powerless position (no access to the overseer). It also limited what they could know: about those in the tower, about what occurs in other areas of the structure (other inmates), and denied them knowledge of whether they were actually under surveillance at any given time. A key premise of the Panopticon structure was that surveillance need not actually be continuous, the appearance and/or perception that one was under an always present watchful eye was a powerful means to cause persons to conform their behavior. The premise is that inmates or residents will begin to act as if they are being observed, even if they were not able to tell when or whether they were, in fact under direct observation.

Foucault considers the Panopticon as a way that power has been exercised in the physical and mental positioning of subjects. He traced the history of punishment back as far as the twelfth century to find that different forms of punishment were employed as time moved forward. He identified the shift of thinking about punishment as it morphed from the public spectacle of torture on the body,<sup>224</sup> through to the physical (bodily) separation of criminals from the rest of society. The progression of punishment was from the public display of *blood and guts*, to the form of the public stockade and public humiliation, to the total removal of the body from society by means of incarceration, and then total regulation of the body while incarcerated. It was a shift away from the public

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<sup>224</sup> M. Foucault, *Discipline and Punish: The Birth of the Prison (Surveiller Es Punir 1975)*, trans. Sheridan, 1995 ed., (New York: Vintage Books, 1977), p. 9.

and physical form of punishment to the less public but physical means of confinement of the body.

Physical isolation from society and confinement reached beyond torture of the body physical to the torment of the mind. It was the mental torment of the loss of freedom, the powerlessness over their own body, and the rigid controlled and structured of their time that created a mental distress. The mental anguish was compounded by the loss of hope and harassment of the conscience which Foucault frequently referred to as the soul. This reversal of methods of punishment involved a shift of emphasis in the mechanisms of power. The progression of punishment was from public physical torture shifting to the less obvious exertion of power over the body through separation, isolation, and control culminating in the more concealed power of internalized constraints and mental torment.

While the Panopticon was an ideal structure for control and confinement, Foucault had a boarder conception of the Panopticon as a metaphor for the way regimes exercise power within a society through the use of a range of mechanisms, strategies, procedures, and conforming behavior. At the center of the Panopticon concept was discipline exercised through the power of surveillance and subordination. From this center concept, subject positions are created through which persons or groups of persons are ordered and eventually come to order (discipline) themselves. In his publication *Madness and Civilization*,<sup>225</sup> Foucault delved into the past and mapped out the way

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<sup>225</sup> M Foucault, *Madness and Civilization: A History of Insanity in the Age of Reason (Histoire De La Folie 1961)*, trans. Howard, (London: Routledge Press, 1995).

isolation in institutions had contributed to the stigmatization and distancing of the mentally ill from the rest of society.

The Panopticon type structure, as Foucault's genealogy identifies, was a function of power that emerged from the twelfth century practice of isolation, containment, and surveillance of persons suffering with the highly infectious disease leprosy. Hundreds of leper houses, or lazar houses as they were called, were built across Europe from the twelfth century onwards to isolate those afflicted with leprosy from the main of society in an attempt to prevent leprosy from spreading to the rest of the population. Physical isolation of lepers served the social purpose of protection *from* the lepers as opposed to protection *of* those afflicted. As a result of the massive confinement of lepers, public exposure to the contagion had been dramatically reduced and the pathogen was unable to continue to invade the uncontaminated.<sup>226</sup> Spatially separating the contagious was so successful that by the sixteenth century, leprosy was nearly eliminated from Europe.

By the seventeenth century hospitals which had been built to house lepers (called lazar houses) were taken over to be used as asylums for the mentally ill. Mental illness was not understood but the mentally ill were feared and were disruptive to society. People identified as mentally afflicted were marked as not normal or pathologized, and spatially separated from the rest of society in much the same way as leprosy were isolated. Isolating the *deviants* in society (lepers or the mentally and criminally insane) from the *normal* society required a judgment as to which people were normal, how best to protect the normal, and how to reduce the burden of the deviant on society.

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<sup>226</sup> Foucault, *Madness and Civilization*.

Through the use of the lazar houses, much like the Panopticon, seventeenth and eighteenth century Europe found that distinguishing and isolating a particular kind of person from the rest of society was an efficient and effective means of exercising power with the least amount of effort. The method of isolation was a way for society to identify, label, and exclude those who deviated from acceptable norms in a particular social context.

Men did not wait until the seventeenth century to 'shut up' the mad, but it was in this period they began to 'confine' or 'intern' them, along with the entire population with whom their kinship was recognized . . .<sup>227</sup>

It was an age when the social value a person was defined in terms of productiveness and contribution to society and those considered deviant when expanded beyond the mentally afflicted. Social traits such as laziness/sloth and poverty/weakness were deemed deviant along with being insane. The poor and unemployed were categorized as 'socially useless,' and placed in these asylums along with the mentally ill.

In the classical age, for the first time, madness was perceived through a condemnation of idleness and in a social immanence guaranteed by the community of labor. This community acquired an ethical power of segregation, which permitted it to eject, as into another world, all forms of 'social uselessness.'<sup>228</sup>

The salience of this historical progression is that anyone deemed to be unworthy or become a burden to society was then isolated in these old lazar houses. Protection of society was achieved through the isolation and containment of those others deemed to be contagious, those to be feared, criminals as a plague on society, and/or social deviants

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<sup>227</sup> Foucault, *Madness and Civilization*, p. 58.

<sup>228</sup> Foucault, *Madness and Civilization*, p. 59.

deemed as a social burden. The lazar houses served as a form of the Panopticon, with surveillance and isolation.

Foucault identified the Panopticon model in institutional settings current to his century such as schools, hospitals, in the military, and in the workplace.<sup>229</sup> The concept of surveillance as *ever watching* could be translated into other types of surveillance. It was this vigilance of supervision that kept those with lesser power uncertain of when they were actually being watched or evaluated. Ultimately, as individuals became accustomed to the structural or conceptual environment, they became aware of what was expected of them, and learned to exercise self-discipline in accordance with their imputed position. An important element to Foucault's theory was that the highest efficiency and effectiveness to control a population at the least cost of power expended was the Panopticon model where a central locust had access to either a panorama or knowledge, giving them the power and position to decide the order of things and/or define the norm.

The refugee discourse emerged and evolved in ways parallel to those identified by Foucault's houses of confinement (plague, the insane, criminals). So too did the method of least expenditure for the most control, the refugee camp. The confinement and isolation of refugees in camps performs a comparable function and achieves a corresponding social resolution as the lazar houses, mental institutions, and Panopticon model. Camps enable isolation over assimilation, order over disorder, compliance over control, and very importantly, a central location to deliver and dispense food, shelter, water, medical supplies. Like victims of the plague, refugees have been associated with a contagion; like the mentally ill, refugees have been judged to pose a threat to the

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<sup>229</sup> Mills, *Michel Foucault*, p. 43, 44.

economic stability of society (burden). Much like the poor and insane were defined by what they lack (ability to contribute to society), the refugee is defined by what he/she lacks: citizenship, resources to live, and a means to contribute to society. Foucault points out.

[Confinement] was used as an economic measure and a social precaution. But in the history of unreason, it marked a decisive event: the moment when madness was perceived on the social horizon of poverty, of incapacity for work, of inability to integrate with the group; the moment when madness began to rank among the *problems* of the city.<sup>230</sup>

There is an unquestioned truth that refugees (analogous to those residing in eighteenth century prisons and asylums) are abandoned/unwanted, reside in and project fear (recall the constituting element of the definition of a refugee: a *well-founded fear* of persecution), and are carriers of chaos better assisted at a distance. It is no small *fait accompli* that management of the new *problem* of mass displacements of people after World War II found its equivalent of the Panopticon in the refugee camp. "From the outset, it was not just food, water, and medical aid that were dispensed through the camp; it was discipline."<sup>231</sup>

There are surviving texts detailing the philosophy of surveillance and the structuring of refugee camps in Europe during this post-war period. These texts are useful because they enable one to see precisely how the various technologies of power associated with the care and control of refugees first became standardized practices. Malkki, who made a study of these surviving texts, identifies the basic blueprint of the

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<sup>230</sup> Foucault, *Madness and Civilization*, p. 64.

<sup>231</sup> M Wyman, *Europe's Displaced Persons, 1945-51*, (Toronto: Associated University Press, 1988), p. 40.

military camp and many of its characteristics as the spatial and disciplinary model for the early management of the World War II international refugee. Malkki states:

There is bitter irony in the fact that many of the hundreds of work camps and concentration camps in Germany were transformed into 'Assembly Centers' for refugees when the war ended. The concentration camp was itself quasi-military in design and specially suited to the mass control of people. Immediately after the liberation, the camp architecture allowed for efficient summary quarantines for the prevention of epidemics.<sup>232</sup>

Refugee camps were also modeled on military barracks. The utilization of existing institutional buildings was well suited to mass control and care (interiors were arranged into disciplinary, supervisable spaces) was built into the policy plans of SHAEF and the UNRRA (United Nations Relief and Rehabilitation Administration).<sup>233</sup>

After the United Nations High Commissioner for Refugees (UNHCR) was established in 1950, Malkki explains that refugees began to appear more clearly as an international social or humanitarian *problem*, rather than as a primarily military one. Malkki goes on to explain:

In this transformation of the *problem* from the military to the social and humanitarian, the refugee camp as a productive device of power played a vital role. The camps made people accessible to a whole gamut of interventions, including study and documentation.<sup>234</sup>

The spatial isolation and management of refugees in camps were strategies refined during the post-war time in response to the refugee as a *war problem*, a *combat problem*, a *military problem*, a *security problem*, and a *humanitarian problem*. Much like the isolation of the contagious, the 'socially useless,' and feared persons of past centuries, the

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<sup>232</sup> Malkki, "Refugees and Exile," p. 499-500.

<sup>233</sup> Malkki, "Refugees and Exile," p. 499-500.

<sup>234</sup> Malkki, "Refugees and Exile," p. 500.

camp promised to be an efficient means of providing aid to and segregating refugees from society. These camps were originally designated as temporary situations.<sup>235</sup> Within a short period of time these camps became institutions that controlled, provided for, structured, and dominated all aspects of refugee life,<sup>236</sup> even though they were officially instructed to be used as a "last resort -- when all other options are exhausted."<sup>237</sup>

Much like Foucault's power of discourse to act as a delimiter in the care for the mentally ill, the discourse on refugees as a temporary problem-to-be-solved delimited the choice of acceptable solutions for the refugee *problem*. These delimiters can be identified in the establishment of functions in the international refugee system. It is a system which was derived from the needs of the nation-state and not necessarily the needs of refugees.<sup>238</sup> Foucault referred to these delimiters as creating an unquestioned truth.

In establishing what has become known as the Magna Carta of international refugee law, the 1951 Geneva Refugee Convention documents reveal unquestioned truths and delimiters are that obvious, in hind sight that is. Other delimiters served a specific purpose in the discourse. The UNCHR's publication *Refugees*, in celebrating the "Refugee Convention at 50," the cover story and editor's note as well offer insight into

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<sup>235</sup> UNREF, "Survey of the Non-Settled Refugee Population in Various Countries," (Special Request) (United Nations Refugee Fund, 1958). Section 1.2.

<sup>236</sup> Wyman, *Europe's Displaced Persons, 1945-51*, p. 39.

<sup>237</sup> UNHCR, *Handbook for Emergencies*, 2nd ed., (Geneva: United Nations High Commissioner for Refugees, 1999), p. 134.

<sup>238</sup> Rieko Karatani, "How History Separated Refugee and Migrant Regimes: In Search of Their Institutional Origins," *International Journal of Refugee Law* 17, no. 3 (2005); Patrick Manning, *Migration in World History*, (New York: Routledge Press, 2005); Marfleet, "Refugees and History."



the creation of the international organization that is the cornerstone of refugee protection. The following are a list of delimiters built-in to the founding document and set aside as they are direct quotations from the UNHCR.<sup>239</sup> The founding document is delimited by:

1. Self-Interest: legal compromise conceived out of enlightened self-interest.
- 2 Geographic constraints: limited scope of the Convention to refugees in Europe.
3. Time constraints: limited to events occurring before 1951.<sup>240</sup>
4. Naive: original framers had not expected refugee issues to be a "major international problem for very long."
5. Foresight: UNHCR had been given a three-year mandate then, it was hoped, go out of business. It was hoped the 'refugee crisis' could be cleared up. No forethought of future conflicts.
6. Social Blindness: original delegates, all males, never even considered gender-based persecution.

Despite these limitations - what was done for refugees through the Convention was a major achievement in the humanitarian field. None the less despite the historical longevity of refugees and the massive scale of World War II the original framers had not expected refugee issues to be a "major international problem for very long."<sup>241</sup>

The refugee discourse has, as Foucault reminds us that discourses do, been transitioned over time in response to the surrounding discourses. The archeology of refugee mechanisms provides insight into the discursive reality in which the institutional

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<sup>239</sup> All quotations from UNHCR, "The Wall Behind Which Refugees Can Shelter: The 1951 Geneva Convention on the Refugee 50th Anniversary," p 2, 7.

<sup>240</sup> Editorial and Cover Story both quote James Hathaway, Director of Program Refugee and Asylum Law at University of Michigan. UNHCR, "The Wall Behind Which Refugees Can Shelter: The 1951 Geneva Convention on the Refugee 50th Anniversary," p. 2, 8.

<sup>241</sup> UNHCR, "The Wall Behind Which Refugees Can Shelter: The 1951 Geneva Convention on the Refugee 50th Anniversary," p. 12.

mechanisms for refugee protection were set in place. A discourse of unquestioned truths is the ascriptive base that both situationally determines and contextually influences the practice of isolating refugees in camps. There is an implicit assumption by the UNHCR that, until the last fifteen years, remained relatively unchallenged; refugees can best be cared for when they are settled in camps.

Few people seem to question this assumption. There have been refugee camps in the Middle East since 1948 and in Uganda since 1959.<sup>242</sup>

Now, fifty years later, containment or warehousing (the contemporary term is long-term encampment or LTE) of refugees, has emerged as the fourth de facto solution and yet the primary approach of the most powerful humanitarian organization, the UNHCR.<sup>243</sup>

The absence of a solution for millions of refugees in protracted situations continues to pose a major challenge to UNHCR and its partners, to host countries, the refugees themselves and the international community at large. UNHCR estimates that currently one third of refugees reside in camps. and millions more are "trapped in protracted situations and for whom there is limited hope of finding a solution in the near future."<sup>244</sup> Today, of the world's nearly 10.5 million refugees, more than 7 million languish warehoused in refugee camps or segregated settlements;<sup>245</sup> camps have become

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<sup>242</sup> Wim Van Damme, "Do Refugees Belong in Camps? Experiences from Goma and Guinea.," *Lancet* 346, no. 8971 (1995), p. 360-361.

<sup>243</sup> Fourth de Facto behind: 1<sup>st</sup> appropriate voluntary repatriation; 2<sup>nd</sup> permanent local integration in the country of first asylum; or 3<sup>rd</sup> resettlement to another country. Harrell-Bond, "Are Refugee Camps." p. 2.

<sup>244</sup> UNHCR, "2008 Global Trends UNHCR," p. 2.

<sup>245</sup> Smith, "Warehousing Refugees: A Denial of Rights, a Waste of Humanity," p. 39-40. ; UNHCR, "2008 Global Trends UNHCR," p. 2.

a favored choice of host nations concerned with control and security.<sup>246</sup> Foucault's archeology of the discourse offers a structure for an appreciation of the present situation as possibly more than pragmatic or self-interested choices.

As Foucault has posited, discourse can be a way of acting in the world more than a way of simply talking about it. The ideology and practice of warehousing refugees in camps are consistent with Foucault's way of acting as represented in the Panopticon structure of surveillance and discipline, the use of lazar houses for physical separation from society, and the Panopticon as a means of pathologizing and ordering of persons. Parallel characteristics of refugee camps and the control, separation, pathologizing, and power of the Panopticon are:

- Freedom of movement is limited to the camp.
- Regimentation and routinization diminished possibility for self-reliance is diminished.
- Top-down management and programming excludes beneficiaries (refugees) from decision-making and authority.
- The mode of governance is of power and control over, as apposed to rights, participatory or capabilities approach.
- Camps serve to sustain the distinction between refugees and the citizens

Power in camps, in light of Foucault's description of order and control, may be seen as more about containment than shelter or relief.<sup>247</sup> Distinctions are more visible where

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<sup>246</sup> It must be noted that scholars, NGOs, and the UNHCR are paying increasing attention to the seemingly unsolvable problems Sarah Deardroff, "How Long Is Too Long? Questioning the Legality of Long-Term Encampment through a Human Rights Lens." Working Paper 54 (Refugee Studies Centre (RSC), 2009), p. 5.

<sup>247</sup> Hyndman, *Managing Displacement*, p. 122.

camps [the majority of which] are located in "remote, politically marginal border areas," as Tania Kaiser writes of Sudanese camps in Kenya and Uganda, which reflect "the government's desire to maintain the separation of refugee populations, positively preventing integration."<sup>248</sup>

Freedom is the recurring theme in these five characteristics of the Panopticon. Loss of geographic freedom is compounded by the loss of freedom to contribute to and participate in their community, even if that community is situated within the confines of a refugee camp.

Accompanying lack of freedom is the Barbara Harrell-Bond states that, "Implementing organizations have power over passive aid recipients, and it is this power over the refugees and their situation that is at the heart of encampment."<sup>249</sup> Her emphasis is on the passive aid recipient, a sentiment she identifies as being deeply embedded in the refugee discourse. A statement by the UNHCR's Standing Committee reflects a concern for safety and protection, but it also reflects this deep seeded sentiment that the transfer of goods and services is unilateral, with the refugee as a passive recipient. Consider the UNHCR's Standing Committee statement about these encampments:

The high incidence of violence, exploitation and other criminal activities are disturbing manifestations [of refugees remaining] passive recipients of humanitarian assistance and continu[ing] to live in idleness and despair.<sup>250</sup>

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<sup>248</sup> Deardroff quoting Tania Kaiser Deardroff, "How Long Is Too Long?." p. 9; Tania Kaiser, "Sudanese Refugees in Uganda and Kenya," in *Protracted Refugee Situations: Political, Human Rights and Security Implications*, ed. Loescher, Milner, et al., (New York: United Nations Press, 2008), p. 257.

<sup>249</sup> Harrell-Bond, "Can Humanitarian Work," p. 455.

<sup>250</sup> UNHCR, "Framework." p. 10.



Figure 2.1a. Fence and Watchtower Southern California Prison (copyright free)  
[www.turbophoto.com/Prison-and-Watch-Tower-15046.php](http://www.turbophoto.com/Prison-and-Watch-Tower-15046.php)



Figure 2.1b. Fence around UN compound at the Kakuma refugee camp. (copyright free)  
[http://travel.mongabay.com/kenya/images/kenya\\_elf\\_0032.html](http://travel.mongabay.com/kenya/images/kenya_elf_0032.html)



Figure 2.1c. Walled in camp with tower at fore; same camp as below. (copyright free)  
[http://travel.mongabay.com/kenya/images/kenya\\_elf\\_0032.html](http://travel.mongabay.com/kenya/images/kenya_elf_0032.html)



Figure 2.1d. The 'security fence' and Watchtower at Qalandya refugee camp.  
[http://travel.mongabay.com/kenya/images/kenya\\_elf\\_0032.html](http://travel.mongabay.com/kenya/images/kenya_elf_0032.html)

Even when an observation or truth is presented of violence in the refugee population, the refugee continues to be addressed as if in a fishbowl or Panopticon, being watched, judged, and the spoken for by others. (Figure 2.1a-d)

Discourses act with consequences as well. Among the plethora of negative consequences for refugees warehoused in camps is the link between encampment and epidemics.<sup>251</sup> The lack of available (clean) water, latrines, and the proliferation of opportunist organisms immediately are cited as major killers.<sup>252</sup> Refugees in camps also experience exceptionally elevated levels of vitaminoses such as beriberi, pellagra, and scurvy are still widespread.<sup>253</sup> Overcrowding increased transmission of communicable diseases; epidemics of measles, dysentery, and meningitis become major killers in camps as well, more than in other situations.<sup>254</sup> Referring to the 1994 deaths from cholera and dehydration of some 50,000 Rwandan refugees in only two weeks in overcrowded camps near Goma (then-Zaire), a UNHCR officer acknowledged "there is no doubt that refugees are better-off living outside camps."<sup>255</sup>

Epidemics gain strongholds and many more victims in the presence of compromised nutritional health. The added impairment of malnutrition from too little

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<sup>251</sup> Van Damme, "Do Refugees Belong in Camps? Experiences from Goma and Guinea.."

<sup>252</sup> Médecins Sans Frontières, *Refugee Health*; M. A. Muecke, "New Paradigms for Refugee Health Problems," *Social Science and Medicine* 35, (1992).

<sup>253</sup> Roger Zetter and C.J.K. Henry, "The Nutrition Crisis among Refugees," *Journal of Refugee Studies* 5, no. 3/4 Special (1992); Phillip Nieburg, Bobbie Person-Karell, et al, "Malnutrition-Mortality Relationships among Refugees," *Journal of Refugee Studies* 5, no. 3-4 (1992).

<sup>254</sup> David R Phillips and Yola Verhasselt, eds., *Health and Development*, (London, UK: Routledge Press, 1994); Michael Toole and R.J. Waldman, "Prevention of Excess Mortality in Refugees and Displaced Population in Developing Countries," *Journal of the American Medical Association* 263, (1999).

<sup>255</sup> Van Damme, "Do Refugees Belong in Camps? Experiences from Goma and Guinea..," p. 360-361; Mohamed W. Dualeh, "Letter to the Editor," *The Lancet* 346, (1995), p. 369.

food rations, absence of food rations, poor nutritional provisions, and misappropriation/ confiscation of supply shipments perpetuates a vicious cycle of vulnerability to the many harms that can beset the refugee in camps. It must be asked what role the discourse has played in nutritional support donations, decisions about quality of food, and choices made by those with the power to affect a change.

The architecture of the refugee discourse has a long, deep, and solid repertoire that has inculcated the idea of refugees in a certain way. What we are left with is a product of a discourse that represents refugees as less than moral agents and merely passive recipients of aid. It reinforces the unquestioned image of groups of refugees that are warehoused in these encampments as static, un-engaging, and with nothing to contribute.

The question Foucault wants us to ask is what, if anything do we not consider within the refugee discourse. The discourse appears full and comprehensive. Most all topics are addressed within the discourses of power, of the nation-states, of post war resolutions, of deficiencies in founding documents, isolation and control, and consequences of close-quartered living. The processual character of these discourses has created a myopic analytical and task oriented focus establishing both the organizational goals and social roles that define and legitimate the institutional order. It is this discourse that Foucault asks us to consider problematizing.

Consider that which is lost in the convention and routine of these discourses. Power is power over refugees but it is also power over their hope; deficiencies in foresight and social blindness in constructing protections is just as much about rights and responsibilities as about the shattered trust in the heart of the refugee whose rights have

already been betrayed by their own government; isolation or warehousing is about refugees living in a new community far from loved ones lost or left behind; control is about people attempting to establish an identity and solidarity with someone familiar (a belief, a language, a culture); and living in epidemic prone close quarters is to be a human being seeing, hearing, touching, and experiencing the suffering in the Face of so many Others that return your gaze.<sup>256</sup>

Securing safety, aid, and support for refugees is not a simple task that this investigation realizes and acknowledges. While the UNHCR is the agency through which many others agencies are channeled, the truth has been discursively created that the agencies and not the persons of nations have the task and responsibility to act and aid. The discourse identifying barriers to refugee people becoming whole and undertaking measures to overcome obstacles requires something from all people not just the humanitarian machine that is fueled with sole responsibility. Discussions and debates that recognize the value, creativity, desire, imagination, and resources which refugees themselves bring to the situation are drowned out by the discourses of invasion and fear that keep refugees at a distance. It is suggested that the dominant discourse on refugees may be a contributing factor for the endurance of default assumptions regarding the refugee with consequences measurable in human suffering.

The dominant discourse on refugees has a powerful influence on the way people believe refugees to be, on the modes of pathologizing and sequestering, and on the systems constructed to aid refugees. Foucault's work reminds us that the course of a

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<sup>256</sup> Face of the Other is reference to Emmanuel Levinas' ideology of an ethic compelled by the Face of the Other. Emmanuel Levinas, *Totality and Infinity: An Essay on Exteriority*, trans. Lingis, (Pittsburgh: Duquesne University Press, 1969).



discourse is continually negotiated. As the discourse of mental illness evolved so too did the course of the study of mental illness, the treatments of mental illness, and the perception of the mentally ill. The refugee discourse is not fixed; the direction in which it continues to evolve can be influenced.

Discursively created identities and the discourses creating them are not necessarily the truth, nor do they necessarily represent the truth; discourses can and do change.<sup>257</sup> The discourse is not about right or wrong words, or about chastising the discours-ees. It is about what the words do, the messages they convey, how the message is interpreted, the authority behind the message, how the message is reproduced and rhetorically repackaged in other discursive domains, and how it becomes unified and perpetuated as the authoritative discourse and normalized in our collective memory.

The good thing about discourses is that they can and do change as information changes and we become more conscious of the perceptions, structures, and consequences created by the discourse. The terms mental illness or refugee are not bad terms. Just as mental illness has been lifted of much of the stigma, so too can the term refugee be understood more fully. In much the same way, so too can the discourse on refugees overcome the distortions that have defined it. The concept of an archaeology of discourse offers an explanation for the limitations within which the refugee is regarded and outside of which is not considered. Genealogy shows how these delimiters are translated in acts. It is a discourse with delimiters we can no longer accept without questioning.

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<sup>257</sup> Mills, *Michel Foucault*, p. 72-76.

## 2.2B. Genealogy as Examination

Foucault identifies the second discursive element of his Genealogy of discourse as the technique of *Examination*.<sup>258</sup> Along with the concept of the Panopticon, the *Examination* is another method of exerting power that has a direct corollary in the refugee discourse. Three methods Foucault implicates as components of *examination* are discursive tactics that address the loss of freedom (docile bodies), the internalization of a given identity, and the donning of behavioral expectations that accompany that identity.

Foucault describes the mechanisms of *examination* as an exercise in "power relations that make it possible to extract and collect knowledge."<sup>259</sup> These mechanisms of power and knowledge incorporate alternate facets of the same discursive exchange. On the one hand, techniques of power are developed on the basis of knowledge obtained and on the other hand, exercising power is a technique in the process of gathering knowledge.<sup>260</sup> Foucault isolated three distinctive properties of the *examination*.

1. *Interview* is a technique that both objectifies and subjectifies. Examination as the interview makes it possible to extract knowledge, either from a subject or about a subject. "Where the subjects of power are spotlighted and the source of power remains imperceptible."<sup>261</sup>
2. *Field of Documentation*: De-contextualizes and de-historizes a person by measuring against pre-established criteria so that all subsequent discussions and interactions are directed toward the label and all those so labeled are interchangeable with any other of the same label.

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<sup>258</sup> Fairclough, *Discourse and Social Change*, p. 52.

<sup>259</sup> Foucault, *Discipline and Punish*, p. 185.

<sup>260</sup> Fairclough, *Discourse and Social Change*, p. 50.

<sup>261</sup> Foucault, *Discipline and Punish*, p. 188.

3. *Field of Data*: Data from the documentation creates a new subject and focus.

These three components act as mechanisms that exert power and domination in a more oblique way than the dividing and pathologizing mechanisms of the Panopticon. These three components of the *examination* (i.e., the interview, documentation, and data as the subject of documentation) are not only evident in the refugee discourse, but also operate at the full measure that Foucault anticipated. In the refugee discourse, these mechanisms operate as "mode(s) of action which do not act directly and immediately on others," but instead, "act upon their actions."<sup>262</sup> Each mechanism is worthy of an explanation of how it functions as power to assert a new set of relationships between individuals (or groups of individuals) and authority in the refugee discourse.

The Interview

The first of these three properties of the *examination* is the *interview*. The power of the interview is in that it focuses on the visibility of the individual or group under investigation (or object of study) and deflects the attention away from the directors of the investigation.<sup>263</sup> The interview represents both objectifying and subjectifying, as Foucault explains:<sup>264</sup>

The constant visibility and the focus of the interview questions keep the person subjected in order to extract information, and subsequent labeling then allows individuals to be treated and arranged like objects.

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<sup>262</sup> Michel Foucault, "The Subject and Power," in *Michel Foucault: Beyond Structuralism and Hermeneutics*, ed. Dreyfus and Rabinow, (Chicago: University of Chicago Press, 1982), p. 219.

<sup>263</sup> Fairclough, *Discourse and Social Change*, p. 52.

<sup>264</sup> Fairclough, *Discourse and Social Change*, p. 53.

The refugee *status determination process* is an interview and is the consummate example of the examination in the first instance where the source of power is imperceptible while the subjects of power are both subjectified and objectified. The status determination or registration interview is integral to the refugee experience because it is through this process that a person is conferred with the label *refugee*. As Foucault pointed out, while the focus remains on the interviewee (the asylum seeker) as the subject who must prove to be qualified for refugee status, the interviewee holds the power to control and order the action. The interviewer decides placement of the subject, the order of the questions, the length of time for the interview, and determines which questions will be asked as well as which answers will be accepted. Knudsen puts it this way:<sup>265</sup>

In the camps, refugees enter a limbo state as they carefully attempt to prove their right to asylum and aid from the international community.

The power to confer status resides with the interviewer, but the focus remains on the asylum seeker and the information that they present for consideration. This process of qualification or registration acts as a mechanism that exerts power and domination by more indirect and less visible means than the structures of surveillance associated with the Panopticon.

The status determination process (or registration) is not the beginning of the refugee person's experiences, but it is the critical juncture at which a person is conferred with the legal refugee status and identity. Registration is a tool; it is a means to protection and provision.<sup>266</sup>

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<sup>265</sup> John Knudsen, "When Trust Is on Trial: Negotiating Refugee Narratives," in *Mistrusting Refugees*, ed. Daniel and Knudsen, (Los Angeles: University of California Press, 1995), p. 18.

<sup>266</sup> UNHCR, "Handbook on Procedures." Item-E16.

. . . the protection of the United Nations provided by the High Commissioner, regardless of whether or not he is in a country that is a party to the 1951 Convention or the 1967 Protocol.

The immediate aspects of the protection of the UNHCR are admission and permission to remain in a safe country of asylum. The refugee has now crossed the threshold into the monolithic system of refugee assistance which is channeled through the bottleneck of the UNHCR. The status determination process has established that the person has met the qualifications as set forth in the definition of refugee and it confers entitlement to assistance and protection. This completes the first of the three phases of Foucault's examination and establishes the social positions that allow for a power/knowledge discourse to accomplish the task of objectifying the newly identified subject of knowledge, the refugee person.

#### Field of Documentation

Documentation and labeling is the second property of Foucault's examination and is a consequence of the first, the *interview*. Foucault's observation is that once an identity has been affixed upon a person(s), documentation about that person then develops contributing to the subjectification of the person or group of persons. Relationships, subject positions, and legitimacy are created through this process of naming and documentation. The operation of documentation in the refugee context acts to produce legal and distinctive identities. It goes on to objectify or further reduce the legal identity to a selection of facts and data.

Refugee as a legal identity and label is a double edged sword. To be a refugee is to occupy a social position some believe to be lower than that of an alien, that of sub-human. Aliens are often thought to be *not human* or *not of this world*; but sub-human is a

state of being that even an alien would not want to occupy. Verdirame recounts a keen example in *Rights in Exile*.<sup>267</sup>

One of the ironies . . . was that it was easier for the post 1991 refugees to obtain a work permit if they concealed their status as refugees and applied as *regular aliens*. In addition, even when refugees were successful in obtaining a work permit in this way (identifying themselves as aliens rather than refugees), they could not renew the permit when their papers expired. [emphasis added]

Refugee status not only separates the refugee-person from the 'normal' citizens but from 'regular aliens' as well. Separation and identification of the refugee from others in society is not limited to geographical or citizen based distinctions.

The estrangement of the refugee from all others in society can also be identified in terms of moral agency, or the lack of it. The attributes and considerations of the refugee as a moral agent must be considered in the manner that refugees are engaged within social institutions and society as a whole. Moral agency not perceived or recognized greatly reduces the possibility for mutual understanding or collaborative action. It is the discourse that acts as an adhesive that perpetuates our assumptions and establishes patterns of thinking and acting that separate the refugee from others. Several of these discursively created differentials are identified in the following paragraphs.

Distinguishing the refugee person from other aliens or displaced persons is the perceived loss of their historical and contextual attributes of political ideology, religious beliefs, ethnicity, and gender. Those defined as migrants (sometimes referred to as economic refugees) and internally displaced persons retain (for better or worse) these historical or national identifiers. Anyone could be considered a migrant if they cross a

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<sup>267</sup> Verdirame and Harrell-Bond, *Rights in Exile*, p. 216.

border with the intent to re-establish residency. To be labeled a refugee, on the other hand, not only stipulates that an international boundary must be crossed but a *well-founded fear* must exist and the person must be a non-combatant (as opposed to a wanted criminal or military person). None such stipulations are necessary to be considered a migrant or internally displaced person.

The distinction between refugee and migrants can also be made in terms of moral agency. Economic refugees (migrants), for example, are generally perceived as rational, calculating, and deliberate. Migrants maintain their national identities and cultural distinctions. The discourses concerning migrants are anchored on the idea of deliberation of such things as cost-benefit comparisons of their present versus alternative situations and other perceptions of decision-making behavior. While some migrants may deliberate the benefit/risk ratio of migrating to another country (considered *pull* factors), the standard for refugee status (referred to as the *persecution* standard or *push* factors) "does not connote the same element of planning, deliberation, or alternative choice."<sup>268</sup>

A person's movement in terms of *push* factors is often gauged as impulsive (as opposed to a deliberate autonomous choice), as a knee-jerk reaction (as opposed to thoughtful response)<sup>269</sup>, and/or having given little thought to the consequences of their actions (flight). Blame-worthiness or praise-worthiness cannot be appraised when an act is considered to have been initiated in response to coercive tactics, by a fear of being

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<sup>268</sup> E.F. Kunz, "The Refugee in Flight: Kinetic Models and Forms of Displacement," *International Migration Review* 7, Summer, (1973), p. 135.

<sup>269</sup> Kenneth Schmitz, *At the Center of the Human Drama: The Philosophical Anthropology of Karol Wojtyla, Pope John Paul II*, trans. Schmitz, (Washington D.C.: The Catholic University of America Press, 1993), p. 119. Schmitz uses the phrase, "human action in its true nature is action in-response" in reference to Karol Wojtyla's writings.

harméd, and in the presence of severely limited options. Ultimately, refugees are defined purely in terms of the overwhelming forces responsible for flight and (consciously or unconsciously) perceived as passive, inactive pawns manipulated by more powerful forces, in other words, they are people "to whom things are done."<sup>270</sup> The push/pull discourse is a frame of reference that Foucault may consider as creating *docile bodies*.

The effect of a discourse that conceptualizes refugees according to *push* factors not only constructs the refugee as passive and powerless, but it affects them and the perception of them negatively in several ways. The *push* discourse pathologizes the refugee and not the factors that *pushed*. It pathologizes the victim, not the offender. In terms of what it means to be a refugee: it pathologizes the fearful, not the feared. It is fear that is integral to the definition of refugee, which defines the person as a refugee and not their courage, survival, or hope.

Fear is the elemental factor in conferring refugee status. Maintenance of that legal status also rests on the condition that fear prevents the person from returning home. This means that to be a refugee is to live in a state of fear. Article 1(C) of the 1951 UNHCR Convention/1967 Protocol and Article 1 (4) of the OAU Convention states that abrogation of international responsibility for the care and protection of a refugee (or refugee population) occurs when it has been determined that . . .

. . . the fear of persecution no longer exists in their home land, and they can return freely.

The Convention *cum* Protocol along with the International community made it clear with endorsement of the convention documents that fear is the linchpin of refugee status and

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<sup>270</sup> Kushner and Knox, *Refugees in an Age of Genocide*, p. 13.



access to protection. Fear authorizes the power of the UNHCR to bestow refugee status, the corollary of which is that they may exercise that same power to withdraw refugee status. In what is known as the 'cessation clause' to the 1951 Convention/1967 Protocol, refugee status and the vital protection it accords can be abruptly severed once the conditions for fear are no longer evident.

Protection is vital, but it should last only as long as absolutely necessary. Refugee status should not be granted for one day longer than is absolutely necessary.<sup>271</sup>

Fear is difficult to qualify and even more difficult to quantify, yet it must be present and remain present to maintain protection and aid. Both the Refugee Convention discourse and UNCHR organizational discourse perpetuate notions of the refugee as disempowered, fearful, and passive. These have become the epistemological framework that empowers the top-down, paternalistic structure of international aid intervention. It is a framework built on the recirculation of discourses that authorize the international community to control and confine refugees for *their own protection* and the distribution of resources. It is a discourse that denies refugees the right to be free from fear in order to enjoy the protection and provisions (care) of the international community.

Moral agency is easily eclipsed when dimensions of the refugee as a whole participating human being are neglected. On the one hand, the capacity for self-knowledge and a conscious reflection on the world that allows for a political ideology, religious beliefs, culture, and ethnicity are at the core of a human agent's experience in the world. Persecution for these personal values is the determinant for full refugee status and international protection. On the other hand, once a person (or group) is labeled

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<sup>271</sup> UNHCR, "Cessation: When Is a Refugee Not a Refugee?," *Refugees* 2, no. 123 (2001), p. 15.

*refugee*, all other aspects of identity such as cultural, ethnicity, nationality, and gender are implicitly lost. Zia Rizvi has observed that:

Once an individual, a human being, becomes labeled as a refugee, it is as though he or she has become a member of another race, some other sub-human group. Nationality and personal identity, regardless of ethnicity, religious background, age or gender fades into the legal status of 'refugee.'<sup>272</sup>

As Rizvi aptly noted, the attributes of ideology, beliefs, and values embodied in the person are part of what distinguishes the moral agent from "sub-humans."<sup>273</sup> Human endowments such as sorrow, courage, memory, and hope are also part of the "personal subjectivity" of the human being. Actions taken on behalf of refugees, if not informed by a discourse sensitive to or expressive of the human realities, may depend more on utilitarian calculations and a normative understanding of the refugee as a problem-to-be-assessed. William Fullbright's comment about U.S. policy in Vietnam expresses this sentiment and has pertinence for refugees as well.

Man's capacity for decent behavior seems to vary directly with his perceptions of others as individual humans with human motives and feelings, whereas his capacity for barbarous behavior seems to increase with his perception of an adversary in abstract terms.<sup>274</sup>

The disengagement of identity from context weakens the ability to perceive morally salient issues. Refugees become the object of our intentional acts; they become a *good cause* in lieu of being persons in their vulnerability. Implications of this understanding

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<sup>272</sup> Rizvi as quoted by Harrell-Bond in: Harrell-Bond, *Imposing Aid*, p. 155; Verdirame and Harrell-Bond, *Rights in Exile*, Prefice.

<sup>273</sup> Rizvi as above: Harrell-Bond, *Imposing Aid*, p. 155; Verdirame and Harrell-Bond, *Rights in Exile*, Prefice.

<sup>274</sup> William Fullbright, quoted in Mark Gibney, "Foreign Policy: Ideological and Human Rights Factors," in *Refugees and the Asylum Dilemma in the West*, ed. Loescher, (University Park, PA: Pennsylvania State University Press, 1992), p. 47-48.

(or lack of understanding) are manifest in the normative expectations that influence institutional and donor actions such as:

- Donor support is viewed as discretionary and/or is prompted by interest or sentiment.
- A top-down organizational structure of aid.
- Aid agencies are perceived to better know what is best for refugees than refugee him/her self. (paternalism)
- Beneficiaries (refugees) will be grateful.
- Any assistance is better than no assistance.
- That the refugee situation is a temporary one and temporary measures are acceptable.
- Both the public response and agency response can become routinized and automated.

All of these expectations result in a significant barrier to the commissioning of an efficacious response to the needs of particular refugees and communities.

The geographical distance of refugees from donors and wealthier states is yet another vector that impedes the ability to realize the personal and subjective dimension of any refugee situation. Distance is yet another unquestioned truth. Donors act and interact with refugees through a system structured to keep the refugee at a distance. Distance from refugees can seem even farther when all actions are taken through third party actors, aid agencies. The humanitarian superstructure acts as the interface for donor and refugee exchanges; it delimits the way in which distance is perceived. To problematize this delimiter we must consider that technology has provided real-time access to every corner of the globe. Military battalions are embedded with journalists;

GPS satellites can pinpoint a location with immediate precision; and an alpaca sweater can be bought from the Peruvian hands that spun the wool by a woman in Stockholm. Refugees are not as far-off or different in this much smaller world, yet the third party interface acts to delimit the parameters of potential as well as the people acting within it.

An objectifying/problem-oriented discourse conjoined with the (third party) restricted communal dynamic contributes to taken-for-granted-norms and deceptive assumptions about the human potential of the person-refugee. To go unquestioned is to preserve a vision of reality linked to our own goals and understandings outside of which are not considered. In short, the work of aid to refugees is shaped by the operatives of the social institutions, the label generates assumptions about what that person or group is like, their needs, their value in society and ultimately orchestrates the efforts taken on their behalf.

As the numbers of refugees grow along with the complexity of global situations states and donors become more detached and distracted from the historical events and the context in which they occur. Fixing the refugee identity in a homogenous fashion creates the perception that any person labeled as a refugee might well be interchangeable with any other refugee. When there are multiple and equally tragic refugee concerns it can become difficult to differentiate between all that clamors for attention. Gunther Plaut, a well-known Jewish scholar and rabbi, aptly talks about the human limitations wherein . . .

. . . the passion we can muster on their behalf stands in direct relation to the number of refugees whose case we take up. We are most likely to invest a great deal of emotional capital and effort in one or two families, but when our concern is with many or all refugees the intensity of our passion is diminished proportionately.<sup>275</sup>

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<sup>275</sup> Plaut, *Asylum*, p. 71.

Our own human limitations amplify the merit of adopting a discursive foundation that evokes the capacity in others to recognize the human and subjective dimension of the refugee in his or her situation.

#### Field of Data: The Official Discourse of the Aid Superstructure

The third element of Foucault's examination is that of subjectifying the already objectified subject, in this case, the refugee. The refugee has been interviewed, labeled, and documented. These processes result in the collection of data or knowledge. It is this data that becomes the subject of discussion, interpretation, review, and study, overshadowing the refugee the data represents. Foucault considered collected data about a subject as knowledge and knowledge is power. Foucault realized that there is concealed power in discursively subjectifying the already objectified subject through the use of collected data. In the refugee context, numbers become the subject in lieu of the refugee person that the numbers represent. Aid to refugees is focused on this discourse of numbers which is expressed in the sanctioned and insentient language of *target* populations, justified donor expenditures, and financial efficiency.

In the refugee setting data collection has been a standardized procedure for rapid assessment of need and resource allocation. Statistics are the very hub of the humanitarian apparatus. Since international humanitarian agencies became involved in assisting refugees in developing countries (early 1960s), the requirement of enumerating (the need to count) refugees and converting the numbers into usable data has, to a significant extent, dominated policy, planning, implementation and evaluation.

Logistical and bureaucratic pressures demand that field officials categorize the *target*

population and provide a statistical snapshot. Hyndman discusses the centrality of the transposition of events, projects, and refugee information into data.

Refugee operations embody a language of arithmetical calculation and therapy that transposes particular events and activities in the field into standardized reports, statistics, and community development projects suitable for consumption at the UNHCR.<sup>276</sup>

Major international agencies and donors have traditionally considered formal quantification and identification of beneficiaries as indispensable for the distribution of goods. Formal quantifications of this kind are the basis for funding proposals, allocation, and planning.

Refugee numbers and a discourse of numbers are appropriate and necessary at some levels but are not without caveats as well. The UNHCR requires and depends upon statistics to procure resources, plan programs, and deploy workers. Donor states and their funding agencies require statistics to justify expenditures through documentation of allocated funds. Host governments need statistics for security purposes, to anticipate the social and economic impact of a refugee influx and to ensure that the refugees' presence is taken into account in the formulation of local, regional and national development plans. The media, which are not a part of the international refugee regime but are used by and exert a considerable influence upon it, demand statistics to provide their audience with information. Journalists and advocacy groups, for example, are most likely to be concerned with generalized 'headline' figures.<sup>277</sup> The end result is that the pathologized,

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<sup>276</sup> Hyndman, *Managing Displacement*, p. 122.

<sup>277</sup> Jeff Crisp, "Who Has Counted the Refugees? UNHCR and the Politics of Numbers," *New Issues in Refugee Research*. Working Paper no.12 (UNHCR/ Policy Research Unit, 1999), p. 3. [www.unhcr.ch/refworld/pubs/pubon.htm](http://www.unhcr.ch/refworld/pubs/pubon.htm).

isolated, interviewed, labeled, and documented refugee has now been transposed into a new subject as data.

The conversion of refugee data into refugee knowledge is a prescribed undertaking. The inevitability of the process of refugee enumeration is continually taken into consideration in the day to day running of camps and programs. As Barbara Harrell-Bond states:

Correlating and compiling data collected becomes an arduous task. It is little wonder that confining refugees in one place -- a camp -- becomes such an attractive solution. In a camp, everybody is a number. The only difference between a pregnant woman, a sick child, and a frail old man is their number.<sup>278</sup>

The use of numbers in this manner immediately creates a substantial distance between the data collectors (aid regimen) and those who are counted (refugees). The practices that generate data about refugee populations are of several different models depending on the type of information being generated. It is necessary to note here that advocacy for refugees by persons like Harrell-Bond has, in the past ten years, strengthened the discourse about data collection by emphasizing the diversity of refugee populations and challenged the taken-for-granted presumption that refugees are an undifferentiated mass with identical needs and capacities.

The UNHCRs *Handbook to Helping Refugees* provides the guidelines as to what "the essential minimum information required for the launch of an emergency program."<sup>279</sup> Clearly such data and the statistics it generates are not only necessary for

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<sup>278</sup> B.E. Harrell-Bond, E. Voutira, et al, "Counting the Refugees: Gifts, Givers, Patrons and Clients," *Journal of Refugee Studies* 5, no. 3/4 (1992), p. 210.

<sup>279</sup> UNHCR/WFP, "Acute Malnutrition in Protracted Refugee Situations: A Global Strategy," Study/Report, January (United Nations High Commissioner for Refugees, 2006).

funding and accounting purposes but also important for operational reasons. Gathering such information is a high priority in any assessment mission and program strategy.<sup>280</sup>

The required procedures of compiling and correlating data are part of the organization's institutional culture. A central source of essential minimum information is the counting or enumeration of refugees in one area.

The UNHCR enumeration process collects specific information by means of head-counts, situation reports, and refugee registration. Registration is generally the first procedure in generating statistics about any particular camp and the refugees within that camp. For enumeration purposes, registration involves registering the names of individuals according to family unit at the time they present for admission to a camp.<sup>281</sup> Registration is of central importance to refugees. It is through being registered that entitlement to material assistance is secured. However, registration cannot always ensure equitable access to entitlements.

Agencies, particularly the UNHCR, exercise power via the use of data-as-knowledge in both the behavioral sense (gaining as much information as possible) and structural sense (using data to anchor and justify organizational operations) depending on their underlying position of dominance or subordination relative to other actors. The UNHCR has the distinct dual position as dominant over the beneficiaries/refugees and subordinate to the donors making them both responsible and accountable.

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<sup>280</sup> John Telford, "Counting and Identification of Beneficiary Populations in Emergencies," Relief and Rehabilitation Network (Overseas Development Institute, 1997), p. 15. [www.oneworld.org/odi/rnn](http://www.oneworld.org/odi/rnn)

<sup>281</sup> Harrell-Bond, Voutira, et al, "Counting the Refugees."; Hyndman, *Managing Displacement*; Charles Kemp and Lance Rasbridge, *Refugee and Immigrant Health: A Handbook for Health Professionals*, (New York: Cambridge University Press, 2004); Verdirame and Harrell-Bond, *Rights in Exile*.



Accountability to the donors is the sustaining life-blood of aid services. The discourse of accountability to donors is frequently couched in the insentient language of digits and aliquot parts.<sup>282</sup>

Accountability is the names given to this process of official justification . . . refugees/clients are treated as mass planning figures'.

Donor nations want to know that their contribution is being used wisely. However, an equally important form of accountability with which registration does not adequately deal is that of accountability to the beneficiary population.

Registration, as a precondition for access to protection and entitlements then, also must incorporate some concept of responsibility for the well-being of the human beings being registered. Registration is akin to giving consent for the care and protection of the UNHCR and as such a grossly asymmetrical relationship. The more decision making power over resources held by one group over another (aid agency versus refugee) the greater the need for persistent and diligent evaluation. Therefore, registration as a means of accountability to the beneficiaries would need to define success (e.g., decreased malnutrition or increased percentage vaccinated) and apportion responsibility for failure. First and foremost, registration must be about seeing that the human beings now under the care and entitlements of the agency or camp continue to live, and that they do so in dignity. In accord with Foucault's reasoning, the requirement of the bureaucratic process of registration becomes sufficient in itself as a mode of exerting power through information, irrespective of the information it provides, and the reliability of that information.

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<sup>282</sup> S. R. Waldron, "Blaming the Refugees," *Refugee Issues* 3, no. 3 (1987), p. 10.

The official discourse of aid to refugees is a discourse of numbers. This organizational discourse plays an important role in constituting the social reality for those functioning within the institution. Organizations active in refugee camps, generally under the auspice of the UNHCR, have a self-perpetuating cycle in which the numerical framework of accountability tends to become the discursively created reality. The constitution of social reality, as Foucault has cautioned, renders invisible or delimits the consideration of other observable features, problems, or qualities. Moreover, plans for future action are based on a social reality that is constructed through these official discourses of knowledge-as-numbers.

The actualities and endurance of living people become the conceptual currency (in this case the official statistics) of the organization that governs them. Ultimately, refugees and the camps they inhabit are viewed through the lenses of this administrative, organizational, donor, and media discourse based on officially constructed dominant discursive reality of definitions, conditions, dissimilarities, and numbers.

The unquestioned normalcy of numbers in particular, presents a false sense of having an accurate understanding of the conditions and lived experiences. A discourse directed by and acting on numerical knowledge preempts the perception of morally relevant values in situations as they present. Such a discourse diverts awareness and funnels it to a narrow focus with an impersonal and universal point of view. That point of view is a shared understanding or a taken-for-granted notion that the discursively created numerical reality is the true reality. Foucault called this subjectifying the object.

Robin Needham, of the Refugee Participation Network, has explained:

Successful progress in a refugee operation is measured in terms of "x" tents or erected, "y" tons of food provided, and "z" patients treated.

There is little consideration of social factors or refugee values because the whole basis of so many refugee relief efforts rests on objects, not on people; on what is available, what has been delivered, and not on what is needed.<sup>283</sup>

When the success of a mission intended to 'provide and protect' is constructed around a discourse of knowledge-as-numbers the relationship between the generation of information (knowledge/power) and the normative issues of humanitarian ends must be considered. The dependence and centrality of refugee enumeration, when it is linked to the human suffering and human life through the distribution of nutrition and medicine, must be continually re-examined.<sup>284</sup>

For example, balancing the available quantity of resources (e.g., nutrition) with the delivered quantity, as Needham pointed out, is meant to be a mechanism to guarantee the fair distribution of food to those in need, i.e. that each gets the same.

"It does not, however, address the question of whether everyone gets enough."<sup>285</sup>

What the statistically based discourse does do is establish counting practices that form a central component in an ideology of control which leads to desirable and undesirable consequences for refugee populations. In this sense, as Foucault has cautioned, data and data collection must be seen as a practice that constructs a subject independent of the persons the data represents.

Anytime statistical data or number counts are generated the potential for alteration or manipulation must be considered as caveats. Once statistics are presented it then

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<sup>283</sup> Needham, "Refugee Participation," p. 1.

<sup>284</sup> Telford, "Counting and Identification."; Crisp, "Who Has Counted."; Harrell-Bond, Voutira, et al, "Counting the Refugees."

<sup>285</sup> Harrell-Bond, Voutira, et al, "Counting the Refugees," p. 206.

becomes a requirement that decision-making be sensitive to the relationship of information to human interests. In reporting statistical information about refugees both under-reporting and over-reporting can be more intentional than inaccurate. It has been well documented that there are many times that the *numbers* have been either exaggerated or minimized for a multitude of reasons, generally to a state's advantage.<sup>286</sup> Jeff Crisp, in a working paper prepared for the Policy Research Unit of the UNHCR, reports that there is a tendency of governments to over-report or report inflated refugee statistics. Inflation of statistics, Crisp reports, is often linked to the unreliability of the food aid pipeline. Governments called upon to administer to a mass refugee influx face predictable obstacles such as:

Officials agree that they would 'not dare' to base emergency relief requests on a lower number of the estimate because it might result in a fatal insufficiency of relief.<sup>287</sup>

In different circumstances, the number of refugees reported may be exaggerated taking into consideration the piracy of resources along the pipeline of delivery and political/cultural confiscation of resources.

The manipulation of numbers can also be to under-report the number of refugees to be aided in a particular location. Under-reporting has been used to deter new arrivals. Several reasons for this are suggested, one being that under-reporting results in a

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<sup>286</sup> Alastair Ager, ed., *Refugees: Perspectives on the Experience of Forced Migration*, (New York: Cassell: Continuum International Publishing Group, 1999); Barnett, "Humanitarianism with a Sovereign Face."; Peter Chalk, "The International Ethics of Refugees: A Case of Internal or External Political Obligation?," *Australian Journal of International Affairs* 52, no. 2 (1998); Dominick, "Racism."; Grahl-Madsen, "Identifying."; Harrell-Bond, Voutira, et al, "Counting the Refugees."; Gorm Rye Olsen, Nils Carstensen, et al, "Humanitarian Crises: What Determines the Level of Emergency Assistance? Media Coverage, Donor Interests and the Aid Business," *Disasters* 27, no. 2 (2003); Soguk, *States and Strangers*; Stedman and Tanner, eds., *Refugee Manipulation*.

<sup>287</sup> Crisp, "Who Has Counted." p. 11.

reduction of rations. Documented in an inter-agency monthly meeting of the providing refugee agencies in Uganda (the UNHCR, the International Federation of Red Cross and Red Crescent Societies (IFRC), the Uganda Red Cross society (URC), and the Ministry of Local Government (MoLG)) is a report recounted in *Rights in Exile* and reproduced here as recorded reads:

It was explained that the GoU [government of Uganda] strongly feels that the Rwandese refugees formerly in Tanzania should receive life sustaining quantities of food *below the normal rations* as a deterrent against attracting more refugees.<sup>288</sup>

Whether under-reporting or over-reporting, real lives can be thought of not just as pawns in organizational/government strategies but also as tools of power.

The power of numbers is more reason to take up Foucault's challenge to question the discursively created reality. The instability and unreliability of statistical information is all the more reason that other evidence is needed to support whatever statistics are used for decision-making. Statistics are, without a doubt, a concise and pragmatic means of communicating large amounts of information quickly allowing for a swifter response to human tragedy. Interpretation of the statistical discourse can be made more meaningful through substantiation and validation with corroborating discourses and reporting agencies or reflect trends over time.

Statistics and data can convey the scope of a situation, but human hope and human suffering are not easily enumerated. Disturbing statistics of malnutrition, malnutrition related illness, and morbidity rates among children under five years of age must be interpreted for their relevance in human life and their validity in human need.

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<sup>288</sup> Verdirame, "Human Rights," p. 228.

Historically, mortality rates and nutritional insufficiencies are considered to be an accurate measure of the overall health of any camp.<sup>289</sup> Morbidity, mortality, and health status reports convey such vital information that they are corroborated by several different reporting agencies that provide health care such as the Medicines sans Frontiers, the ICRC, and UNICEF. Malnutrition is the primary causative differential in the presence of community related diseases and mortality within the camps, particularly for women and small children. Yet, substandard nutritional status and malnutrition related suffering within refugee camps is a disturbing reality that has remained a consistent obstacle to overcome.

There is a function that necessitates the circulating dominant discourse on refugees (within and without the humanitarian aid system) to be replete with numbers. It is a discourse that acts and causes others to act. Even with the best intentions and methods, the nature of humanitarian action cannot be separated from the context in which it is provided and from the consequences it incurs. It is not enough to assume that certain acts are merely good in themselves. The danger of a discourse that has numbers as its subject is that it creates the reality (or unquestioned truth) that obscures the moral perception of the humanitarian response. A discourse of numbers-as-knowledge creates a reality about needs and what need means in the refugee setting. Need becomes a glitch, a shortfall, or a problem. Need becomes a problem that can be solved by making the numbers match; it can be achieved with service of any quality.

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<sup>289</sup> Malkki, "Refugees and Exile."; P. Tabori, *The Anatomy of Exile: A Semantic and Historical Study*, (London: Harrap, 1972); Médecins Sans Frontières, *Refugee Health*; Harrell-Bond, "Can Humanitarian Work."; Ogletree, *Hospitality to the Stranger*; Harrell-Bond, Voutira, et al, "Counting the Refugees."; Crisp, "Who Has Counted."; Alex Jacobs, "Who Counts? Financial Reporting to Beneficiaries: Improving Quality by Improving Participation," *Humanitarian Exchange*, (2004); Nieburg, Person-Karell, et al, "Malnutrition-Mortality Relationships among Refugees."; Telford, "Counting and Identification."

Humanitarian aid to refugees is a moral endeavor couched in a unilateral objective discourse of duties, tasks, and numbers. Humanitarian endeavors are more than a technical exercise aimed at nourishing or healing a population defined as the *shared burden*. Thus the consequences of humanitarian action must be given equal weight with the intention of responding to the perception of human value and suffering if the "an ethic of responsibility is to be more than an ethic of response."<sup>290</sup>

Hollenbach has consistently stressed that respect for the worth of persons is embodied in the relationships of social interaction, in the societal structures that make genuine interaction possible, and that relationships connect the self and the community through the shared medium of language.<sup>291</sup> It follows then, that social interactions with refugees as the distant other, through our discourse and policies, will have a strong influence on the way such people are viewed, valued, treated, and experience themselves in the world. From this perspective discourse is a way of acting with mutual respect and interacting in ways that enhance, recognize, express, and reciprocate the dignity and infinite worth of the refugee person(s).

Aid delivery is fraught with a quagmire of difficulties. It must be noted that the persistence and sacrifices of those both within and without the aid agency as fund raisers, organizers, deliverers, and/or distributors of the precious aid recourses must be acknowledged and commended.

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<sup>290</sup> Fiona Terry, *Condemned to Repeat? The Paradox of Humanitarian Action*, (Ithaca, New York: Cornell University Press, 2002), p. 243-244.

<sup>291</sup> David Hollenbach, *The Common Good & Christian Ethics*, (Cambridge, UK: Cambridge University Press, 2002), p. 70-71.

### 2.3. Foucault's Governmentality of Subjects

The notion of governmentality was part of Foucault's later works and incorporates much of the discussion on power previously presented. His notion of governmentality moves away from the institutional power that emanates from a primary focal point to analyze power as being an interchange that entails two analytical dimensions. The first facet of power is much of which has already been presented, the power of the institution as an institution (establishing social positions, procedures, etc.). The second kind of power has to do with operations within the institution and the way members function within the institution with each other and the hierarchy to achieve goals. In effect, those who create and impose labels determine the rules of the members. The members then choose to act with and among each other in the appointed organized engagement.

Foucault was looking beyond the daily running of the institution to the interactions of members within the institution. The asymmetrical relationships of power in the international refugee regime have little difficulty maintaining their ascendancy inside or outside of the institutions. Rules of conduct function to maintain the order of power. The various member components of the system not only act according to procedure, they interact with each other as well. Subsequently, the institutions established around the refugee *target populations* have accepted the sanctioned procedural regimentation of the refugee, the aid worker, field officers, inter-agency coordinators, and so on for purposes of efficient distribution of aid. These modes of conduct ensure the distribution and dissemination of resources among the refugees.

The relationship between the administration of structured procedures in the systematic running of the refugee camp and the willingness of both aid workers and



refugees to adapt their behavior is what Foucault might refer to as *conduct of conduct*. It is a form of governance that offers a specific understanding of power which problematizes participation and engages the refugee in a particular way. It is a way that perpetuates the power and function of the organization. Foucault does not necessarily consider this form of governance or compliant *conduct* as a particularly oppressive role of institutions and governments in the shaping of individuals. He values that human beings have a self-identity and self-interests as an aspect of freedom. On the one hand, conducting the conduct of others is part of the technology of 'care and control' that entails the management of space and movement of persons (e.g., Panopticon and examination). On the other hand, self conduct (acceptable or situation appropriate) can be interpreted as a specific practice of self-governing or freedom that allows for personal choice toward cooperation and compliance with a personal or mutual goal to be achieved.

Concealed power, however, can be recognized as Foucault has cautioned. Refugees have few choices, little power, and no legal recourse in such a massive aid system. Aspects of concealed power and limited freedom in asymmetrical relationships such as these must be questioned and problematized due to the potential of creating a false sense of agency. "Choose what has been chosen for you" creates the unquestioned truth that the outsider knows what is best for beneficiaries, even if it is only partially accurate. Foucault puts us to the task of questioning neutral appearing functions so as to unmask concealed power. Power is concealed or appears neutral when control and manipulation fall under the aura of benevolence, as in the refugee context. With survival as the motivation, compliance is the fundamental element of both contemplation and action.

Since the 1990s advocates for refugee participation in the function of the camps have had a struggle to achieve avenues for refugee participation in their own care. For all their effort, there are now a few structures that allow for refugee participation at various levels of camp functions. Advocates believe the resistance to more deeply involve refugees in the running of camps can be overcome but there is no mechanism to support or enforce a refugee's voice.<sup>292</sup> Empowerment and participation discourses become mute issues without a forum or a force. The powerful mix of the discursive practices, discursive subject positions, and conduct protocols has overshadowed the refugee's voice from being heard. Consider the often quoted statement by UNHCR officer Mark Malloch-Brown who was working under Kofi Annan and in charge of field operations for Cambodian Refugees at the time:

Refugee work remains, perhaps, the last bastion of the paternalistic approach to care left unchallenged. Indeed it is hard to think of another area where the "we-know-what-is-best-for-them" approach survives so unchallenged.<sup>293</sup>

Paternalism has been subject to widespread critique for the past several decades. Aid to refugees may seem to advocate more paternalistic interventions than other disciplines. A distinction between paternalism, governmentality as conduct of conduct, and the principle of beneficence is difficult to maintain in the context of aid where the agency and its

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<sup>292</sup> Matthew Albert, "Prima Facie Determination of Refugee Status." Working Paper #55 (Refugee Studies Center, 2010); Kofi Annan, (Secretary-General), "Tackling Problems of Sexual Abuse by Field Personnel." Geneva: United Nations Report, (4 December 2006). [www.un.org/News](http://www.un.org/News); Susanne Binder and Jelena Tosic, "Refugees as a Particular Form of Transnational Migrations and Social Transformations: Socio-Anthropological and Gender Aspects," *Current Sociology* 53, no. 4 (2005); Sarah Coleman, *West Africa: Sex-for-Food Scandal in West African Refugee Camps*, (May 2002). <http://www.worldpress.org/Africa/509.cfm>; Marfleet, "Refugees and History."; Peter W. Van Arsdale, *Forced to Flee: Human Rights and Human Wrongs in Refugee Homelands*, (Lanham, MD: Lexington Books, 2006).

<sup>293</sup> As quoted by Barbara Harrell-Bond in: Harrell-Bond, "Can Humanitarian Work," p. 53.

beneficiaries enjoy a non-adversarial relationship in bringing about a common good (for benefactors and beneficiaries). Both paternalism and the principle of beneficence are based on an appeal to the welfare, needs, or best interests of those under the care of another. Governmentality, as Foucault subscribes, is not necessarily oppressive or abusive and produces an ordered and efficient system.

The paternalistic approach to aid is, however, deeply embedded in the Bureaucratic conceptualization of refugees and their needs. The UNHCR, as the guardian of refugee status and thus its entitlements, is an environment with a mandate and desire to assist and protect those forced out of their homeland at its inception in 1950. It was intended as a response to the immediate circumstances following World War II with the presumption it would last little more than three years! A complicated set of actors, political, and global events over more than sixty years have transformed the locus of the UNHCR to the care and maintenance of refugees at the cost of its initial institutional identity as provider of humanitarian aid.<sup>294</sup> The refugee discourse emerged along with the institutional evolution, much the way described by Foucault in the emergence of the institution and study of psychopathology and mental illness. It is the discourse that emerged that has perpetuated the ethos of the humanitarian aid to refugees which anticipates and expects that the refugee is:

- A problem (international, humanitarian, political, economic)
- A problem that poses an international burden
- Unwanted in their home nation and most everywhere else

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<sup>294</sup> Verdirame and Harrell-Bond, *Rights in Exile*, p. 291.

- Endemically lacking (poor, uneducated, without possessions, etc)
- Supposed to a victim (as opposed to being a courageous survivor)
- supposed to be in a constant state of fear (as opposed to experiencing present life and future hope)
- supposed to be non-combatants (passive)
- supposed to be in need (of direction, protection, of someone to speak for , decide for , dispense resources for them)
- supposed to be a temporary problem

The dominant discourse on refugees has, over time, been rhetorically repackaged and deeply embedded in the institutionalization of practices and structures that embody sets of power relations. A not-so-concealed paternalism lies in the power of the system's inattentive acceptance of the values, traditions, and cultures manifest in the discourse that has shaped the infrastructure of the institutional monolith.

Paternalism is a delimiter to perception in many other aspects of the system as well. Refugees have very little power to affect their own outcome and are constrained by the protocols of the international community put in place to protect them from further harm. They consent to enter into a highly developed institutionalized world of intergovernmental agencies anticipating the probable benefits will outweigh the probable harm. Refugees want what is supposedly imposed on them, but cannot negotiate or obtain it by their own efforts. Neither does the refugee have the information or tools to address the needs of refugee community in which they find themselves.

The reality is that aid to refugees is paternalistic. Aid is a vertical, top-down organization with field workers close-up and UN specialists quite removed from personal

interaction with refugees. The keystone ideology is the unilateral transfer of resources.

The challenge, as Joel Feinberg is often quoted,

. . . requires reconciliation of apparently conflicting considerations. . .  
. we are challenged to reconcile our general repugnance for  
paternalism with the seeming reasonableness of some apparently  
paternalistic regulations.<sup>295</sup>

There are legitimate concerns with diminishing over-all harm to refugees. In this respect, paternalism is widely accused as "failing to appreciate the lived experience of suffering and avoids compassion."<sup>296</sup>

Foucault's analysis also seems to have reconciled the general repugnance for paternalism. He advocates that persons can remain consciously present to the other without dehumanizing, by recognizing the reciprocity of the interchange. Developing a method of attending to relationships without losing sight of larger patterns of power (identified by Foucault) can minimize or redress the issue of objectifying persons, but it cannot replace the place for listening in discourses.

Aid to refugees takes place in a humanitarian system with the desire to help distant strangers. Trust in the workings of the system by the refugees and in the selflessness of aid workers themselves can function in either contributing or resisting power, limiting or expanding possibilities of inter-action. Examining the discourse would go upstream of the present dynamics.

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<sup>295</sup> Joel Feinberg, *Harm to Self*, 1st ed., (Oxford: Oxford University Press, 1986), p. 25.

<sup>296</sup> Martha C. Nussbaum and Amartya Sen, eds., *The Quality of Life*, (New York: Oxford University Press, 1993), p. 109-110.

## 2.4. Summary: To a Man With a Hammer Every Problem Looks Like a Nail

Foucault's theoretical insights provide a means for examining the process of discursive power and how that power acts in creating belief systems, entrenching institutional practices, and resonate in broader social discourses. Three main domains of analysis can be found in Foucault's work: an analysis of systems of knowledge; an analysis of power; and an analysis of the way in which individuals or regimes discipline themselves to be consistent with their position in society<sup>297</sup>. A brief and simplistic explanation is that Foucault used three different modes of analysis to study each of these three domains: archaeology; genealogy, and governmentality.

Foucault's theoretical insight was in identifying discourse as actively constituting or constructing objects of knowledge. Foucault studied the emergence of the field of psychopathology which demonstrated the way the discourse about 'madness' came to establish perceptual limits. Madness, as an object of knowledge, was created by the relationship between all the discourses surrounding madness or psychopathology (i.e., that named it, divided it up, and described it) and the interplay of ordered rules and authority that made it possible to trace its emergence as an independent subject of knowledge.<sup>298</sup>

Parallels can be drawn between Foucault's concept of archaeology as applied to psychopathology and the discursive practices that have defined and delimited refugees as a subject of knowledge. Refugee is a term defined after World War II. Before this time

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<sup>297</sup> Faireclough, *Discourse and Social Change*; Foucault, *The Archaeology of Knowledge*; Mills, *Discourse*; Paul Rabinow, ed., *The Foucault Reader*, (New York: Pantheon Books, 1984).

<sup>298</sup> Foucault, *The Archaeology of Knowledge*, p. 42-45.

there was no agreed upon definition for refugee nor was there a cooperative effort among nations to assist these persons. For Westerners, what it means to be a refugee (true or untrue) is molded in our collective memory and perceived reality by a long history of metaphors, images, political cartoons, news reports, and photos that establish their position as helpless and needy. It is a discourse that portrays the refugee in stark contrast to the mechanisms that respond to their plight.

Assistance for refugees sprang out of genuine concern for the problems displaced persons were experiencing after World War II. It took the approach that it did because of social perceptions shaped by war. Refugees had been identified as a temporary problem of injustices and state hostilities in the context of world war. They were a problem that required a solution. The discourse about refugees began within military post-war strategies and thus was regimented and ordered by a military approach. This military mindset shaped the institutions and organizational structures that followed.

The genealogy of the refugee discourse and the refugee as a category of person emerged from a long history of discourses that linked the social value of a person with productiveness/ contribution and citizenship/identity. In the seventeenth and eighteenth centuries laziness (non-productive) and poverty (non-contributing) were labeled as deviant and were lumped together with the deviant behaviors of the insane. Protection of society from these deviants and protection of the deviants (for their own good) was achieved through isolation and containment. The confinement structures functioned much like the Panopticon. A central zone allowed for constant (concealed) surveillance of inmates and regimentation produced a means of order and conformity. The practice of

self-discipline and control could be achieved as an effect of the uncertainty as to whether surveillance was taking place at any given time.

The refugee camp can be equated with the Panopticon in multiple ways: The structure of the camps isolates refugees from citizens of an asylum country; camps protect citizens of the asylum country from the refugee; and camps are an efficient and effect means of control and the delivery of goods. The requisites for refugee status and entrance into a refugee camp created a situation whereby a person could be identified and labeled according to pre-established criteria. Once labeled, the refugee became as an *object of knowledge* allowing for further categorization, examination, documentation, and dehumanization. Refugees are registered and counted. The information gathered is then used to calculate refugee needs. In effect, the refugee person is lost sight of and becomes a body to be managed, fed, and housed at a distance from Western shores.

The archeology and genealogy of the dominant discourse on refugees traces how the problemization of the refugee had been established, translated, and rhetorically repackaged into donor practices, international promulgations, and humanitarian operations. Foucault's identification of the multi-dimensional power of discursive practices to act with material consequence in rules of conduct and in the distribution of goods shaped and continues to shape cultural ideas that have a privileged influence on values and beliefs about our world and the place of refugees in that world.

Foucault ultimately exposed that the language and images we use in public and/or private discourses and the way we talk about events and people in everyday life matter



considerably in the way we think and the way we act toward them.<sup>299</sup> Discourses create social positions (perspectives) from which people speak, listen, and act in certain characteristic historically recognizable ways. Dehumanization can be the result of the objectifying of persons in ways that distance them or make them seem to be socially unrelated. As Foucault has shown it is often accompanied by indifference, a lack of empathy, and non-individualistic view of others. Discourses create these realities to be true if left unquestioned.

Refugees have become conceptualized as a social reality functioning within larger social institutions. These institutions and their mode of operations are an external expression of the collectively unquestioned beliefs embedded in the discourse that created the person refugee as a subject of knowledge. The dominant discourse on refugees has a historical basis that affects all other social and institutional structures around them. Refugees have little or no power to influence the manner in which decisions are made about them. They have no institutional power, they have little access to information on the system in which their claims are processed, they have virtually no access to the media and other public sectors, and they have no say in what is said on their behalf.

Discourse, being a way of interaction and expression, is central to the development and recognition of the full dignity and humanity of others. The meanings that are attributed to things, events, or people are arrived at by the language used in this social dialogue, interchange, interaction, and sanctioned positioning. Foucault's

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<sup>299</sup> Foucault, *The Archaeology of Knowledge*; M. Foucault, "The Order of Discourse," in *Untying the Text: A Post-Structuralist Reader*, ed. Young, (London: Routledge, Kegan and Paul, 1981); Mills, *Michel Foucault*.

examination of seventeenth and eighteenth century practices identified subjectification and dehumanization practices that can be identified in the refugee discourse as well: physically isolating persons from the immediate social community, psychological distancing persons (perceiving them as without identity other than the label given), diminishing others as inferior, setting human value on social contribution, and focusing on means-end efficiency (routinization) as consequences of discursively created power and perception. It is a discourse that shapes, not only thinking and acting, but attenuates the perception and sensitivity to the internal reflections that others experience as they experience living and hardship. The discourse is inattentive to the hopes and possibilities that give life meaning.

It is hoped that a space has opened up to challenge the dominant discourse associated with refugees and aid to refugees. In doing so, it must be recognized that we are also influenced by the discourse and are, in fact, resisting it. As Foucault has noted, "resisting comes at a cost of reflexivity about our own identity as discourse users and thus challenges the status quo."<sup>300</sup> The most encouraging feature of the power of discourse is the fact that discourses can change and alternative discourses can challenge the status quo.

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<sup>300</sup> David Grant and Cynthia Hardy, "Introduction: Struggles with Organizational Discourse," *Organization Studies* 25, (2003), p. 10.

## CHAPTER 3

### THE DISCURSIVE DOMAIN OF GIVING: BEGGARS CAN'T BE CHOOSERS

#### Introduction

Food is power. We use it to change behavior. Some may call that bribery. We do not apologize. 301  
Catherine Bertini, Executive Director World Food Program.

This quotation by the executive director of the World Food Program, "Food is power" expresses the notions at the heart of this chapter. It is a compact way for identifying the discursive milieu in which the gift of food is given to refugees. Building on the groundwork of the previous chapters, this chapter seeks to problematize the present discourse of donors and donating in the context of food-aid to refugees. The theme of this chapter is that aid to refugees is a huge undertaking with a discourse and dynamic of giving and being given to that takes place within a dominant discourse that proceeds from a deep-seated notion of the refugee as a *problem* and a *burden* which expresses ambivalence about obligations to this category of person and exploits the asymmetrical

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<sup>301</sup> Catherine Bertini, *Statement to the Fourth World Conference on Women Beijing, China*, WFP (World Food Programme), (06 September 1995). [www.un.org/womenwatch/daw/beijing/unastatements.html](http://www.un.org/womenwatch/daw/beijing/unastatements.html).

power between aid-agency and refugee. It is a discourse that renders invisible or delimits the realm within which the gifts to aid refugees are understood and outside of which other observable features, problems, or qualities are not readily questioned.

Mauss' anthropologic model identifies three basic obligations of gift-giving/exchange (the obligation to give, to receive, and to repay) which will serve as the structure for this examination. A Foucauldian frame of reference on discourse theory will continue to provide the conceptual foundation for problematizing the axiomatic assumptions that both mold and undermine the benevolent spirit of donating/giving to aid refugees, with the aid/gift being limited to nutritional support (foodstuffs). The goal of this chapter is to demonstrate how the present discourse on aid-giving to refugees, as part of the dominant discourse (a way of acting in the world), may positively or negatively affect the quality or quantity of the gift.

Foucault argues that discourses influence the way people think and act. Mauss argues that the value of the gift reflects the value of the recipient to the donor. The executive director of the World Food Program states, "Food is power. We use it to change behavior . . . we do not apologize."<sup>302</sup> It is salient, then, to analyze the discursive cues that the dominant discourse on refugees (devaluing/dehumanizing) and the aid-management discourse (paternalistic/manipulative) may have on the gifting of foodstuffs that consistently results in malnutrition problems for refugee recipients.

The challenge is to maintain the prime focus on the dominant discourse on refugees as it presently acts, circulates, and influences the type and quality of aid to refugees. To debate the larger polemics of humanitarian aid would be to lose site of the

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<sup>302</sup> Bertini, *Statement to the Fourth World Conference on Women Beijing, China*.

complexities of the discursive reality already created in the gift-giving discourse. Therefore, this chapter will not include: a chronicle of the historical roots of humanitarian aid; the philosophical debate about a greater or lesser (or no) obligation to give; development theory vs. aid theory; practices of private or faith-based institutions vs. government aid; and/or political debates about tax-based aid vs. voluntary or discretionary aid.

### 3.1. Mauss' Exchange Theory & Aid to Refugees

This section is concerned with an anthropological perspective on gift-giving/exchange, and the axiomatic assumptions that underlie gift-giving in the humanitarian context.

The actuality is that current standards of care for refugees are inadequate. Mortality rates in refugee populations in developing countries (worldwide) are up to sixty times greater than the expected rates for other populations in similar settings, peaking in children aged less than 15 years.<sup>303</sup> Recent studies of international relief operations report that nutrition-related excess mortality and nutritional deterioration continue to be identified.<sup>304</sup> UNHCR and the WFP report severe and epidemics of deficits in Vitamin A (eye-sight), B-1 (beriberi), C (scurvy), and niacin (pellagra), each of which can be fatal if

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<sup>303</sup> Phillips and Verhasselt, eds., *Health and Development*, p. 208; Nieburg, Person-Karell, et al, "Malnutrition-Mortality Relationships among Refugees," p. 247; D.G. Schroeder and K.H. Brown, "Nutritional Status as a Predictor of Child Survival," Report 4 (Bulletin of the World Health Organization, 1994).

<sup>304</sup> J. Goette, "Issues in Nutrition for Refugee Children," Hopes fulfilled or Dreams Shattered? From Resettlement to Settlement Conference: University of New South Wales, Sydney: UNSW: Centre for Refugee Research, (Nov. 23-28 2005). [www.crr.unsw.edu.au/media/File/Nutrition\\_Issues.pdf](http://www.crr.unsw.edu.au/media/File/Nutrition_Issues.pdf); Harrell-Bond, "Are Refugee Camps."; George Kent. "The Nutrition Rights of Refugees," Manuscript/ Tutorial for POLS 675 (2000). [www.2.hawaii.edu/~Kent/NRR.doc](http://www.2.hawaii.edu/~Kent/NRR.doc)

prolonged and untreated have been identified.<sup>305</sup> Others report lack of Vitamin B is a public health problem among refugees in countries like Nepal and Bangladesh; meanwhile, more than 60 percent of the women and children in camps in Kenya and Algeria, who are highly dependent on food aid, are anemic.<sup>306</sup>

The UNHCR officially reports cuts in food rations in Africa's refugee camps are threatening the health and social stability of hundreds of thousands of refugees.<sup>307</sup> Comparison of malnutrition and mortality data from forty refugee settings suggests a consistent and predictable relationship between malnutrition and mortality rates.<sup>308</sup> The chief of nutrition in the center for chronic disease prevention and health promotion Dr. Nieburg made this assessment of the situation:

The continued occurrence of nutrition-related mortality suggests that factors in addition to technical difficulties (in delivery and access) and humanitarian norms (to assist and protect) play a role in the quality of care.<sup>309</sup>

In response to Nieburg, the discourse of aid directed by wealthy Western nation donors (governments, foundations, and individuals) has largely taken self-interest and charity as

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<sup>305</sup> UNHCR/WFP, "Acute Malnutrition in Protracted Refugee Situations: A Global Strategy." p. 6; Nieburg, Person-Karell, et al, "Malnutrition-Mortality Relationships among Refugees," p. 248.

<sup>306</sup> UNHCR, *UN Agencies Highlight Dangers of Increasing Malnutrition in Refugee Camps*, UNHCR News Stories, (07 October 2005). <http://www.unhcr.org>.

<sup>307</sup> UNHCR, *UN Agencies Highlight Dangers of Increasing Malnutrition in Refugee Camps*; UNHCR, *End Food Cuts for Africa's Refugees, Urges the UNHCR and WFP*, UNHCR News Stories, (14 September 2005). <http://www.unhcr.org>.

<sup>308</sup> K. Bagchi, A. Musani, et al, "Nutrition in Humanitarian Crisis," *Eastern Mediterranean Health Journal* 10, no. 6 (2004), p. 748.

<sup>309</sup> Nieburg, Person-Karell, et al, "Malnutrition-Mortality Relationships among Refugees," p. 255.

their bases for giving<sup>310</sup> as opposed to duty or obligation. These stances (self-interest and charity) have molded aid fund-raising, aid disbursement, and evaluation of aid endeavors and therefore will be the discourse problematized.

### **3.1A. Mauss' Theory of Exchange**

Aid to refugees is a form of voluntary charitable giving that is an important segment of modern-day exchanges. Gift-giving in the humanitarian context is the discursive fuel that flows through the dominant discourse on refugees. The gift exchange theory presented by Mauss incorporates the theme of giving that can be adapted to the massive scale of communities and humanitarian aid to refugees. Mauss' exchange-theory was chosen because it is simple, fairly direct, and adaptable across a broad selection of communities. Mauss' exchange theory establishes a *starting point* for an application of the gift-exchange theory to the practice of voluntary gift-giving made possible by third party management within the global community.

Mauss, a French sociologist, examined the exchange practices of archaic societies to understand the social meaning of a specific sort of exchange and the behavior it evoked. Mauss defined very specific conditions that qualify his use of the term exchange as *gift-giving*: "presentations which are in theory voluntary, disinterested, and spontaneous, but are in fact obligatory and interested."<sup>311</sup>

His essay on exchange, *The Gift*, demonstrated that this particular type of exchange is not a mechanical but a moral transaction, bringing about and maintaining

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<sup>310</sup> Des Gasper. "Ethics and the Conduct of International Development Aid: Charity and Obligation," working paper no. 297 September (1999), p. 1.

<sup>311</sup> Marcel Mauss, *The Gift: Forms and Functions of Exchange in Archaic Societies*, trans. Cunnison, (New York: W.W. Norton & Company, 1967), p. 1.

personal relationships between individuals and groups and imposing normative strictures on both parties.<sup>312</sup> Mauss identifies three basic obligations of the gift-exchange. These obligations lead to the uniqueness of gift-giving and the social bonds of the interaction.<sup>313</sup>

- Obligation #1 to Give: To give is to invite, it is an act of peace. It is the necessary initial step for the creation and maintenance of social relationships.<sup>314</sup> "to give a man must lay down his spear."<sup>315</sup>
- Obligation #2 to Receive: It is just as necessary to receive a gift given (offered) as it is to give.<sup>316</sup> Receiving a gift places the recipient in a position of obligation, an inferior position vis-à-vis the benefactor until the gift has been reciprocated. To refuse a gift is an insult to the giver.<sup>317</sup>
- Obligation #3 to Repay. Repayment can be either in material, symbolic (e.g., personal reward), or by quantifiable means (e.g., gratitude or effectiveness).<sup>318</sup> Repayment of some sort is a means to demonstrate one's own liberality, honor, and autonomy.<sup>319</sup>

With these three obligations of gift-exchange, to give, to receive, to repay, Mauss demonstrated that the exchange of goods is not merely a mechanical transfer but denotes

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<sup>312</sup> E.E. Evans-Prichard, "Introduction," in *The Gift: Forms and Functions of Exchange*, ed. Mauss, (New York: W.W. Norton & Company, 1967), p. ix.

<sup>313</sup> Mauss, *The Gift*, p. 11.

<sup>314</sup> Mauss, *The Gift*, p. 38.

<sup>315</sup> Mauss, *The Gift*, p. 80.

<sup>316</sup> Mauss, *The Gift*, p. 40.

<sup>317</sup> Mauss, *The Gift*, p. 40.

<sup>318</sup> Mauss, *The Gift*, p. ix.

<sup>319</sup> Mauss, *The Gift*, p. 21.



a moral transaction that brings about and maintains relationships between individuals and groups.<sup>320</sup>

The easiest of these three obligations would appear to be the obligation to receive. But, by receiving a gift, one takes on several more obligations that are basic to the establishment of an exchange and the relationships that accompany it. The obligations of receiving are referred to here as caveats of obligations (not Mauss' description) and they are as follows.

- Caveat #1: The use of the gift by the recipient influences future considerations. Often one will reconsider giving another gift if they believe that the previous gifts have been unappreciated or misused.<sup>321</sup>
- Caveat #2: Refusing to receive or reciprocate a gift injures both parties by a loss of trust, respect and a degree of dignity.<sup>322</sup> The pride of the giver is injured. The recipient (or intended recipient) loses all social status and remains inferior *vis-à-vis* the benefactor until reciprocation.<sup>323</sup>
- Caveat #3: To Destroy a gift was to lose respect, trust, social bonds, and dignity. It was to shatter the spirit of exchange.<sup>324</sup>

These further obligations expose the fact that gifts are rarely free regardless of the value or the giving party and once given, it demands reciprocity.<sup>325</sup>

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<sup>320</sup> Evans-Prichard, "Introduction," p. ix.

<sup>321</sup> Mauss, *The Gift*, p. 66.

<sup>322</sup> Mauss, *The Gift*, p. 40.

<sup>323</sup> Mauss, *The Gift*, p. 24.

<sup>324</sup> Mauss, *The Gift*, p. 40.

<sup>325</sup> Mauss, *The Gift*, p. 11.

A gift does not in itself make for an exchange. Reciprocation of the gift is necessary for there to be symmetry to the exchange. By reciprocating the gift one honors the giver and solidifies a relationship between the two parties.<sup>326</sup> As Mauss explains, "to except [a gift] without thought of returning or repaying is to become subservient until a gift is returned."<sup>327</sup> In applying this aspect of Mauss' exchange theory issues for consideration arise in regard to a destitute group of people whose survival has come to be dependant on the generosity and willingness of others to respond to their needs.

The terminology of giving in the humanitarian setting differs from that used in customary daily exchanges. The humanitarian gift has been referred to as charity, a contribution, a donation, or a philanthropic act. The nuances between these terms are not precise and often overlap, but in essence they all refer to a gift where no formal reciprocation is anticipated. For the purposes of this project, the *gift* is a voluntary charitable donation to aid refugees through humanitarian efforts that embodies a philanthropic spirit and, in theory, does not anticipate a return gift. The types of exchanges excluded from this investigation are those of commodities or legal contracts.

### **3.1B. Unquestioned Truths of Aid to Refugees**

The humanitarian discourse circulating within the greater dominant refugee discourse has shaped its own unquestioned-truths and structured the relationship between the refugee and those at any point of the exchange. In the realm of humanitarian aid any obligation to refugees exists within a dominant discourse that isolates the refugee at the

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<sup>326</sup> Mauss, *The Gift*, p. 41.

<sup>327</sup> Mauss, *The Gift*, p. 72.

end of the queue of famine victims, tsunami victims, flood victims, earthquake victims, or victims of the impoverished circumstances of underdeveloped countries.

Several things happen in the notion of gift-giving in the context of aid to refugees that can be considered as unquestioned truths when examined in light of Mauss' three obligations of gift-exchange.

1. Unquestioned truth: Humanitarian gifts are voluntary or spontaneous and thus pre-empt any stated or implied obligation to give.
2. Unquestioned truth: *any gift is better than no gift* and that by receiving the gift the recipient is *better off than before* and they are obligated to receive because they have no better option.
3. Unquestioned truth: There is no obligation to repay as humanitarian gifts are given with *no strings attached*.

These three taken-for-granted truths must be re-examined as being discursively created realities. They reflect an unquestioned reasoning about how the world works and will continue to be unquestioned unless an exception is given. Problematizing these unquestioned truths takes place within a dominant discourse that objectifies and distances the refugee and structures the roles (social positions) of both the refugee and the donor. It also establishes the relationship of the refugee to the donor; the refugee has the position of beneficiary and nothing more. Problematizing these unquestioned truths also challenges the status-quo or what has come to be accepted as the norm.

### **3.1C. The Discursive Cues**

The examination of the genealogy of the refugee discourse (Chapter two) unraveled the enduring *problem-solving* manifesto of the aid superstructure and the way the problem-solving perspective created a particular way of constructing the refugee as a subject.

Refugees, as a subject of knowledge, came to be referenced metaphorically as a mass of "anonymous corporeality,"<sup>328</sup> a humanitarian problem, and a global burden to be shared. The refugee agencies (as institutions possessing their own rules) became the major authority in society that defined, named, designated, and established the refugee with an identifiable label that entitles him or her to international protection and provision.<sup>329</sup> All subsequent discussions and interactions are then directed toward the label and all those so labeled become interchangeable with any other of the same label.<sup>330</sup> This is what Foucault has called the construction of *objects of knowledge*.<sup>331</sup>

The same discourse that reduces refugees to a label, a number, an object of knowledge, and an unidentifiable mass of bodies primes the aid discourse where refugees become bodies to be managed, fed, housed, counted, and a problem that requires a solution.<sup>332</sup> The perceptual field is thus delimited by the corpus of knowledge and the fixing of norms that presupposes a specific way of understanding the "object of knowledge" or refugee. These fixed norms established the generally accepted role of the agencies to solve refugees' problems in the country of asylum and keep them beyond *Fortress Europe*<sup>333</sup> and the Guarded Gates of the West.<sup>334</sup> Jennifer Hyndman states her experience with the UNHCR this way:

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<sup>328</sup> Feldman, "On Cultural Anesthesia," p. 407; Malkki, "Speechless Emissaries," p. 388.

<sup>329</sup> Malkki, "Refugees and Exile," p. 26.

<sup>330</sup> Foucault, *Discipline and Punish*, p. 188.

<sup>331</sup> Foucault, *The Archaeology of Knowledge*, p. 32.

<sup>332</sup> Robert Mazur, "Linking Popular Initiatives and Aid Agencies," *Network Paper. 2c* (RSP/QEH Refugee Participation Network, 1988), p. 9.

<sup>333</sup> "Fortress Europe Raises the Drawbridge."

Donor governments to the UN provide assistance to refugees . . . in camps "over there." This assistance is managed and disseminated through a nominally apolitical medium, namely, UNHCR, an agency that relies heavily on donations from these same countries for its basic operations.<sup>335</sup>

Donor nations use their power to maintain refugees at a distance thus shaping a larger reality about refugees. The development and use of a discourse that expresses the need to care for refugees at a distance is not merely the language of aid agencies and nation-states, but has shaped the attitudes of the whole donor community. The effect has been the creation of a discursive and geographical distance between *us* (donors) and *them* (recipients/refugees).<sup>336</sup> This is the discourse through which refugees have become visible to us (or cease to be visible) and defines the relationship of giver as far removed from the recipient of the gift.

The cues by media, nation-states, and agencies disengage the refugee from his or her context and distance the refugee by more than just location; they expand the imaginative boundaries between *us* and *them*. The result is the inability to think of refugees as anything but refugees. Therefore, an ethical and meaningful dialogue about the care and aid for refugees and the factors affecting that care must incorporate an awareness of these assumptions, perceptions, and attitudes.

### **3.1D. The Beneficiaries, The Middle-Men, The Benefactors**

The word *gift* means various things to various people and thus requires clarification. Mauss' gift does not exclusively refer to an exchange of goods; it can be in the form of a

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<sup>334</sup> Zucker and Zucker, *The Guarded Gate*.

<sup>335</sup> Hyndman, *Managing Displacement*, p. 173.

<sup>336</sup> Benedikt Korf, "Disasters, Generosity and the Other," *The Geographical Journal* 172, no. 3, p. 246.

pledge, a gift of time, or a courtesy performed by an individual or group. A special feature of Mauss' theory is that a gift has an inalienability quality. Gifts are "to some extent a part of persons."<sup>337</sup> This symbolic part of the giver is what Mauss referred to as the spirit that remains with the gift even after it has been passed along. This spirit is the element that imbues the gift with communal, moral and spiritual meaning.<sup>338</sup> It is this lasting inalienability of a gift that generates a bond between the giver and receiver that Mauss identified as critical to the understanding of the process of social cohesion that accompanies gift giving. The gift in the humanitarian context differs from Mauss' exchange in that giving through a third-party means that the donor does not know what type of gift was given and the recipient only knows the third-party agency in receiving the gift.

To understand the discourses and mechanics of aid to refugees it might be helpful to clarify the parties involved. The main context in which the distribution of internationally-funded assistance to refugees takes place is the refugee camp.<sup>339</sup> The discourse is composed of three distinct parties with the international aid monolith in the center.

1. *Beneficiaries (refugees)*: often referred to as a global burden, target populations, or humanitarian problem.

2. *Humanitarian and Aid Agencies (UNHCR & NGOs)*: the third – party through which most all funds and projects are filtered; they

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<sup>337</sup> Mauss, *The Gift*, p. 11.

<sup>338</sup> Mauss, *The Gift*, p. 11.

<sup>339</sup> Harrell-Bond, "Can Humanitarian Work," p. 56.

survive and are sustained by donations; and known to many as the good guys.<sup>340</sup>

3. *The Benefactors (Donor Community)*: composed of governments, large corporations, large and small organizations, and individual donors.

### Beneficiaries

Refugees are a distinct category of people who must rely on others for protection. The majority of the world's refugees find safety or asylum in the nearest safest state. Most of these states of asylum are already economically distressed. While in principle, the state which authorizes asylum to asylum seekers also commits to the responsibility for the care and well-being of the refugee populations. Most of the countries of first asylum (host countries) are severely impoverished already.<sup>341</sup> The inadequacy and inability of these states to provide the necessities has resulted in the creation of an international relief system supported by donations of cash and commodities given by individuals, corporations, and nation-states in the richest parts of the world.<sup>342</sup>

### Humanitarian and Aid Agencies

The International Humanitarian agency generates its own discourses with both donors and recipients; they identify and quantify the needs of the refugee community, they unilaterally decide the intervention, and inform each party on the type of gift to be given and the method of distribution. Even though intervention is at the core of aid, a number of anthropologists have shown the ethos of humanitarian work to be one in which

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<sup>340</sup> Harrell-Bond, *Imposing Aid*, p. 16; Hugo Slim, "Doing the Right Thing: Relief Agencies, Moral Dilemmas and Moral Responsibility in Political Emergencies and War," *Disasters* 21, no. 3 (1997), p. 244.

<sup>341</sup> B.E. Harrell-Bond and E. Voutira, "Anthropology and the Study of Refugees," *Anthropology Today* 8, no. 4 (1992), p. 7.

<sup>342</sup> Harrell-Bond, Voutira, et al, "Counting the Refugees," p. 206.

assistance is often packaged and delivered without due consideration of the distinctive values, norms and social/culture of the *target* populations.<sup>343</sup> The power and legitimacy of the humanitarian discourse ordains the "top-down creation, articulation, and implementation of programs."<sup>344</sup>

### Donor Community

The donor community provides the revenue for aid agencies to function. The beneficiaries or refugees are the subject of the agencies discourses, but remain virtually silent. The gift/donation (generally monetary) is given to a satellite organization or directly to the international agency. The gift is then converted into the form of goods or nutritional support (food).

The donor does more than just donate; the donor establishes the parameters of giving. An aid agency's second obligation is back to the donor(s) to see that the contributor's monies are spent as designated by the donor(s) and achieve the goals intended by the donor(s). If the donor does not approve or does not recognize the useful benefit of the gift, the donor is not likely to fund/donate to the project in the future. It is much like Mauss explained that the use of the gift by the recipient influences future

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<sup>343</sup> Harrell-Bond and Voutira, "Anthropology," p. 8; Ager, ed., *Refugees: Perspectives*; deVoe, ed., *Selected Papers on Refugee Issues*; Goodwin-Gill and McAdam, *The Refugee*; B.E. Harrell-Bond, "Refugees and the International System: The Evolution of Solutions after the Second World War," *Oxford International Review* 7, no. 3, Special Issue: (1996); Gil Loescher, *Beyond Charity: International Co-Operation and the Global Refugee Crisis*, (New York: Oxford University Press, 1993); Arthur C. Helton, *The Price of Indifference: Refugees and Humanitarian Action in the New Century*, (Oxford: Oxford University Press, 2002); Roger Zetter, "Labeling Refugees: Forming and Transforming an Identity," *Journal of Refugee Studies* 4, no. 1 (1991).

<sup>344</sup> Harrell-Bond, "Can Humanitarian Work," p. 542.



considerations. Often one will reconsider giving another gift if they believe that the previous gifts have been unappreciated or misused.<sup>345</sup>

### 3.2. Mauss' Obligations in the Humanitarian Context

Mauss' exchange theory and the obligation to give, the obligation to receive, and the obligation to repay will serve as the simplistic structure for the investigation of axiomatic assumptions in the aid/gift giving discourse.

#### **3.2A. Obligation #1: The Obligation to Give**

The process of gift-giving in the refugee context seems to belie Mauss' exchange theory.

The notion that humanitarian gifts are voluntary or spontaneous seems to pre-empt any stated or implied obligations. Charitable giving, giving as morally virtuous but not obligatory, still greatly influences the discourse and the manner in which private donations are made. Wealthy Western nation donors (governments, foundations, and individuals) have largely taken self-interest and charity as their basis for giving.<sup>346</sup>

These stances (self-interest and charity) have molded aid fund-raising, aid disbursement, and evaluation of aid endeavors.

#### Duties & Rights

Charitable giving and the desire to respond to the distant other may be the motives for donors, but aid agencies bear the duty to deliver the assistance. The *right-to-food* has

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<sup>345</sup> Mauss, *The Gift*, p. 66.

<sup>346</sup> Gasper. "Ethics and the Conduct," p. 1. ; Harrell-Bond, "Can Humanitarian Work," p. 52; Edward Newman and Joanne Van Selm, "Refugees and Forced Displacement: International Security, Human Vulnerability, and the State," Research Report (United Nations University Press, 2003), p. 18. <http://www.unu.edu/unupress>

long been on the books but it has yet to emerge as a basis for action.<sup>347</sup> Human right to food means that people (including refugees) must have access to adequate food at all times with the ultimate objective to achieve nutritional well-being.<sup>348</sup> The UNHCR and other actors in the international community accepted the corresponding duty, under humanitarian law, to provide food and nutrition.

International acceptance of the duty of joint state and non-state actors to protect and provide for civilians forced to cross borders due to conflict was established with the promulgation of the International Humanitarian Law (IHL) and International Human Rights Laws (IHRL) post World War II.<sup>349</sup> The acceptance of this duty included the acknowledgement of the *right-to-food*. The *right-to-food*, as a principle, has been affirmed in the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Economic, Social and Cultural Rights, and the 1974 World Food Conference.<sup>350</sup> In addition, both the World Food Summit and the consultation of the High Commissioner for Human Rights on the right to adequate food recognized in their

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<sup>347</sup> Patrick Webb, "The under-Resourcing of Rights: Empty Stomachs and Other Abuses of Humanity," *New England Journal International & Comprehensive Legal* 9, no. 1 (2002), p. 140.

<sup>348</sup> Andre Renzaho, "Human Right to Food Security in Refugee Settings: Rhetoric Versus Reality," *Australian Journal of Human Rights* 4 8, no. 1 (2002), p. 2.

<sup>349</sup> International Committee of the Red Cross ICRC, "International Humanitarian Law and International Human Rights Law," *Advisory Services Documents*, (ICRC, 2003). [www.ehl.icrc.org/images/resources/pdf/ihl\\_and\\_ihrl.pdf](http://www.ehl.icrc.org/images/resources/pdf/ihl_and_ihrl.pdf); Office of the High Commissioner for Human Rights OHCHR, "Fact Sheet No.13, International Humanitarian Law and Human Rights," (OHCHR, 1991). <http://www.ohchr.org/Documents/Publications/FactSheet13en.pdf>.

<sup>350</sup> Webb, "The under-Resourcing of Rights: Empty Stomachs and Other Abuses of Humanity," p. 140.

forums, held in November 1996 and November 1998 respectively, that access to adequate and nutritious food is a basic human right.<sup>351</sup>

The existence of this large body of IHL and IHRL is another important part of the "discursive landscape in which relief agencies make their moral decisions."<sup>352</sup> At the core of this rights language is the principle that the good or interest (of the right holder) is protected by a duty imposed on the duty bearer.<sup>353</sup> The duty bearer is the international aid community which is supported and sustained by donations. Thus, giving to aid refugees has both elements of voluntary giving and supporting those with the duty to respond.

### Third-Party Management

A donation or contribution, as a gift to humanitarian projects, is just the beginning of a chain of transactions between various people and organizations that link the giver at one extreme with the recipient at the other. The gift or donation is received by the third party agency. The body of IHL, the IHRL, and international guidelines define the aid agency as the recognized conservator and decision-maker.

The humanitarian imperative is "well-defined, has wide political support, and is morally untouchable."<sup>354</sup>

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<sup>351</sup> Renzaho quoting Machione. Renzaho, "Human Right to Food Security in Refugee Settings: Rhetoric Versus Reality," p. 2; T Marchione, *The Human Right to Food and the Realization of Food Security*, Paper for the World Hunger Program of Brown University, ((Internet publication) 2001). [http://www.brown.edu/Departments/World\\_Hunger\\_Program/Hungerweb](http://www.brown.edu/Departments/World_Hunger_Program/Hungerweb).

<sup>352</sup> Slim, "Doing the Right Thing: Relief Agencies, Moral Dilemmas and Moral Responsibility in Political Emergencies and War," p. 247.

<sup>353</sup> James White and Anthony Marsella, eds., *Fear of Persecution: Global Human Rights, International Law, and Human Well-Being*, (Lexington Books, 2007), p. 97.

<sup>354</sup> Webb, "The under-Resourcing of Rights: Empty Stomachs and Other Abuses of Humanity," p. 142.

For a third party agency to be "morally untouchable" is to be endowed with power, authority, and institutionalized force. Foucault has identified these components (authority and institutionalized force) as the properties of a dominant discourse.<sup>355</sup> The authority of the international community and the validation of that authority with vast amounts of funding add force and credibility to the discourse projected by aid agencies.<sup>356</sup> This in turn has a profound influence on the way that people act and think.<sup>357</sup>

The paternalistic *we-know-what's-best-for-you* discourse was shown in chapter two to be an outgrowth of the authority of international structures. The *we-know-what's-best* dialogue perpetuates notions of the refugee as disempowered, helpless, and passive that have become the epistemological framework that fuels the top-down, paternalistic structure of international aid intervention. It is a system which was derived from the needs of the nation-state and not necessarily the needs of refugees.<sup>358</sup> Foucault referred to these delimiters (*we-know-what's-best* and top-down framework) as creating unquestioned truths. As Foucault has argued, discourses should be seen as something which constrains our perceptions.<sup>359</sup> The attitudes and approach of aid agencies (paternalistic, authorized, duty bound, monetary sustenance) are powerful forces that

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<sup>355</sup> Mills, *Discourse*, p. 19.

<sup>356</sup> Mills, *Discourse*, p. 19.

<sup>357</sup> Mills, *Michel Foucault*, p. 51.

<sup>358</sup> Karatani, "How History Separated Refugee and Migrant Regimes."; Manning, *Migration in World History*; Marfleet, "Refugees and History."

<sup>359</sup> M. Foucault, *Power /Knowledge: Selected Interviews and Other Writings, 1972-1977* ed. Gordon, trans. Gordon, (New York: Pantheon Books, 1980), p. 78.

dominate the discursively created landscape both constricting the way refugees are perceived and subsequently, the way the gift/food is considered.

### Donor Bias

The asymmetry of charitable gift-giving is accentuated when a gift is given according to some value judgment or *donor bias*. Donor bias, as interpreted in humanitarian literature, is rooted in donor perception and what the donor knows about the recipient. In Mauss' study of past cultures, there was an overall desert or merit to gift-giving; the merit could be the value of peace between tribes or good favor between community members. The dominant discourse on refugees does not support this perception of mutual benefit from the aid gift. Instead contemporary donors might proportion a gift according to their personal perception of the desert or merit of the recipient or cause.

"Donors want the most bang-for-their-buck," explains Dr. Barbara Harrell-Bond.<sup>360</sup>

Indeed it is not unreasonable to want the best value-for-one's-money. Yet the language of "getting the most..." references what the donor is receiving for the donation and not necessarily the gift that is given or the human need that ought to be met.

On the other hand, the language of efficiency and prudence could suggest a type of investment venture. Unlike the exchange of gifts, charity, as an investment implies a worthy recipient even if the charitable giver is fully aware that such an act of giving will not be reciprocated.<sup>361</sup> Donations made with a purpose in mind must be successful in the purpose in order to assure further donations. The discourse bespeaks of the positive

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<sup>360</sup> Harrell-Bond, "Are Refugee Camps." p. 8.

<sup>361</sup> Harrell-Bond, Voutira, et al, "Counting the Refugees," p. 207.

correlation between the donors' perceived worthiness of the cause, perceived urgency of the message, and a calculated assurance that the least-costly/most-efficient means to achieve a particular outcome will be exercised.

### Worthy Recipient

The concept of a worthy *recipient* has been incorporated in contemporary charitable fund-raising campaigns. Fund-raising campaigns and humanitarian projects have latched on to the donor's-need to be sure the recipient or cause is worthy.<sup>362</sup> By adding assurances as to the validity of the need for the funding gift photos of destitution, details of suffering, and/or a *news worthy* events serve to motivate the donor, legitimate the worthiness of the campaign, and the validity of the intended recipient's need.

The concern has been that many situations do not receive attention or media coverage and others have the challenge of competing with acute natural disasters that overlap with appeals for refugees.

Another difficulty encountered by famine relief organizations concerns the international media. The manner in which major emergencies are covered by the media has a very large affect on whether or not governmental donors decide to respond to a crisis.<sup>363</sup>

The media has a great deal to do with public and government perspectives on urgency and the need to contribute. Media coverage, the amount and frequency, is a delimiter for the way the public perceives events in the world. Media coverage helps to create a donor bias by limiting the way disaster/refugee events are prioritized and valued (as worthy of

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<sup>362</sup> Harrell-Bond, Voutira, et al, "Counting the Refugees," p. 207.

<sup>363</sup> Anna Rinehart, "Famine Relief: Just a Simple Matter of Supplying Food?," *Nutrition Worthy* 5, no. 1 (2002), p. 2. <http://repositories.cdlib.org>.

news-time) and outside of which other events are not considered or considered to be of less pressing demand.

Donor bias and the perception of worthy recipients, however, do perform a role in the desire of a donor to give. Donors have been shown to be willing to contribute more freely if they can decide where their contributions would be used.<sup>364</sup> The institutional discourse that addresses donor-choice is notable as it reflects the distaste of the powerful agencies. There is an aversion to allowing donors the capacity to fund particular projects. Agencies have been granted the power to identify the needs of refugees and thus where they would like to the monies to be invested. That is why donor choice has been called an *Alice in Wonderland* approach to governance over donor contributions.<sup>365</sup> The *Alice* reference has come mean that the donor can pick and choose or take a 'bite' of any project, "a big bite of one or a small bit of another."<sup>366</sup> The earmarking of assistance makes it possible for donors to have the power to define the broad category or nationality of beneficiaries, thus superseding the agency authority.

Donor bias has been shown to have positive as well as negative affects on aid. On the positive side, one be can biased and still have equal respect for all those in need. Bias can be toward those the donor holds a particular fondness or allegiance. It is a means for the donor to achieve the sense of a bond or connection that Mauss believes is essential for the stability of relationships or community. Bias can be a way in which many people attach meaning to their giving, give expression to their concern for the other, and a way

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<sup>364</sup> Rinehart, "Famine Relief: Just a Simple Matter of Supplying Food?," p. 6.

<sup>365</sup> RoA (Reality of Aid Network), "Governance: Reclaiming the Concept from a Human Rights Perspective," Political Overviews (Reality of Aid, 2004), p. 5. <http://www.realityofaid.org>

<sup>366</sup> RoA (Reality of Aid Network), "Governance," p. 5.

to value their experience of giving. Many take joy and comfort in knowing they are able to contribute to the well-being of others that are part of a personal or endearing history for the donor.

Donor bias does have a negative side. Variance in contributions and awarded funds can be shown to be quite disparate according to the donor's bias or perception of the refugee. When aid workers Christian Miller and Ann Simmons arrived at a Kosovo refugee camp from having spent three years in a refugee camp in Somalia, they were struck by the contrasts in food, shelter, and healthcare.<sup>367</sup> They cite three specific fund-raising campaigns by the World Food Program (WFP) in 1998 that yielded noteworthy outcomes.<sup>368</sup>

1. The WFP set a fund-raising goal of \$98.5 million USD for refugees in the area around Africa's Great Lakes -- Rwanda, Burundi, Tanzania, and Uganda.

By September of the same year, the food agency had received only 22% of that amount.

2. The same year (1998) the WFP appealed for \$71.6 million USD to assist Liberian refugees.

By September donations received totaled less than one tenth of a percent of the appeal.

3. Those appeals poorly compare to the \$97.4 million USD of the 1998 Kosovo refugee appeal.

By September of that year, more than 70% of the appeal had been received.

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<sup>367</sup> T. Christian Miller and A. Simmons, "Relief Camps for Africans, Kosovars Worlds Apart," *Los Angeles Times* News Stories. May 21 1999, front section 3A.  
[http://www.essex.ac.uk/armedcon/story\\_id/000441.html](http://www.essex.ac.uk/armedcon/story_id/000441.html).

<sup>368</sup> Miller and Simmons, "Relief Camps." front section 3A.



"This outpouring of aid for ethnic Albanians ripped from their homes in Kosovo stunned humanitarian groups, which continuously fight for dollars for refugees in Africa."<sup>369</sup> The report highlighted the enormous difference between the newly formed camps in Europe and existing facilities in Africa. One interpretation for this occurrence is that when the gift is slated to those in areas that are typified by the dominant perception of refugees (starving fat bellied children, wanderers in the desert, foreign, and very far away), repeatedly the voluntary giving paled in comparison to gifts given to pseudo-European refugee appeals.<sup>370</sup> Paula Ghedini, a spokeswoman for the U.N. refugee agency who has worked in Africa and the Balkans commented on the disparity in appeal successes. His report is worth quoting.

The media -- and people's response to coverage -- also play a big role in determining the conditions during a particular refugee crisis. In Macedonia alone, there are more than 1,000 reporters, according to government figures.

The steady television presence attracts scores of charities, for which the media visibility is free advertising to raise money.

Yugoslavia is in Europe's backyard. Albania is a ferry trip from Italy. Two of the Macedonian camps are just off the main highway that leads north from Athens to such European capitals as Vienna and Berlin. The crisis is far more tangible.<sup>371</sup>

This is the middle of Europe. It's so close to home. This is not so foreign.<sup>372</sup>

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<sup>369</sup> Miller and Simmons, "Relief Camps." 4A.

<sup>370</sup> Paula Ghedini, a spokeswoman for the U.N. refugee agency in Miller and Simmons, "Relief Camps." front section 3A.

<sup>371</sup> Paula Ghedini, a spokeswoman for the U.N. refugee agency in Miller and Simmons, "Relief Camps." front section 3A.

<sup>372</sup> Paula Ghedini, a spokeswoman for the U.N. refugee agency in Miller and Simmons, "Relief Camps." front section 3A.

According to U.N. and aid groups, the primary explanation for the stark contrasts, is the difference between the backgrounds of there refugees on the two continents.<sup>373</sup>

In Africa, where many refugees eke out an existence in semi-nomadic tribes, the bare provisions of shelter and health care offered by the refugee camps are a step up in life for many.<sup>374</sup>

Yet another explanation for the contrasts comes from Bob Allen, a camp manager who has worked in both Africa and Europe for the relief agency CARE.

You've got to maintain people's dignity. The life in Africa is far more simple. To maintain the dignity and lifestyle of Europeans is far more difficult.<sup>375</sup>

Mr. Allen's comment begs the question as to whether human dignity has a cultural, geographic, or monetary contingency. The answer to such an inquiry is beyond the scope of this paper. At the same time, Mauss identified that the value of the gift is a direct correlative of the perceived value of the recipient to the donor. It is not at all unusual for those persons to whom one has an affinity to receive a more generous gift. Foucault was concerned with "the way that discourses inform the extent to which we think and act within certain parameters at each historical juncture."<sup>376</sup> The dominant discourse on refugees (perpetuated by the media, news broadcasts, and aid workers) plays an important role in the perception of refugees and eventually the outcomes of aid disbursement.

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<sup>373</sup> Miller and Simmons, "Relief Camps."

<sup>374</sup> Miller quoting unidentified UN personnel and Aid Group members in Africa. Miller and Simmons, "Relief Camps." section 3A.

<sup>375</sup> Bob Allen as quoted by Miller in Miller and Simmons, "Relief Camps." section 3A.

<sup>376</sup> Mills expressing Foucault's ideology see; Mills, *Discourse*, p. 51.

### Any Gift is Better than No Gift

The gift that is freely given can also be problematized by considering whether the giver bears any responsibility for the gift or adequacy of the gift and whether the benefactor ought to be held accountable for the quality of the gift. The quality of the gift, suggests Mauss, has a direct corollary with the value the giver places on the recipient.<sup>377</sup> (e.g., a more valuable gift is reserved for a wife as opposed to a gift for a friend).

The donor both possesses and controls the resources from which aid is derived and therefore has license to specify the terms on which the aid/gift is given, to whom, how much. The contemplation of the gift and the guidelines for action are a product of discursive forces that define the commitment of large donor societies to the well-being of the refugee. Endorsement of aid expenditures take place within a discursive domain that depicts the refugee as a threat to government securities and a burden for the international community to share. Unfortunately, many hold it to be an unquestioned truth that *any gift is better than no gift* and that by receiving the gift the recipient is *better off than before*. This leads to well-intentioned acts by donor governments that are heavily burdened with social and political ambivalence for this category of persons. Even though donor countries act with the intent to aid, the discursive reality of the dominant discourse can lead to the issuance of aid that either does not respond to the recipient's needs and/or anticipates a need that does not exist.<sup>378</sup>

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<sup>377</sup> Mauss, *The Gift*, p. 47-48.

<sup>378</sup> Helton, *The Price of Indifference: Refugees and Humanitarian Action in the New Century*, p. 246.

### Inappropriate Gift

The *Any-gift-is-better-than-no-gift* concept represents an approach that communicates little consideration for the recipient. There is little regard for the particulars of the recipient or the recipient's needs. The *any-gift-is-better-than-no-gift* approach recognizes the duty to aid those in distress and that the act of aiding or otherwise contributing to fulfillment of this duty is in good itself.<sup>379</sup> The consequences of such an attitude can lead to the issuance of aid that either does not respond to the refugee's needs and or anticipates a need that does exist. Either way, the quality of the gift will correspond to the little value the donor places on the recipient.

But an inappropriate food gift can cause harm. If the inappropriate gift is foodstuffs unfamiliar to the recipient, the food most likely will not be eaten, it may be improperly prepared, or it may be traded away for foodstuffs that are more familiar or for money with which to purchase food. The inappropriate gift has the great potential to leave the refugee in a nutritional deficit. The consequences of discarding of a gift or trading it for something else can be interpreted as ingratitude and the donor might be less likely to contribute again in the future. The inappropriate gift shows also shows that little thought is given to the recipient and the situation people are experiencing. The asymmetry of power and the physical importance of food render the choice of gift a vital component in the chain of gift-giving and thus demands knowledge of the recipients and diligence in the choosing of the gift.

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<sup>379</sup> Slim, "Doing the Right Thing: Relief Agencies, Moral Dilemmas and Moral Responsibility in Political Emergencies and War," p. 251.

### Cast-off-Gifts

Cast-off gifts are another form of inappropriate food-based gifts resulting from the belief that *any-gift-is-better-than-no-gift*. A *cast-off*-gift is considered an item that is of no value to the giver. *Cast-off* gifts take on a disturbing moral dimension when the food gift is considered to be inadequate for consumption in wealthier countries. Often times this food becomes a gift for those less well off. Two examples of the type of cast-off-gifts that have been gifted to refugees are those of genetically engineered grain and feed-lot pellets.

Consider that in 2002 the Zambian government summoned aid officials to question them as to why they had been distributing genetically modified (GM) maize to its refugee camps, despite the government's ban on such products. The GM maize called *Starlink* had been a gift from the United States where it had not been approved for human use by the US Environmental Protection Agency.<sup>380</sup> Fifty Thousand (50K) tons of the GM maize was being fed to 125,000 refugees in five camps, including the Makeba refugee camp in North-Western province. The Zambian government again made it clear that it would "turn down the donation of US grain which contains GM seed."<sup>381</sup>

The rejection of Genetically Modified food as inadequate for consumption gradually became a technical discourse where the term *food* was open for interpretation. A large movement materialized to establish Calculated Food Ration Guidelines (UNHCR/WFP) by adopting an approach slightly different from the use of genetically-

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<sup>380</sup> Martin Plaut, *Zambia 'Furious' over GM Food* BBC News World Edition, British Broadcast Corp, (Wednesday 6 November 2002). <http://news.bbc.co.uk/2/hi/africa/2412603.stm>.

<sup>381</sup> Plaut, *Zambia 'Furious' over GM Food*.

modified food.<sup>382</sup> These technical considerations have pushed to design a sort of standardized meal in the form a pellet (much like animal feed pellets) that could be packaged in a factory and then sent out for distribution. This alternative approach would cost less for the donor, meet basic nutritional requirements, would be easier to package, easier to ship, and can be distributed in mass quantities. The use of these pellets has also been touted as a way to create jobs in the donor world.<sup>383</sup>

Called the *feed-lot approach*,<sup>384</sup> the choice of pellets both prioritizes considerations of the donor over concern for the violation of the human dignity of the recipient and fails to recognize that food is only one element in the broader context of what it means to be human.<sup>385</sup> The *feed-lot* approach, whether regarded as an innovative approach to alleviate suffering or a poor choice among many other choices, is consistent with Mauss' theory that the more valued the recipient, the more valuable a gift one is willing to give.

The *cast-off* gift and the *feed-lot* approach describe the relationship between the giver and the recipient. These approaches render the refugees as objects or *target* populations of intentional acts. It is an exacting discourse that reduces the refugee to a number, which then defines all further interactions. For example, the aid gift becomes a matter of calculation rather than the fulfillment of human needs.

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<sup>382</sup> Kent. "Nutrition Rights," p. 9.

<sup>383</sup> Kent. "Nutrition Rights," p. 10.

<sup>384</sup> Kent. "Nutrition Rights," p. 11.

<sup>385</sup> Kent. "Nutrition Rights," p. 10.

Successful progress in a refugee operation is measured in terms of "x" tents or erected, "y" tons of food provided, and "z" patients treated.<sup>386</sup>

The gift in Mauss' model is given with regard for a known recipient, the refugee is often known to agencies and donors as numbers to be balanced with available supplies. When the agenda is to balance numbers, the consideration need only be with quantity. When the agenda is a matter of balancing caloric intake according to an algorithm, the consideration need only be with caloric supply. But when the agenda is concerned with human life and the best means to support that life, the consideration of quality, caloric value, cultural preference, and special needs such as diabetics, pregnant women, the elderly and religious restrictions must also be part of the decision-making process.

Mauss also argued that the value of the gift increases with the perceived value of the recipient. The cast-off gift and the inappropriate gift are also given to a known recipient, but the refugee recipient is known within a decontextualized and dehumanized discursive reality. The *any-food-is-better-than-no-food* approach (i.e., feed-lot pellets, genetically modified foods, and culturally inappropriate foods) fulfills the donor's obligation to give with little regard as to recipient of the gift. The giving of a food-gift considered to be *inadequate-for-consumption* in the donor's country is a way of acting consistent with a dominant objectifying discourse that places a negative value on refugees.<sup>387</sup>

Problematizing the discourse of giving calls into question the role of the dominant discourse on negative value-laden perceptions of the refugee and the perception of

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<sup>386</sup> Needham, "Refugee Participation," p. 1.

<sup>387</sup> Kent, "Nutrition Rights," p. 13.

morally salient issues regarding those persons labeled as refugees. To question the use of feed-lot pellets and inadequate and/or inappropriate nutritive resources is to recognize the human person in his or her dignity, human need, and as a living member of the community.<sup>388</sup> If the appropriateness or inappropriateness of gifts were given consideration in regard to those persons that the donor either knows or respects donors might be shamed and outraged by the poor performance of assistance. An example can be given by referring back to the first chapter; feed-lot food pellets would have received much scrutiny if they had been the choice of sustenance by relief agencies serving those victims of the Katrina Hurricane event.

### **3.2B. Obligation #2: The Obligation to Receive**

It might be anticipated that a discourse on receiving would be dominated by the recipient. But, the discourse on receiving humanitarian aid is dominated by the donor. This is also a constraint of the dominant discourse on refugees.

Previously mentioned was the inappropriate gift (food) that triggers a discourse that falls outside of Mauss' model where benefactor and recipient know each other and a gift is chosen with those considerations. The discourse of giving in the aid context leaves little doubt the refugee person is in need and will gratefully accept the gift.<sup>389</sup> This assumption presents an unquestioned truth that will be examined as it relates to two facets of acting within the dominant discourse on refugees: appropriateness (thoughtfulness) of a gift and quality of the gift.

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<sup>388</sup> Zetter, "Labeling Refugees: Forming and Transforming an Identity," p. 60.

<sup>389</sup> Harrell-Bond, "Can Humanitarian Work," p. 58.



Mauss' model does not distinguish between receiving a gift and accepting an inappropriate gift, only that the gift was an expression of the value for both parties. Mauss noted that because food had an amplified potential for harm, the archaic societies he studied did not often make a gift of food.<sup>390</sup> Strict rules were established if the gift was meant for human consumption. These rules had to do with prompt preparation for use in mutual celebration.<sup>391</sup> Not only was the food-gift one that would be mutually consumed, but it also expressed thoughtfulness and concern for the welfare of the recipient after the gift had been received.<sup>392</sup>

#### By Receiving Aid One is Better-off than Before

Receiving a thoughtless and inappropriate gift takes on disturbing moral dimensions in the context of food-based gifts.<sup>393</sup> Aid and the general belief that aid is good, often leads to the assumption that *any aid is better than no aid* and that *by receiving aid one is better off than before*.<sup>394</sup> As previously mentioned, this belief or attitude affects both quality and quantity of the aid-gift. The *something-is-better-than-nothing* mindset is what authorizes some benefactors to make gift choices that reflect little consideration for the recipient such as: genetically modified food, the willingness to use food-pellets for aid,

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<sup>390</sup> Mauss, *The Gift*, p. 20.

<sup>391</sup> Mauss, *The Gift*, p. 39.

<sup>392</sup> Mauss, *The Gift*, p 40.

<sup>393</sup> Research has shown a direct relationship between infection and malnutrition, child survival and malnutrition rates. Overall mortality rates in malnourished or poorly nourished communities as well. Bagchi, Musani, et al, "Nutrition in Humanitarian Crisis."; Nieburg, Person-Karell, et al, "Malnutrition-Mortality Relationships among Refugees."; Schroeder and Brown, "Nutritional Status as a Predictor of Child Survival."; UNHCR/WFP, "Acute Malnutrition in Protracted Refugee Situations: A Global Strategy."

<sup>394</sup> Christine Mikolajuk, "Thanks, but No Thanks: The Other Face of International Humanitarian Aid," *Harvard International Review* Winter, (2005), p. 33.

culturally inappropriate food stuff, poor quality and/or quantity of food, and even uneatable or harmful food stuff. The consequences of such a mindset that motivates intended actions are ultimately expressed in terms of the poor health and well-being of the beneficiaries as reflected in the malnutrition statistics.

### Destroy The Gift

Even when the gift is inappropriate, the obligation to receive a food gift is often perceived by donors (nation-states and individuals) as an imperative. Mauss' model makes it clear that:

To destroy a gift was to lose not only respect, trust, social bonds, and dignity. It was to shatter the spirit of exchange.<sup>395</sup>

A food gift has particular meaning for many Western donors. As in Mauss' societies, donors generally believe that the only thing worse than rejection of a food-gift is the willful destruction of the gift.<sup>396</sup> This Western perception of food-as a particular kind of gift finds its parallel in Mauss' method where food is a means to celebrate the well-being of the relationship between people or tribes. If a humanitarian food gift *to the hungry* is not consumed it has been considered a form of ingratitude. If a food-gift is rejected or destroyed, it can be considered a personal affront that may influence future gifts.<sup>397</sup>

Consider culturally inappropriate food gifts to Afghanistan refugees in 2003. After it was learned that food supplies air-dropped into an area of Afghanistan were showing up in the

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<sup>395</sup> Mauss, *The Gift*, p. 40.

<sup>396</sup> Mauss, *The Gift*, p. 40.

<sup>397</sup> Mauss, *The Gift*, p. 40.

neighboring market-places for resale, this comment was transcribed from a Western news editorial:

. . . if they [Afghan refugees] refuse to eat it, they are not hungry enough yet.<sup>398</sup>

It must be noted that the air-dropped food packets were composed of dried beef and potatoes and sent to a community that does not consume beef and has no familiarity with potatoes. The refugees believed they had made tremendous use of the gift by using the proceeds from sales to obtain the supplies they wanted and needed.<sup>399</sup>

The media comment has much deeper meaning beyond the chastisement for what was construed as ingratitude. It was the discourse of power that Foucault identified as intimately related to the distribution of social power.

Control over certain discourses can lead to the acquisition of social goods (money, power, status) in society. Any time we speak or act, we make clear who we are in the hierarchical structure.<sup>400</sup>

Clearly the comment "*they-are-not-hungry-enough*" came from the dominant power. It is also one that reflects the sentiments of the Director of the World Food Program that "food is power;" insinuating that the refugee will eat what we send if they get hungry enough. It is a form of manipulation as well as callous arrogance. Surprisingly, there was much less debate around the choice of culturally inappropriate rations sent to Bosnia and Kosovo – which included canned fruits, infant formulas and coffee.<sup>401</sup>

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<sup>398</sup> Editorial, *Agencies Question Afghan Aid Drops*, (Oct 9 2004). <http://archives.cnn.com/2004/WORLD/europe/10/09/gen.aid.agencies/>; Russ Kick, *Food Drop Fiasco*, CNN, (Oct 9 2004). <http://www.loompanics.com/Articles/FoodDropFiasco.html>.

<sup>399</sup> Mikolajuk, "Thanks, but No Thanks: The Other Face of International Humanitarian Aid," p. 34.

<sup>400</sup> Gee, *Social Linguistics*, p. 132.

<sup>401</sup> Harrell-Bond, *Imposing Aid*, p. 67; Ager, ed., *Refugees: Perspectives*, p. 133.

### Not Receiving the Gift

Not receiving a gift does not alter the fact that a gift was given; and a gift cannot be received if it never arrives. This is a frustrating concern to donors and agencies alike. The intended recipient of the gift may not receive the aid-gift for any number of reasons. There may be logistical barriers to the delivery of food and water to camps. The location of the camp may be in remote areas, or the camp may be near hostile forces. In Ethiopia, for example, the diversion of food to both Sudanese and Somali rebel movements prevented the receiving of the gift.<sup>402</sup>

Even when the food-gift reaches refugees, malnutrition may result from inadequate distribution systems.<sup>403</sup> For example, in some camps where food supplies are limited, heads of household are given the ration for the family unit. As men are generally considered the Head of a household, this method left widows and orphans that had been taken in by other families with either no ration or very little ration.

Western societies have shown reluctance to continue to give to situations where the goals of the project are not met or corruption and/or piracy prevent the gift from reaching the intended destinations. In Western societies, it is important to the donor that the gift given be received and used well. When reports of piracy or incidents of corruption reach the headlines private donations react unfavorably. It seems an unquestioned truth that one would be hesitant to give to projects with poor outcomes or seemingly thoughtless human acts. In problematizing this discourse of the donor's

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<sup>402</sup> Zolberg, Suhrke, et al, *Escape from Violence*, p. 98-99.

<sup>403</sup> Mikolajuk, "Thanks, but No Thanks: The Other Face of International Humanitarian Aid," p. 33.

concern for the gift not received, it might be considered that not receiving the gift has a much greater significance when one is hungry, without shelter, or medical care.

### Refusal of the Gift

For Mauss, to refuse a gift was the worst.<sup>404</sup> To reject a gift offered was to reject the peace and social bond offered.<sup>405</sup> As presented previously, despite the critical need for food supplies in 2002, the Zambian government refused to allow the World Food Program to feed refugees in that country with genetically modified food provided by donors.<sup>406</sup> Genetically modified foods have been outright rejected, not just by Zambia, but by many countries receiving nutrition-aid in the form of GM gifts of soya and corn. That the gift was rejected is not as important to the discourse of exchange as the fact that the gift was cast-off or considered inferior by the giver.

To receive a gift also conforms to Foucault's discussion on power and resistance. The donor has the power to choose the gift; the dominant discourse expresses the sentiment that the recipient of said chosen gift will passively receive and be grateful.<sup>407</sup> In reality recipients have feelings of dignity, react if treated as children or inanimate numbers, and nearly always have means of showing resistance. The recipient can show resistance by outright rejecting the donors' gift as the Zambian government and others has done. More subtly, the Western donor can interpret resistance or refusal of a gift when the beneficiary makes use of the gift in a way not appreciated by the benefactor, as in the

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<sup>404</sup> Mauss, *The Gift*, p. 11.

<sup>405</sup> Mauss, *The Gift*, p. 40.

<sup>406</sup> Mikolajuk, "Thanks, but No Thanks: The Other Face of International Humanitarian Aid," p. 2.

<sup>407</sup> Harrell-Bond, "Can Humanitarian Work," p. 58.

food-drop fiasco. The consequence of such resistance or perception of resistance, however, is that it may curtail the revisiting of the donor with future donations.

### **3.2C. Obligation #3: The Obligation to Repay**

Reciprocity can take the form of a material item, an expression of gratitude, or in terms of a reward (i.e., public recognition or spiritual favor).<sup>408</sup>

The obligation to reciprocate may appear to be the most difficult to fulfill by the refugee recipient. Actually, refugee reciprocation is a staple in the exchange discourse. Passive receiving and gratitude have been the proscribed response for the refugee within the dominant discourse.<sup>409</sup> Refugee gratitude is not just a function of the exchange discourse; it is a way the discourse acts to perpetuate gift-giving behavior. If the refugee is to continue to receive aid through agencies that are dependent upon donor satisfaction and approval, then gratitude is necessary to fulfill Mauss' exchange theory requirement of the third obligation and subsequently, the needs of the refugee. As has been shown, gratitude can be interpreted by the donor as acceptance of the gift, use of the gift according to donor conditions, consuming the gift of food-aid (not selling in the market), and recognition of the donor's identity.

#### No Strings Attached

The unquestioned truth is that a gift or voluntary charitable donation is often described as being a *no strings attached* transaction thus nullifying the obligation to repay. *No-strings* is a discursively created reality innate to in the voluntary nature of Western giving. This implies giving to a deserving or worthy recipient, being fully aware that such an act can

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<sup>408</sup> Mauss, *The Gift*, p. ix, 40.

<sup>409</sup> Ager, ed., *Refugees: Perspectives*; Harrell-Bond, "Can Humanitarian Work."

never be reciprocated through material means.<sup>410</sup> Barbara Harrell-Bond identifies an interesting paradox in the *no strings* scenario.

The donor borrows from the idea of charity the concept of non-reciprocation, or better, not necessary reciprocation, and in turn uses it in order to impose a condition on the donations; desert or merit which is construed in terms of absolute destitution on the part of the recipient.<sup>411</sup>

Dr. Harrell-Bond explains that, for some, *charity* embodies a strong notion that the donation is a form of personal investment.<sup>412</sup> As an investment (not a gift) the donor has the privilege of stipulating the conditions that justify a worthy recipient. Another interpretation might be that of a western society's conception of distributive justice, i.e., giving to the deserving poor. The geographical distance between the donor and the recipient disallows for a personal assessment of a *deserving recipient* (according to the donor's definition). Therefore, since it is impossible to track every dollar from donor to a designated *worthy* recipient, aid is distributed on a *per-capita* basis.<sup>413</sup>

### A Return Gift

On closer examination or problematizing of the *no strings attached* notion of giving, one can recognize the repayment that has come to be anticipated, if not expected. A common practice of charitable fundraisers is to offer a material incentive that doubles as the repayment gift. Generally the incentive item is small with markings that identify the

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<sup>410</sup> B.E. Harrell-Bond, "The Experience of Refugees as Recipients of Aid," in *Refugees: Perspectives on the Experience of Forced Migration*, ed. Ager, (New York: Cassell: Continuum International Publishing Group, 1999); Harrell-Bond, "Can Humanitarian Work.," Harrell-Bond, Voutira, et al, "Counting the Refugees."

<sup>411</sup> Harrell-Bond, Voutira, et al, "Counting the Refugees," p. 207-208.

<sup>412</sup> Harrell-Bond, Voutira, et al, "Counting the Refugees," p. 208.

<sup>413</sup> Harrell-Bond, Voutira, et al, "Counting the Refugees," p. 208.

intended receiver of the gift (or project) and serves a practical function as a reminder of the gift. The talisman will assuredly be inscribed with the logo of the agency through which the gift was given. The prompting of this talisman to generate further contributions has been a positive effect. It is a gift in response to a gift which conforms to Mauss' model. In this way, the talisman is a means of recalling the act of giving, thus



Figure 3.1a. Gift of Norway.

servicing as the spirit of the gift that Mauss identifies remains with the giver.

Another way to achieve the return gift is through the aid program's promotion of items made by or about the intended recipient. One may purchase hand drawn cards or handmade bookmarks as a means of giving a gift of aid. The purchase price of the items is generally somewhat higher than the market value of the items so that the revenue gains are meant to be the donated gift.

#### Gratitude and Recognition as Return Gift

Donor countries have found a means to ensure the recipient knows to whom gratitude is owed. Donor countries have found it advantageous to have their identity stamped on thousands of sacs or boxes distributed to the recipients of their donation. Most food comes to the camp in bag or containers labeled with the logo of the agency charged with distribution along with the name of the donor country. Often the container is



marked as "a gift from \_\_\_\_" clearly on the front. The following photos are examples of some of the expressions of donor identity that are utilized in the aid setting.

It is not anticipated that all recipients are able to read the gifter's identity on the container, but the media broadcasts and agency promotional photos often take advantage of the opportunity to display the work being done and by whom.



Figure 3.1b. Gift of Switzerland. Pictures courtesy of WFP open-stock photos.

Deeper reflection on the no-strings-attached notion can reveal the *string* to be what Mauss refers to as the spirit in the gift, which is a part of the giver. The donor gives a part of himself or herself with every gift; that part is the piece of their life that went into the gift.<sup>414</sup> The personal aspect of the gift may be as simple as the time it took to dial in a pledge or as much as a week or month on-the-job that generated the revenue. For some these aspects of gifting a donation are deeply cherished and ought not ruled as meeting Mauss' inalienability of the gift. Time is limited in life and every moment is a gift and every gift is a part of someone's life.<sup>415</sup> The spirit-of-the-gift may be carried with the giver and emerge as a future reflection on the well-being of those for whom the gift was intended. More importantly, the *string* could also be the consequences to the recipient.

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<sup>414</sup> Mauss, *The Gift*, p. 45.

<sup>415</sup> R.L. Stirrat and Heiko Henkel, "The Development Gift: The Problem of Reciprocity in the NGO World," *Annals of the American Academy of Political and Social Science* 554, no. November (1997), p. 80.

The manifestation of a *string-attached* is the health and well-being of the refugee recipient of the gift.

#### Giving to an Unknown Person in a Far Away Place

The return gift in the refugee context is also challenged by the taken-for-granted truth that the gift to an agency that aids refugees then goes . . . *to aid an unknown person in a far away place*. This notion would seem to further reduce the probability of a return gift. In questioning this notion it can be discovered that refugees are neither unknown to us or at an unreachable distance. The remoteness of the geographical distance between the refugee and gift givers of Western society is a delimiter of the discursive reality that has been created.<sup>416</sup>

In recent decades, fund-raising agencies have been creative in reducing the perceived distance between benefactor and beneficiary. One very effective means of bridging that distance is through the use of sponsorships. Sponsorships may involve the posting or sending a photo of a child to be sponsored, or a specific school or clinic that needs building. Oxfam and Heifer Project of Lutheran foundation has a means whereby one can purchase a goat, chickens, or any number of farm animals to then be gifted to a refugee (or other) so they can start a farm and feed their family. In these cases, the goal is to create the perception of a personal connection for the donor to the recipient. This more personal connection also serves as a means of repayment in the form of a physical and measurable difference in the lives of the recipients. Oxfam and the Heifer Project are part of a wider transformation of the charity and a means to combat donor-fatigue.

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<sup>416</sup> Daniel and Knudsen, eds., *Mistrusting Refugees*; Newman and Van Selm, "Refugees and Forced Displacement: International Security, Human Vulnerability, and the State."; Soguk, *States and Strangers*.



Figure 3.2. Logos can be found waving in the wind as caravans of trucks cross the desert, on the latrine door, on jackets, and tents. From foil snack paks, to boxes, grain sacs, and blankets, everything is labeled either for the agency or as "a gift from \_\_\_\_". Pictures courtesy of WFP open-stock photos.

### Entertainment as Repayment

Forms of repayment not often considered, are those of celebrity and the excitement of competition. Live-Aid, the world's biggest rock festival that raised money for famine

relief in Africa, was held simultaneously in London and Philadelphia in 1985.<sup>417</sup> Called the global-jukebox and the Woodstock-of-the-1980s, the concert for starving people in such nations as Ethiopia and the Sudan raised about \$284 million.<sup>418</sup>

On the same day, related concerts were staged in other countries, such as Germany and Australia. Live Aid was the largest-scale satellite link-up and television broadcast in history, beamed to more than 1.5 billion people in 160 countries, and the biggest concert ever staged.<sup>419</sup> The fundraiser put a new face and a new spin to fundraising.

### Media Generated Competition

Dubbed as the Globalization of Rock Music and Charity, the Live-Aid campaigns stimulated generosity on a scale unseen until that time.<sup>420</sup> In the process of the media extolling the generosity in the West the focus shifted from reporting on the concert event, to broadcasting cameos of the celebrities, and then on to peddling the Do They Know It's Christmas and We are the World albums. National broadcasts then went on to highlight which country was giving and how much. Excitement and responses were ramped up when it was announced which states were donating the most, which national governments were donating the most, in which country the private donations were the highest, and which TV gala event or celebrity performance yielded the largest amount of dollars.<sup>421</sup>

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<sup>417</sup> "On This Day, 1985: Live Aid Makes Millions for Africa," (BBC News Website: 2008). <http://liveaid.free.fr/> or [http://www.herald.co.uk/local\\_info/live\\_aid.html](http://www.herald.co.uk/local_info/live_aid.html).

<sup>418</sup> "On This Day, 1985."

<sup>419</sup> "On This Day, 1985."

<sup>420</sup> "On This Day, 1985."

<sup>421</sup> N Clark, "Disaster and Generosity," *Geographical Journal* 171, (2005), p. 384-385.

This competition of sorts brought about more people donating than have ever donated for a single charity. Band-Aid and Live-Aid brought celebrity, glamour, and competition to the atmosphere of fund-raising. Although there was a valiant effort by the concert promoters to keep the focus on those in Africa that the concerts were intended to assist, the media and the public responded only as long as the entertainment lasted.<sup>422</sup> One might interpret the stimulus to give and the repayment for giving as one unit, the celebrity entertainment factor.

### 3.3: Mauss and the Discourse of Aid

Mauss argued that gift giving has to be seen in the context of systems that manage the exchange and obligate the members of the exchange.<sup>423</sup> Aid to refugees takes place within the context of the institutionalized system of NGOs, inter-governmental agencies and government politics in which . . . "bureaucratic interests and procedures are crucial determinants of the agencies' *modus operandi*."<sup>424</sup> This section will present further contingencies on the gift of food-aid in the context of the larger systems that govern the exchanges.

#### **3.3A. The Relief Model: A Discourse of Investment**

The relief model upon which refugee assistance depends is subsidized by the voluntary donations of western countries. A discourse of ownership/investment dominates and directs the procurement of these donations from nation-states and their constituents. It is

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<sup>422</sup> "On This Day, 1985."

<sup>423</sup> Mauss, *The Gift*, p. 58.

<sup>424</sup> Zetter, "Labeling Refugees: Forming and Transforming an Identity," p. 40-41.

a discourse articulating contingencies on the donations or gifts. Not to begrudge the fact that consideration of the cause, the urgency, and method of allocation of funds are prudent and necessary, it must be noted that this is a language that also expresses the donor's authority to define the desired outcome and fails to communicate the singular importance of the recipient.

As the dominant discourse depicts the refugee as a uniform and negative identity (mute, helpless, problem), the subset of discourses on the international tier have rhetorical structures that constrain or influence international reactions to and actions on behalf of refugees.<sup>425</sup>

### **3.3B. Courting the Donor**

Unlike market-oriented arrangements, humanitarian organizations are evaluated by distinctly different goals and methods than other contracted businesses. The gift-exchange discourse has created a community where, with few exceptions, the donor and aid organizations are the only acting subjects and the only voices in the discourse. As acting subjects, acting in beneficence for the distant other, the acting agents are rendered praiseworthy. The corollary is not necessarily that the non-acting or receiving refugee is blameworthy, but the silent and sequestered recipient is a discursive reality that does little to boost the perception of the moral agency of the recipient refugee.<sup>426</sup>

The power of such an asymmetry (voice, value, active giving *versus* silence, and passive receiving) in regard to refugees, seems to validate the notion that refugees have nothing to say and have no other options. David Sogge identified refugees as "low on the

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<sup>425</sup> Harrell-Bond, "Refugees and the International System," p. 1.

<sup>426</sup> Daniel and Knudsen, eds., *Mistrusting Refugees*, p. 41.

chain of humanitarian aid . . . they are subalterns."<sup>427</sup> This antagonistic divide has a reality of its own within the discourse that can further preclude perception of morally salient issues and influence future decisions.

The first and most visible means of retaining donor support and generating successful long-term relationships with donors (government, foundations, and individuals) is to increase the visibility of their work. There is no shortage of agency identifying logos on everything that is brought into or used to service the camps. As shown earlier in this chapter, tents and food sacks sport the large blue and white logo of the UNHCR. Cots, blankets, and medical aid all carry the Red Cross on a white field. The Medicines Sans Frontiers' easily identifiable logo can be found prominently displayed for refugees and others to find easily. The logos also serve to identify caravans as a humanitarian-convoy and thus (hopefully) avoid hostile forces. The larger picture is that the prominence of logos assures donors of an agency's presence, assures the recipient knows to whom to be grateful, and assures good standing in the international community as an active participant in the care of others (i.e., sharing-of-the-burden).<sup>428</sup>

Logos serve many other purposes, but the reality is that the donor, as powerholder over the flow and the use of revenue, necessitates agencies compete for their dollars. In 2007, the Red Cross engaged the services of a global consulting firm to improve the impact of Red Cross donor campaigns. Consider this new approach announced by the Red Cross 2007.

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<sup>427</sup> David Sogge, "Subalterns on the Aid Chain," in *Reflections on Humanitarian Action: Principles, Ethics and Contradictions*, ed. Humanitarian Studies Unit, (Sterling, VA: Pluto Press, 2001), p. 120.

<sup>428</sup> Joanna Macrae and Sarah Collinson, "Uncertain Power: The Changing Role of Official Donors in Humanitarian Action," HPG Report 12 (Humanitarian Policy Group, 2002), p. 44.

After three months of research, we reframed the organization's focus to center on the donor and the donor experience rather than on the process or recipients of the donation.<sup>429</sup>

There is no doubt that if an organization aiding the world's poorest people hopes to successfully and continuously meet the needs of those it serves it needs to grow philanthropic roots that will sustain it. However, if from the onset, the donor is assumed to be at the apex of the hierarchy, that same hierarchy is perpetuated in the objectives and goals; and as refugees are the *problem*, in execution of a solution as well. It is a circular event powered by the assumption that the beneficiary's (refugee's) knowledge of their own needs is biased, opinionated, uninformed, or less objective than the discernment of the agencies' experts.<sup>430</sup> Proceeding from the agency hierarchy with the donor at the apex and availed of *expert* services, refugees known to be an *international problem* and *global burden* cannot be expected to solve the problems that challenge them because they are the problem.

The rising volume of official humanitarian aid has exacerbated the need to raise funds in order to reach an increasing number of people. One way of increasing donor revenues is the courtship of donors. Once donors commit to sponsorship of funds, accountability is a challenging issue to approach. Donors place considerable stress on enhancing the accountability of agencies to them (the donors). Secondarily, the

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<sup>429</sup> American Red Cross, "American Red Cross Donor Experience Redefining a Charitable Organization's Most Valuable Recourse.," On-line Report (2007). <http://www.ideo.com/work/pdf/40/featured/>

<sup>430</sup> Dorsh Marie deVoe, "Framing Refugees as Clients," *International Migration Review* 15, no. 1 (1981), p. 91.



accountability discourse would offer a means to assess the impact of donor decisions and conditions on the recipient communities as well.<sup>431</sup>

### **3.3C. Accountability for the Gift**

There are two generally-accepted ways that agencies and governments reason about their accountability in regard to refugee aid: the first has been to solve refugee's problems in their country of asylum, and the second is to control and contain the refugee problem.<sup>432</sup>

The refugee problem is typically viewed in terms of filling only the immediate requirements of a needy people.<sup>433</sup>

The common reference to refugees as a *problem* both in this institutionally framed discourse and the dominant discourse must be seen as antecedent to, indicative of, and intrinsic to the policies and practices of the international community, nation-states, and aid agencies.

A predominant attitude guides both governmental and NGO in response to the refugee *problem*, that aid as an act of charity, as opposed to being a hardened obligation or a duty.<sup>434</sup> When combined with a unilateral access to resources, unilateral choice of resources, and unilateral flow of resources it is not unexpected that accountability is seen as unilateral as well: "full of options for the donors, stiff with restrictions for the recipients."<sup>435</sup> That is to say accountability measures against the donors' versions of cost-

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<sup>431</sup> Terry, *Condemned to Repeat? The Paradox of Humanitarian Action*, p. 68.

<sup>432</sup> Harrell-Bond, "Refugees and the International System," p. 1.

<sup>433</sup> deVoe, "Framing Refugees as Clients," p. 88.

<sup>434</sup> Warren Nyamugarsira, "Aid Conditionality, Policy Ownership and Poverty Reduction:," *A Southern Perspective of Critical Issues, Constraints and Opportunities*. (International Advisory Committee, 2000), p. 3.

<sup>435</sup> Gasper. "Ethics and the Conduct," p. 9.

benefit analysis. That is, cost to the benefactor (donor) and benefit to the benefactor (donor) as a positive return. A positive return would be the successful delivery of "x" amount of food to "y" number of persons.<sup>436</sup> The quality of the food is incidental in a discourse where *any-aid-is-better-than-no-aid*.

The increasing involvement of donors in humanitarian decision-making and accountability is considered by many to be both legitimate and appropriate.<sup>437</sup> Donor agencies and governments are custodians of public funds, and are responsible for their effective use. The power of donors to influence the pattern of humanitarian responses is amplified as donors become more specific in their requirements or outcome criteria.<sup>438</sup> In exercising control over the gift, the donor or benefactor becomes the beneficiary or *satisfied customer* as the conditions for receiving the gift bring agencies and refugees in compliance. As a United Nations High Commissioner for Refugees (UNHCR) management consultant acknowledged:

We work for no other organization in the political, governmental, or commercial world which has such an absence of mechanisms for determining citizen or consumer satisfaction.<sup>439</sup>

Refugee 'satisfaction' is not a consideration and not often seen as relevant.<sup>440</sup>

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<sup>436</sup> Needham, "Refugee Participation," p. 1.

<sup>437</sup> HPG (Humanitarian Policy Group). "Terms of Engagement: Conditions and Conditionality in Humanitarian Action," *Report of a Conference at the Centre for Humanitarian Dialogue: 3-4 May 2000* Report 6 (2000): 1-52, p. 2.

<sup>438</sup> HPG (Humanitarian Policy Group). "Terms of Engagement: Conditions and Conditionality in Humanitarian Action," p. 6.

<sup>439</sup> Malloch-Brown as quoted by Harrell-Bond. Harrell-Bond, Voutira, et al, "Counting the Refugees," p. 220.

<sup>440</sup> Marguerite Garling as quoted by Barbara Harrell-Bond. Harrell-Bond, "Can Humanitarian Work," p. 53.

Having a satisfied customer (the donor) is essential if continued beneficence and support for the agency or project is desired. All the chatter around the power of donors to set conditions or direct the use of funds along with the agency's desire to sustain funding has diverted attention away from the reality that refugees are the end point for humanitarian aid and the refugee must bear the burden of decisions made from vertical management.

Accountability is the other side of the coin from donating. Accountability is not limited to reporting on operations and the use of donor funds, but also about explaining the choices that were made and the impact of those choices (positive or negative). The idea is that those implementing the response should account for their actions to the affected population. Aid agencies are accountable to three major groups of stakeholders as identified by the Humanitarian Policy Group:<sup>441</sup>

- Donor public, the media and taxpayers – upward accountability.
- Other agencies or to the common standards agreed by the agencies – lateral accountability.
- The affected population – downward accountability.

The term accountability has gained widespread use in recent years within more general development debates. Accountability can be thought of as having two components: answerability and enforceability. *Answerability* requires a means to evaluate the performance of those in power and afford the opportunity for those in power to justify their decisions and actions.<sup>442</sup> *Enforceability* requires mechanisms for sanctioning abuse

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<sup>441</sup> HPG (Humanitarian Policy Group). "Terms of Engagement: Conditions and Conditionality in Humanitarian Action," p. 36.

<sup>442</sup> ODI, "Promoting Mutual Accountability in Aid Relationships," Briefing Paper (ODI (Overseas Development Group), 2006), p.1.

of power or poor performance in power-holders' agreed commitments.<sup>443</sup> To meet the objectives of nutritional aid there are two main challenges: first, changing donor practices to increase effectiveness (e.g., Aid untying, homogenization of aid), and second, transposition of power is not the answer, rather an approach of mutual accountability is the fulcrum point that balances these two challenges.

Enforceability most likely poses the greatest obstacle for accountability. At present donors face only weak incentives to improve the quality of aid, based on maintaining agency reputation and peer pressure, but little or no regulation or penalties are applied.<sup>444</sup> Peer pressure may exist, but aid to refugees seems to have become a competition for agencies to be highlighted in the media. There are a number of international level mechanisms that incorporate some dimensions of mutual accountability but even these ordain no specific enforcement mechanisms or sanctions.<sup>445</sup>

Change cannot come about with a simple arrangement or any one method. More money from donor countries would help, but it would not remove the *problem* in a system that references refugees as the *problem*.<sup>446</sup> There are already several initiatives to promote accountability in humanitarian action.<sup>447</sup> An active presence and co-operative commitment of recipient governments, refugee camp representatives, and agencies to

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<sup>443</sup> ODI, "Promoting Mutual Accountability," p. 1-2.

<sup>444</sup> ODI, "Promoting Mutual Accountability," p. 3.

<sup>445</sup> Verdirame and Harrell-Bond, *Rights in Exile*, p. 47.

<sup>446</sup> Ager, ed., *Refugees: Perspectives*, p. 143.

<sup>447</sup> These include the Humanitarian Accountability Partnership-International (HAP-I), the Active Learning Network on Accountability and Performance in Humanitarian Action (ALNAP), the 'Who Counts' Initiative of Management Accounting for NGOs (MANGO), and the NGO Impact Initiative of the Special Representative for Tsunami Recovery.

human rights is imperative for its material application, particularly in serving those who suffer. The commitment to service must be to those served.<sup>448</sup> The quality control of that service is better assured with mechanisms for accountability, answerability, and enforceability of standards.

### **3.3D. Discursive Barriers to a Refugee-Centered Response**

From the beginning, humanitarian aid to refugees has been fundamentally a moral undertaking with the intent of alleviating suffering and improving the lives of the most vulnerable. Actions taken on behalf of refugees, if not informed by a discourse sensitive to or expressive of the human realities, may depend more on utilitarian calculations and a normative understanding of the refugee as a problem-to-be-assessed. William Fullbright's comment about U.S. policy in Vietnam expresses this sentiment and has pertinence for refugees as well.

Man's capacity for decent behavior seems to vary directly with his perceptions of others as individual humans with human motives and feelings, whereas his capacity for barbarous behavior seems to increase with his perception of an adversary in abstract terms.<sup>449</sup>

The disengagement of identity from context weakens the ability to perceive morally salient issues. Refugees become the object of our intentional acts; they become a *good cause* in lieu of being persons in their vulnerability. Implications of this understanding (or lack of understanding) are manifest in the normative expectations that influence institutional and donor actions such as listed by Harrell-Bond.<sup>450</sup>

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<sup>448</sup> ODI, "Promoting Mutual Accountability," p. 4.

<sup>449</sup> William Fullbright as quoted in Gibney Gibney, "Foreign Policy: Ideological and Human Rights Factors," p. 47-48.

<sup>450</sup> Harrell-Bond, "Experience of Refugees as Recipients," p. 47.

- Donor support is viewed as discretionary and/or is prompted by interest or sentiment.
- A top-down organizational structure of aid.
- Aid agencies are perceived to better know what is best for refugees than refugee him/her self. (paternalism).
- Beneficiaries (refugees) will be grateful.
- Any assistance is better than no assistance.
- That the refugee situation is a temporary one and temporary measures are acceptable.
- Both the public response and agency response can become routinized and automated.

These expectations result in a significant barrier to the designing and commissioning of an efficacious response to the needs of particular refugees and communities.

The geographical distance of refugees from donors and wealthier states is yet another vector that impedes the ability to realize the personal and subjective dimension of any refugee situation. But distance can be another unquestioned truth. Donors act and interact with refugees through a third-party system structured to keep the refugee at a distance. Distance from refugees can seem even farther when all actions are taken through third party actors. The humanitarian superstructure acts as the interface for donor and refugee exchanges; it delimits the way in which distance is perceived.

The third party dynamic conjoined with an objectifying and problem-oriented discourse contributes to taken-for-granted-norms and deceptive assumptions about the human potential of the person-refugee. To go unquestioned is to preserve a vision of reality linked

to our own goals and understandings outside of which are not considered.<sup>451</sup>

In short, the work of aid to refugees is shaped by the operatives of the social institutions and heavily influenced by the label that generates assumptions about what that person or group is like, their needs, their value in society, and ultimately orchestrates the efforts taken on their behalf.<sup>452</sup>

### **3.3E. The Importance of Self-identified Needs**

The most important challenge to the notion of needs is that, because human needs are always located within a particular historical and cultural context needs have a symbolic character. Even food is not just calories, but a sign of membership, social status and spiritual worth.<sup>453</sup>

A society or community that identifies their needs is necessary for the health and cohesiveness of that community. Refugees, for the most part, are not the ones that identify their own needs. Refugees are outside of community, outside of statehood, and outside of their home country. Refugees have their needs identified for them by the international community that aids them. Their needs are measured in calories per person per day or by the circumference measure of their arm. Harrell-Bond points out that a mechanism is used to "guarantee that fair distribution of food to those in need, i.e., each gets the same, but it does not address the question of whether everyone gets enough."<sup>454</sup>

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<sup>451</sup> Domen Bajde, "Rethinking the Social and Cultural Dimensions of Charitable Giving," *Consumption, Markets, and Culture* 12, no. 1 (2009), p. 82.

<sup>452</sup> Zetter, "Labeling Refugees: Forming and Transforming an Identity," p. 44.

<sup>453</sup> D. A. Stone, *Policy Paradox and Political Reason*, (Blenview, Ill: Scott, Foresman/Little, Brown College Division, 1988), p. 71.

<sup>454</sup> Harrell-Bond, Voutira, et al, "Counting the Refugees," p. 206.

The discourse of humanitarian aid to refugees is about giving to the refugee, food is for the refugee, fundraising is about financially supporting the reduction of suffering in refugee populations, and sustaining the life of the refugee yet the refugee remains silent. There is no space available for the voice, culture, or self-identified needs of the refugee as he or she experiences their life.

The discourse on gift-exchange in the context of humanitarian aid to refugees does what Foucault found in the examination of seventeenth and eighteenth century practices that dehumanized and stigmatized.

. . . Distinguishing and isolating a particular kind of person from the rest of society was an efficient and effective means of exercising power with the least amount of effort.<sup>455</sup>

It is a discourse that isolates the refugee from the whole of the exchange. It is a discourse that dehumanizes the refugee through manipulation of the gift as well as behavior. It is a discourse that has found repeated in other aspects of the refugee discourse. The refugee is physically isolated in camps; the refugee is geographically isolated by rule of country of first asylum.

The point is that discourses are not only reflections of social realities but fundamental modes through which social realities are constructed, deployed, and maintained. Discourse, being the way of interaction and expression, is central to the development and recognition of the full dignity and humanity of others.<sup>456</sup> The meanings that are attributed to things, events, or people are arrived at partly by the discourses circulating in social dialogue, interchange, interaction, and from sanctioned positions.

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<sup>455</sup> Foucault, *Madness and Civilization*, p. 56.

<sup>456</sup> Ogletree, *Hospitality to the Stranger*, p. 46.



Refugees seem to be incidentals in the gift-giving discourse of aid. The position of passive recipient appears to be an unquestioned truth or just goes unnoticed. Foucault asked that we question the unquestioned, those things that appear to be so normal that we no longer notice them.

As modes of power, discourses not only construct social realities but do so in unequal ways.<sup>457</sup> The discourse of gift-giving contributes to the perception of refugee as less than whole. The speechlessness of the refugee denies the very particulars that make people something other than anonymous bodies. But the illusion of anonymous bodies is just what the gift-giving discourse does; it denies refugees the ability to have authority in their own lives because they are locked out of the discourse that would allow for participation.

Foucault advocates that persons can remain consciously present to the other without dehumanizing, by recognizing the reciprocity of the interchange. Developing a method of attending to relationships without losing sight of larger patterns of power can minimize or redress the issue of objectifying persons, but it cannot replace the place for listening in discourses.<sup>458</sup>

### 3.4. Summary: The Man Who Pays the Piper Always Picks the Tune

This chapter considered the discourse of gift-giving in the context of humanitarian aid to refugees. Mauss' theory on gift giving and the meaning a gift has for both the giver and receiver was examined in the context of food donations and how discourses that devalue

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<sup>457</sup> Norman Fairclough, *Language and Power*, 1st ed., (London: Longman, 1989), p. 32.

<sup>458</sup> Jan Masschelein and Kerlijin Quaghebeur, "Participation for Better or for Worse," *Journal of Philosophy of Education* 39, no. 1 (2005), p. 61.

or neglect the refugee influence the type and quality of the gift and a concept of giving that attaches conditions to the gift.

Mauss' three obligations (to give, to receive, and to repay) enable identification of taken-for-granted truths of exchange on the humanitarian scale. Three unquestioned truths were identified in problematizing the discourse.

1. Obligation #1 To Give: Unquestioned truth: Humanitarian gifts are voluntary or spontaneous and thus pre-empt any stated or implied.
2. Obligation #2 To Receive: Unquestioned truth: any gift is better than no gift and that by receiving the gift the recipient is better off than before and thus they are obligated to receive because they have no better option.
3. Obligation #3 To Repay: Unquestioned truth: There is no obligation to repay as humanitarian gifts are given with no strings attached.

It must be noted, that the obligation to give and the concept of gift-giving in no way pre-empts the fact that the *right-to-food* has long been on the books, but it has yet to emerge as a basis for action.<sup>459</sup> Wealthy Western nation donors (governments, foundations, and individuals) have largely taken self-interest and charity as their bases for giving.<sup>460</sup> Charitable or voluntary giving is considered spontaneous and with *no-strings-attached*. Giving generously with *no strings attached* is intended to be a way of giving that does not call on the recipient to respond. The problem is that it fails to allow for accountability for the gift and does not recognize the gift as having real consequences.

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<sup>459</sup> Webb, "The under-Resourcing of Rights: Empty Stomachs and Other Abuses of Humanity," p. 140.

<sup>460</sup> Gasper. "Ethics and the Conduct," p. 1.

All in all, the world has acquired a fairly stereotyped impression of refugees. Aid institutions and the way they function are a product of the negative dominant discourse and the problem-solving/paternalist discourse of the international aid community. As a result, the assumptions and program plans reflect these qualities:

1. It is assumed to be all refugees are helpless and require intervention
2. Refugees are treated as statistics and numbers; as recipients for objects and items. They receive what is available not what is needed
3. He who pays the piper calls the tune. Donors are *calling-the-tune* and defining contingencies on the gift so the agencies serving refugees see themselves as being more accountable to donors than to beneficiaries
4. Refugees are seen as a corporeal mass; any one refugee is the same as the next; and one pattern fits all. It is an inflexible system that has no means of meeting specific needs.
5. Third-party management adds to the geographic distance with a discursive distancing of refugees and an even wider cultural gap
6. Decision-making not organized for local participation; decisions made in Geneva far removed from the places where refugees reside.
7. No historical reference is valued and there is reluctance for a participatory approach. Aid agencies control all the resources and the distribution of resources.

These seven axiomatic assumptions leave no room for the refugee to be an active participant. Refugees are discursively marginalized and are important only as much as they burden the international community. The desire is that they will all return to their homeland.<sup>461</sup> A discourse committed to the person-refugee as a moral agent with a valued place within the discourse is vital to producing systems of accountability by the measure of humanitarian need and monitoring practices for the allocation of resources.

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<sup>461</sup> Harrell-Bond, "Can Humanitarian Work."; Malkki, "Speechless Emissaries."; Hyndman, *Managing Displacement*; Soguk, *States and Strangers*.

Such a discourse can produce standards of *good practice* that would engage in and sustain dialogue with the recipients of these services rather than coerce them into compliance to donor contingencies.

Mauss' theory of gift-exchange is helpful in understanding the social significance of accepting a gift or rejecting the gift. He also pointed out that the value of the gift increases with the perceived value of the recipient. Food assistance operates analogously to the exchange of a gift. The diminished value of refugees is reflected in the assumption that *any aid (food) is better than no aid (food)* and that by receiving aid one is *better off than before*.<sup>462</sup> The outcome of such assumptions results in *cast-off* food (typically genetically modified foods) or *feed-lot* type food (referring to the pellets that are much like dog food). Local conceptions of what is acceptable as food must be recognized and respected in the implementation of policies that serve diverse refugee populations.

The chain of transactions that link donors at one extreme with the refugee at the other distances the refugee from the donor. The third party exchange that distances the refugee by more than just location is still the greatest delimiter that perpetuates the perception of remoteness, foreignness, and the voiceless-ness of the refugee. Distancing amplifies and further perpetuates refugees to be conceptualized as a *problem* and a *burden* for nations and international agencies.

The same discourse that reduces refugees to an unidentifiable mass of bodies also contributes to an aid discourse where refugees become bodies to be managed (at a distance from Western shores), fed, housed, counted, and a problem that requires a

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<sup>462</sup> Mikolajuk, "Thanks, but No Thanks: The Other Face of International Humanitarian Aid," p. 33.

solution.<sup>463</sup> The constancy of illness and mortality rates as a result of malnutrition can be seen to have a corollary in the value (or little value) refugees hold in international and national communities. The director of the World Food Program regards the gift of food in this way:

. . . Food is power. We use it to change behavior.  
Some may call that bribery. We do not apologize.<sup>464</sup>  
Catherine Bertini, Executive Director World Food Program.

Discourses create social positions (perspectives) from which people speak, listen, act, think, and perceive the world around them<sup>465</sup> and are the means by which refugees have become visible to us, or cease to be visible to us. Foucault has identified these aspects of discourse as fundamental to the way we -think and the way we act about them.<sup>466</sup> If the perception of refugees is to be transformed, it will only be altered in a discourse that considers refugee-persons as whole human beings.

It must be considered that people are producers of food and not mere consumers. People are not cattle; they are imaginative and industrious.<sup>467</sup>

While standardized and processed rations may support nutritional status in the short-term emergency situation, creating a sustained diet of such food stuff as *feed-pellets* is an affront to the dignity of human beings already in distress. For a long time it had gone unquestioned that refugee-persons themselves can participate in the formation of

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<sup>463</sup> Soguk, *States and Strangers*, p. 198.

<sup>464</sup> Bertini, *Statement to the Fourth World Conference on Women Beijing, China*. The electronic reproduction of complete speech can be found on the web-page cited.

<sup>465</sup> Gee, *Social Linguistics*, p. viii.

<sup>466</sup> Mills, *Discourse*, p. 20-21.

<sup>467</sup> Kent. "Nutrition Rights," p. 11.

commonly defined objectives for the aid process and in the choice, production, preparation, and distribution of nutritive foodstuff. As persons, refugees must be recognized by being allowed to enter into the discourse. A discourse must allow for persons as whole beings (and rights holders) to have effective mechanisms through which they can influence donor behavior.<sup>468</sup>

As the numbers of refugees grow along with the complexity of global situations states and donors become more detached and distracted from the historical events and the context in which they occur. Fixing the refugee identity in a homogenous fashion creates the perception that any person labeled as a refugee might well be interchangeable with any other refugee. Aid institutions and their mode of operations are an external expression of the collectively unquestioned beliefs embedded in the discourse that created the subject of the knowledge (i.e., the refugee) and thus bears upon many aspects of the structure of aid to refugees and human well-being. Since the responsibility is ours to undertake and not theirs to claim, the response must be proportionate to their vulnerability and not our discretion or choice.<sup>469</sup>

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<sup>468</sup> ODI, "Promoting Mutual Accountability," p. 3.

<sup>469</sup> Desmond Manderson, "The Care of Strangers," *Res Publica* 10, no. 2 (2001), p. 4.

# CHAPTER 4

## THE MISSING DISCOURSE

### Introduction

The unidirectional transfer of resources has been the conceptual mortar of bureaucratic structures and organizational mandates in the aid-to-refugees lexicon. It is an unambiguous thread running through the dominant discourse about refugees that has, by and large, been composed with the narrative and operative absence of the refugee. It is an organizational approach and dialogue that has been blind to the refugee as a being that exists inside the discourse as a self-experiencing subject,<sup>470</sup> with his or her own narrative, and equipped with the knowledge and competence levels to represent his/her own views or to instruct another to do so. A discourse absent (but not missing) the voice of the refugee effectively overshadows the refugee's identity as a contributor and participant in the camp community and society at large. Lack of appreciation for refugees as whole competent participants in their own survival not only further legitimizes the top-

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<sup>470</sup> Self-experience is a concept that has many historical antecedents. Karol Wojtyla suggests that each person is a self-experiencing subject and identifies subjectivity with the lived experience. See: Karol Wojtyla, *Person and Community: Selected Essays* ed. Woznicki, trans. Sandok, vol. 4, (New York: Peter Lang, 1994), p. 209-219.

down/direct-control mode that circumscribes institutional design and aid philosophy/practices, it also acts as an impediment to the perception of the refugee as a mutually valued and constructive member of the humanitarian aid community (solidarity) thus prohibiting the delegation to and incorporation of the refugee in decisional authority (subsidiarity) to effect aid policy and practice.

This chapter means to render the refugee visible as a moral agent even in his or her silence, by establishing a context in which the person(s) as refugee(s) can be recognized as an historical actor that subjectively experiences their world; a world in which relationships are influenced by a univocal and hegemonic discourse. The approach is twofold. First, this chapter will link the concept of silence with the unheard interlocutor. Drawing from works by Spivak, Freire, Charles Taylor, and others will demonstrate the power of discourse to effect the perception of the refugee in such a way that it precludes his or her voice, subjectivity, and personhood. By analyzing the mechanisms by which the refugee is rendered voiceless it will be shown that the depiction of voicelessness is contrary to the silence of a moral agent. The first section also affirms the subjectivity of the lived experience by chronicling the stages of passage that are necessary for being granted the legal status of refugee. The stages represent the sequential social transformation from a person-citizen, worker, family member, and community member to a person in a new community of refugees and aid workers without the protection of country, the comfort of home, longtime social bonds.

The second approach is by way of investigating the refugee identity (self and other) within Goffman's concepts of stigma and total institution. Stigma and/or negative labeling are effective means for considering how the refugee's identity, self-definition,



and subject positions are constructed and constrained by presupposed role expectations, shared categories of persons, and institutional order. The person of a lower subject position in the discursive domain (the refugee) has much more rigid boundaries for dialogue and participation than those with the higher social position (aid workers and agencies); a setting which is accommodating to abusive behavior. These roles, that are assigned and accepted within the total institution, have an historical antecedent based on a fundamental inequality between benefactors (i.e., problem-solvers) and beneficiaries (i.e., problem) that hinders a mutually respectful discourse.

It will be argued that the refugee living within this discursively created reality of hearing, not being heard, and self-reflection ascribes important values and meaning to being identified and constrained by a hegemonic discourse. The goal is to show that the present parameters of the refugee discourse limit the opportunities to appreciate the subjectivity of the Other's reality and for genuine inclusion of those who have the capacity for effective agency in regard to their hoped-for outcomes.

#### 4.1. Voicelessness, Silenced Voice, and Voice not Heard

##### **4.1A. The Voiceless Refugee?**

David Morris informs us that people are able to tune-out distressing news: "Suffering is voiceless in the metaphorical sense that silence becomes a sign of something ultimately unknowable."<sup>471</sup> Explaining suffering is difficult to articulate and to suffer in silence is often regarded as a sophisticated and stoic response to suffering. "To speak too much of grief is to blunt its edge. It might even make us deaf to the cry that sparked discourse

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<sup>471</sup> David Morris, "Voice, Genre, and Moral Community," in *Social Suffering*, ed. Kleinman, Das, et al., (Berkeley: University of California Press, 1996), p. 28.

about suffering in the first place."<sup>472</sup> This passage by Vera Schwarcz claims that it is not necessary to be voiceless to not be heard; all it takes is a sorrowful message. Veena Das, warns that: "The more suffering was talked about, the more it was to extinguish the sufferer."<sup>473</sup> This passage of Simone Weil believes there is a reason that the afflicted are not listened to, it is because "to listen to some is to put oneself in his place while he is speaking."<sup>474</sup>

The afflicted are not listened to. They are like someone whose tongue has been cut out and who occasionally forgets the fact. When they move their lips no ear perceives any sound and they themselves soon sink into impotence in the use of language, because of the certainty of not being heard . . . And the afflicted are nearly always equally deaf to one another: and each of them constrained by the general indifference, strives by means of self-delusion, or forgetfulness to become deaf to his own self.<sup>475</sup>

Simone Weil is suggesting that listening is not complete without actually hearing the other. Engaging others' perspectives with the openness needed for a mutual understanding requires a belief that the other has something of value to contribute.

Refugee is a term predefined in our collective memory and perceived reality by a long history of metaphors, images, political cartoons, and news report renderings that have played a powerful role in creating and reinforcing notions of the refugee as helpless, silent, not belonging, or some-*thing* to be feared. Many people have come to understand

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<sup>472</sup> Vera Schwarcz, "The Pane of Sorrow: Public Uses of Personal Grief in Modern China," in *Social Suffering*, ed. Kleinman, Das, et al., (Berkeley: University of California Press, 1997), p. 119.

<sup>473</sup> Das as quoted by Kleinman. Das was commenting on the Indian victims of the 1984 gas poisoning in Bhopal. Arthur Kleinman, Veena Das, et al, eds., *Social Suffering*, (Berkeley: University of California Press, 1997), p. 120; Veena Das, "Moral Orientations to Suffering: Legitimation, Power, and Healing," in *Health and Social Change in International Perspective*, ed. Chen, Kleinman, et al., (Cambridge, MA: Harvard Series on Population and International Health, 1994), p. 163.

<sup>474</sup> Simone Weil, *Simone Weil: An Anthology* ed. Miles, (New York: Grove Press, 1986), p. 71.

<sup>475</sup> Weil, *Simone Weil: An Anthology*, p. 71.

the refugee within the narrow parameters of a few metaphoric themes such as wanderers, aliens, invaders, and scavengers.<sup>476</sup> The linking of the refugee to these metaphoric themes is not only a colorful way of presenting unfamiliar information, it is a means of producing a visual effect that becomes a part of an interpretational schema through which information about refugees is presented, received, understood, and accepted.

Visual media has also contributed to the construction of a silent-refugee identity. The photographer, Steve McCurry gained celebrity for his award winning photo of a refugee girl on the cover the National Geographic in June 1985.<sup>477</sup> The picture is famously well-known, but the refugee girl went unknown, unnamed, and silent for over seventeen years. A Life magazine special feature called Eyewitness Rwanda<sup>478</sup> (referenced in Chapter one) introduced six pages of full-color photographs of the human genocide of 1994. The *eyewitness* was not a surviving refugee or a witness (a person who observes an event) to the genocide. The image is from the cameraman's perspective and the explication, the story, is left to viewer. The only notation for all six pages of images was a three sentence by-line stating: "In their silence, they tell the story of Rwanda, 1994."<sup>479</sup> Photo-journalism that leaves the story and words to the reader's imagination sends a definite message captured beautifully in the voice of bell hooks, quoted here from an article by Carol Taylor.

No need to hear your voice when I can talk about you better than you  
can speak about yourself. Only tell me about your pain. I want to

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<sup>476</sup> Zetter, "Labeling Refugees: Forming and Transforming an Identity," p. 40.

<sup>477</sup> Steve McCurry, "Afghan Girl," *National Geographic*, (1985).

<sup>478</sup> Malkki, "Speechless Emissaries," p. 392.

<sup>479</sup> "Eyewitness," p. 74-80.

know your story. And then I will tell it back to you in a new way. . . I can say what you want to say better than you can."<sup>480</sup>

For Foucault, speaking for the refugee (better than he or she could speak for themselves) constitutes a conceptual framework established by authoritative discourses which, in the collective, have become the privileged discourse about refugees, and outside of which refugees are not considered.<sup>481</sup>

Foucault's theoretical insight was in identifying discourse as actively constructing objects of knowledge. Foucault discussed the relationship between the eye and power in his concept of surveillance or Panopticon.<sup>482</sup> Foucault posits there is a direct relationship between what is perceived as real (the object of knowledge), the construction of perceived reality by discursive structures, and the conduct of persons thinking and acting within that institution.<sup>483</sup> The international refugee regime has an institutional and international discourse in which refugee issues are discussed, needs are decided, and aid is distributed yet the refugee remains silent, usurped of an identity (biographic, historical, contextual, cultural, etc), and discharged of an active engagement in the identification of needs or in his or her care. And yet Walzer argues that "people don't just have needs, they have ideas about their needs; they have priorities, they have degrees of need; and these priorities and degrees are related not only to their human nature but also to their history

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<sup>480</sup> Taylor quoting bell hooks. Carole Anne Taylor, "Positioning Subjects and Objects: Agency, Narration, Relationality," *Hypatia* 8, no. 1 (Winter) (1993), p. 68. and bell hooks, "Marginality as a Site of Resistance," in *Out There: Marginalization and Contemporary Cultures*, ed. Ferguson, Gever, et al., (New York: New Museum of Contemporary Art, 1990), p. 128.

<sup>481</sup> Fairclough, *Discourse and Social Change*, p. 39-41.

<sup>482</sup> Foucault, *Discipline and Punish*, p. 195-228.

<sup>483</sup> Foucault, "The Foucault Effect," p. 75.

and culture."<sup>484</sup> Being a refugee is experiencing, interpreting, and acting on the world from within this institutional and all pervasive hegemonic discourse.

Powerlessness and vulnerability are also by-products of the dominant discourse and are significant elements that define refugee status and pre-dispose refugee voicelessness. Rarely does an understanding of the refugee as a person, the impact of the event of flight in their life, or the actual voice of the refugee enter into the analysis of their needs, policies, or aid strategies.<sup>485</sup> Soguk aptly identifies the inverse relationship of the refugee within the hierarchy of aid discourses that has become the fixed reality.

. . . the refugee's presence goes to the heart of the paradoxes and predicaments of statecraft, and here that the refugee's voicelessness, his lack of agency, makes sense, offering a window into how the paradoxical dynamics of events and happenings in relation to the task of state-craft work or are made to work.<sup>486</sup>

Aid organizations, supportive nation-states, and private donors can find little in common with the refugee identity that is *fixed* as reality in which "voicelessness and lack of agency make sense."<sup>487</sup> The refugee is the subject of endless discourses about refugees, the problem of more refugees, international responsibilities for refugees, sharing the burden of refugees, target refugee populations, and charitable fund raisers to aid refugees that afford no space for the refugee's voice or participation. Voicelessness and lack of

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<sup>484</sup> Michael Walzer, *Spheres of Justice*, (New York: Basic Books, Inc., 1983), p. 66.

<sup>485</sup> Ager, ed., *Refugees: Perspectives*; Daniel and Knudsen, eds., *Mistrusting Refugees*; L.W. Holborn, *Refugees: A Problem of Our Time*, (Metuchen, NJ: Scarecrow, 1975); Kushner and Knox, *Refugees in an Age of Genocide*; Malkki, "Speechless Emissaries."; Anthony H. Richmond, *Global Apartheid: Refugees, Racism, and the New World Order*, (Ontario, CA: Oxford University Press, 1994); Zolberg, Suhrke, et al, *Escape from Violence*.

<sup>486</sup> Soguk, *States and Strangers*, p. 44, 243.

<sup>487</sup> Soguk, *States and Strangers*, p. 44, 243.

agency of the refugee have been established as the norm and as such, is yet another unquestioned truth of the dominant discourse.

#### **4.1B. The Voice Suppressed**

Voicelessness can not be explained as merely the absence of a voice. Voice often denotes a person speaking, but voicelessness is not necessarily a person not speaking. A person not speaking could be explained any number of ways: silence, contemplative, mute, and others. To understand the significance of voicelessness it is necessary to understand the properties of a voice. A voice can be big or small, soft or loud. A voice can be your own or the collective voice of the people. It can be the voice of reason or the voice of regret. Some persons can be known by their voice alone like the voice of their mother. There are other persons that may never be known even though their voice is familiar, such as the voice on the radio. The refugee is not voiceless; rather, it is the voice of the refugee that is silenced, repressed, preempted or just not heard.<sup>488</sup>

The voicelessness of the refugee stands in contrast to voice-*ing*, silence, and moral agency. To choose silence or to use a voice can be dependent upon a moral agent's reflective consideration of the circumstances. Voice or silence is a means of communication and it allows for participation. A considerable amount of research has accumulated over the years which analyze the suppression of one party over another in communication and discourse. Foucault has certainly presented a significant amount of literature on the power of discourse to create subject positions<sup>489</sup> and conduct the conduct

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<sup>488</sup> Kleinman, Das, et al, eds., *Social Suffering*, p. 29.

<sup>489</sup> Foucault, *The Archaeology of Knowledge*, p. 80-82, 201-205.

of others.<sup>490</sup> Not unlike Foucault, Paulo Freire, a Christian Brazilian educator concerned for the lives of the poor and illiterate, also addressed those who are rendered voiceless or silent within a discourse. Freire, addressing oppression in institutions of education, might consider the non-speaking position of the refugee as part of a 'culture of silence.'<sup>491</sup>

In order to dominate, the dominator has no choice but to deny true praxis to the people, deny them the right to say their own word and think their own thoughts.<sup>492</sup>

The silencing of the refugee stands in stark contrast to the silence of hopelessness described by Freire. Freire described a vicious cycle in which the oppressed are not permitted to speak or be heard thus accentuating power for the oppressor. Silence structurally imposed does not signify an absence of response, but rather a response which lacks a personal reflective quality that Freire considers necessary for meaningful participation.<sup>493</sup> In his own personal experience of oppression, Freire understands that oppressed people internalize negative images of themselves (images created and imposed by the oppressor) and feel incapable of self-governance.<sup>494</sup> Dialogue and self-government are impossible under such conditions. Freire is attuned to and values the individual's unique culture and perception based on experiences (in isolation or collective) that allows for the moral agent's acts to be effective in the world.

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<sup>490</sup> This key term, often cited by Foucault scholars, does not appear in English translations, only in French. Foucault used the concept of conduct in regard to regimented governance. Foucault, "The Subject and Power," p. 220-221.

<sup>491</sup> Paulo Freire, *Pedagogy of the Oppressed*, trans. Ramos, 30th Anniversary ed., (New York: The Continuum Publishing Co., 2000), p. 30.

<sup>492</sup> Freire, *Pedagogy of the Oppressed*, p. 126.

<sup>493</sup> Freire, *Pedagogy of the Oppressed*, p. 65.

<sup>494</sup> Freire, *Pedagogy of the Oppressed*, p. 47, 63.

Man's ontological vocation is to be a Subject who acts upon and transforms his world, and in so doing moves toward ever new possibilities of fuller and richer life individually and collectively.<sup>495</sup>

Every human being, no matter how "ignorant" or submerged in the culture of silence he or she may be, is capable of looking critically at the world in a dialogical encounter with others.<sup>496</sup>

Provided with proper tools for this encounter, the individual can gradually perceive personal and social reality as well as the contradictions in it, become conscious of his or her own perception of that reality, and deal critically with it.<sup>497</sup>

Freire is keenly aware that persons find the strength and self-confidence to rise above oppression within dialogue. "The silence of centuries is at last finding a voice, as Brazilian blacks begin to assume themselves historically . . ."<sup>498</sup>

Likewise, Gilligan takes up the study of the lack of women's voice in the domain of gender discourses. She contends, "As we have listened for centuries to the voices of men and the theories of development that their experience informs, so we have come more recently to notice not only the silence of women but the difficulty in hearing what they say when they speak."<sup>499</sup> Gilligan's insight into the way that the voice of an identifiable group of persons (women) is not heard or is not understood can be seen as approximating the discursive reality of the refugee. Gilligan, however, focuses on the gender aspect of the discursive domination and the moral development of persons.

Refugees are not exclusively women, refugees are also men, boys, and girls nor are they

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<sup>495</sup> Freire, *Pedagogy of the Oppressed*, p. 32.

<sup>496</sup> Freire, *Pedagogy of the Oppressed*, p. 32.

<sup>497</sup> Freire, *Pedagogy of the Oppressed*, p. 32-33.

<sup>498</sup> Paulo Freire, *Pedagogy of Hope*, (London, UK and New York, NY: Continuum Books, 2004), p. 206.

<sup>499</sup> Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development*, (Cambridge, MA: Harvard University Press, 1996), p. 173.



silenced solely by the powerful aid agencies (of men and women) established to serve them.

Gayatri Chakravorty Spivak's essay, *Can the Subaltern Speak?*<sup>500</sup> introduced history as devoid of women's voice in literary contributions. Spivak's work was derived from studies on indigenous archives documenting the practice of *sati* in 19<sup>th</sup> Century India (or Hindu widow sacrifice by burning).<sup>501</sup> The historical references show that the widow's voice as absent, being lost between the patriarchal discourse and the religious discourses. Subaltern studies foreground the problems of representing and incorporating the voiceless subjects [women] who are excluded from historical records.<sup>502</sup> The subaltern can never speak because they are being 'stood in for' and 'embodied' by others in the dominant discourse.<sup>503</sup> The historical subaltern cannot speak because the voice has never been entered into discursive history. Subaltern theory seems to endorse the situation that Taylor and hooks had alluded to, that is, the situation that allows the Other to be 'spoken for'. But Spivak goes further to suggest that it is not simply a matter of giving his or her voice back because there is: "No need to hear your voice when I can talk about you better than you can speak about yourself."<sup>504</sup>

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<sup>500</sup> Gayatri Chakravorty Spivak, "Can the Subaltern Speak?," in *Marxism and the Interpretation of Culture*, (Chicago: University of Illinois, 1988).

<sup>501</sup> Joseba Gabilondo, "The Subaltern Cannot Speak but Performs: Women's Public and Literary Cultures in Nineteenth-Century Spain," *Hispanic Research Journal* 5, (2003), p. 90.

<sup>502</sup> Gabilondo, "The Subaltern Cannot Speak but Performs," p. 74.

<sup>503</sup> J Maggio, "Can the Subaltern Be Heard?: Political Theory, Translation, Representation and Gayatri Chakravorty Spivak," *Alternatives: Global, Local, Political* 32, no. 4 (2007), p. 422.

<sup>504</sup> Taylor quoting bell hooks. Taylor, "Positioning Subjects," p. 68. and hooks, "Out There," p. 128.

Speech is powerful; it has the power to impose silence as well as break a silence. The vulnerability of refugees in foreign circumstances is a substantial obstacle to critical self-expression or finding one's voice. The person's escape from their homeland represents a fundamental break with community and familial systems founded on once safe relationships and protected citizenship.<sup>505</sup> Issues of fear, an altered identity, and a sense of belonging are experienced in an infinite variety of cultural contexts and remain key challenges for the majority of persons forced from their homes and country. Additionally, Harrell-Bond suggests that refugees may often feel bound by the psychological restrictions of what Marcel Mauss termed the 'gift relationship'.<sup>506</sup> Refugees are bound to their helpers in terms of the existence of "lateral and vertical chains of hands that handle the aid, which originates from afar."<sup>507</sup> According to Mauss' theory, "unequal power is the essence of the relationship between the giver and the recipient - until the gift is reciprocated."<sup>508</sup> Refugees, as recipients of aid and protection may perceive themselves indebted to those who provide the gift and ultimately on the bottom end of a substantially asymmetrical power relationship. Harrell-Bond states it this way:

The role of the gift-giver and the power to decide who deserves to receive has been transferred by donors to the staff of humanitarian organizations. There is thus a special relationship of the power of the person who distributes [aid] with the refugee who receives . . . the *per*

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<sup>505</sup> Daniel and Knudsen, eds., *Mistrusting Refugees*, p. 19.

<sup>506</sup> Harrell-Bond, "Experience of Refugees as Recipients," p. 136.

<sup>507</sup> E. Voutira and B. E. Harrell-Bond, "In Search of the Locus of Trust: The Social World of the Refugee Camp," in *Mistrusting Refugees*, ed. Daniel and Knudsen, (Berkeley: University of California Press, 1995), p. 211.

<sup>508</sup> Mauss, *The Gift*, p. 24.

*capita* method of distribution of aid is the leveler, it emphasizes their inferior position *vis-à-vis* those who control the distribution of aid.<sup>509</sup>

Harrell-Bond rightly points out that autonomy enhancing opportunities are often undermined by the underlying assumption that those distributing goods are more knowledgeable and capable. To be in such a position of asymmetrical power is an understandable means to silent the refugee voice particularly if voice means "the ability to establish narrative authority over one's own circumstances and future."<sup>510</sup> A discourse that values the input and assistance of refugees along with an organizational culture that respectfully listens and responds to the refugee's own identified needs can go a long way in engaging refugees as active and contributing participants.

#### **4.1C. Refugee as a Voice not Heard**

Moral agency builds on the notion of the refugee as a person experiencing them self as existing and being in a different way from that in which they are experienced by others.<sup>511</sup> In addition to the self's lived experience is the recollection of experiences, the imagining of future experiences, and the perception of life as a continuum through time. The moral agency of the refugee can be considered to exist within the reflections on, the interpretations of, and the relationships within which the social, cultural, historical and institutional contexts that the refugee lives.<sup>512</sup>

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<sup>509</sup> Harrell-Bond, "Can Humanitarian Work," p. 56.

<sup>510</sup> Malkki, "Speechless Emissaries," p. 393.

<sup>511</sup> Karol Wojtyla, "The Person: Subject and Community," *Review of Metaphysics* 33, no. 2 (1979), p. 273.

<sup>512</sup> Mark Tappan, "Domination, Subordination, and the Dialogical Self," *Culture & Psychology* 11, no. 1 (2005), p. 49.

Both recognition of the refugee voice in the discourse or the absence of the refugee voice from the discourse is to acknowledge the person-refugee as a moral agent. A voice can be silenced just as a silence can be deafening. But in the case of the refugee, much like women of another era, that silence was not heard and their voice is not missed. Discourse is anchored in the premise of the human being as a self, as a moral agent who reflects and acts, and who uses language with intention.<sup>513</sup> The silence of the refugee voice, just as other forms of communication, can be interpreted as a lack of regard for the refugee as present in the discourses about them.

Silence, in the context of survival, can be a deliberate effort to conform to role expectations with the intent to comply or find favor with others.<sup>514</sup> The relationship between structured procedures in the systematic running of the refugee camp and the willingness of both aid workers and refugees to adapt their behavior is what would be suggested by Foucault as *conduct of conduct*. It is conformity and adherence to the routinization, protocol, and privileges of the organizational structure and functioning. It is a form of governance that offers a specific understanding of power that perpetuates the power and function of the organization and the silent compliance of the refugee.<sup>515</sup> Conformity to standardizations diminishes the possibility of acting or thinking outside the limitations within which the refugee is regarded and outside of which is not considered.

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<sup>513</sup> Charles Taylor, *Human Agency and Language: Philosophical Papers 1*, (Cambridge, UK: Cambridge University Press, 1985), p. 252-254.

<sup>514</sup> Verdirame and Harrell-Bond, *Rights in Exile*, p. 39.

<sup>515</sup> B.E. Harrell-Bond, "Humanitarianism in a Straightjacket," *African Affairs* 84, no. 334 (1985); Harrell-Bond, *Imposing Aid*; Harrell-Bond, "Experience of Refugees as Recipients."

Hannah Arendt argues that "conformity normalizes persons because behavior has replaced spontaneous action or outstanding achievement."<sup>516</sup>

The silence of refugees finds further similarities with the feminist descriptions of silence in addition to those mentioned previously. The silence of women in history was not noticed and was not missed. The status quo was established that continued to reproduce itself, an-unquestioned-truth. That is to say, silence is associated with exclusion and with powerlessness; it precludes the disposition to listen. The association of speech with activity and silence with passivity does not depend on any specific philosophical account of the nature of agency. It is, however the antithesis of the exercise of power. Ultimately, refugees are defined purely in terms of the overwhelming forces responsible for flight and (consciously or unconsciously) perceived as "passive, inactive pawns manipulated by more powerful forces," in other words, they are people "to whom things are done."<sup>517</sup>

At present there are a few structures that allow for refugee participation at various levels of camp functions. Advocates believe the resistance to more deeply involve refugees in the running of camps can be overcome but there is no mechanism to support or enforce a refugee's voice.<sup>518</sup> Empowerment and participation discourses become mute issues without a forum or a force. The powerful mix of the discursive practices, discursive subject positions, and conduct protocols has overshadowed the refugee's voice

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<sup>516</sup> Hannah Arendt, *The Human Condition*, (Chicago: University of Chicago Press, 1989), p. 40-41.

<sup>517</sup> Kushner and Knox, *Refugees in an Age of Genocide*, p. 13.

<sup>518</sup> Albert, "Prima Facie Determination of Refugee Status."; Annan, "Tackling Problems of Sexual Abuse."; Binder and Tasic, "Refugees as a Particular Form of Transnational Migrations."; Coleman, *West Africa: Sex-for-Food*; Marfleet, "Refugees and History."; Guy Goodwin-Gill, "Refugees and Their Human Rights," *Refugee Studies Center*. Working Paper No. 17 (University of Oxford, 2003).

from being heard. The overshadowing of the refugee voice does not inhibit or invalidate what the refugee hears, interprets, or remembers. But, the fact that they must conform to our discourse is a sign of their powerlessness.

## 4.2. Refugee's Lived Experience of Transformation

Refugeeness is a process of becoming rather than a onetime event "bounded in time and space."<sup>519</sup> This process is often set into motion by reasons not easily confined to one political, ethnic, economic, gender,<sup>520</sup> or human rights issue. Just as complex are the ways in which the person-refugee constitutes and defines their experience infusing their own interpretation, objectives, and attributes to the events.<sup>521</sup> Mindful of the complex collage of events or multifarious interpretations of those events, there is a chronological succession of occurrences necessary for a person to be granted refugee status. The chronological course of events suggests sufficient commonality in the circumstances to consider a stages framework as a valid index to chronicle the historical markers of the refugee experience.<sup>522</sup> The refugee voice is missing from much of the text on stages of the experience of escaping a homeland and becoming a refugee. The voice of refugee is missed and cannot be replaced. A few refugee narratives are incorporated into this stages

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<sup>519</sup> Daniel and Knudsen, eds., *Mistrusting Refugees*, p. 171.

<sup>520</sup> Tappan, "Domination, Subordination, and the Dialogical Self," p. 49.

<sup>521</sup> Soguk, *States and Strangers*, p. 3.

<sup>522</sup> Daniel and Knudsen, eds., *Mistrusting Refugees*, p. 88.

analysis to allow that voice to be heard. But, as this work is focused on the greater broad refugee discourse, this project will not attempt to speak on behalf of the refugee.<sup>523</sup>

The stages framework follows from the approach developed by Stephen Keller in his 1975 book *Uprooting and Social Change*.<sup>524</sup> Keller identified three mental stages through which a refugee passes as a means to contrast the refugee experience from the experiences of disaster victims. These stages are much like the "stages of grieving" identified by Kübler Ross.<sup>525</sup> Keller's format has become quite popular and is often employed by authors on refugee matters to chronicle the stages of events that must occur for refugee-hood.<sup>526</sup> The stages framework, modified for this study, is particularly useful because it allows for identification of three discrete sequences of events in the refugee-

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<sup>523</sup> The 'phases' approach has been criticized as being reductionist. To challenge the reductionist representations of refugees, growing bodies of scholars are exploring the significance of the category-[refugee] in varying contexts that intersect with race, class, politics, and gender. Sara Green, Christine Davis, et al, "Living Stigma: The Impact of Labeling, Stereotyping, Separation, Status Loss, and Discrimination in the Lives of Individuals with Disabilities and Their Families," *Sociological Inquiry* 75, no. 2 (2005); Malkki, "Speechless Emissaries."; Harrell-Bond and Voutira, "Anthropology."; Harrell-Bond, "Are Refugee Camps."; Hyndman, *Managing Displacement*; Beatrice Hackett, *Pray God and Keep Walking: Stories of Women Refugees*, (North Carolina: McFarland & Company, Inc, 1996); Inger Agger, *Theory and Practice of Psycho-Social Projects under War Conditions in Bosnia-Herzegovina and Croatia*, (Brussels: ECHO, 1995); Muecke, "New Paradigms for Refugee Health Problems."

<sup>524</sup> Keller used the "stages" approach as a general theoretical means to contrast the emotional and psychological stages that post World War II refugees experienced as opposed to those emotional states of persons displaced by natural disasters (most particularly in India). S. Keller, *Uprooting and Social Change: The Role of Refugees in Development*, (Delhi, India: Manohar Book Service, 1975).

<sup>525</sup> The process (in stages) by which people deal with grief and tragedy originally introduced by Kübler-Ross are: Denial, Anger, Bargaining, Depression, and Acceptance. Elisabeth Kübler-Ross, *On Death and Dying*, (New York: Collier Books, 1970).

<sup>526</sup> Ager, ed., *Refugees: Perspectives*; Daniel and Knudsen, eds., *Mistrusting Refugees*; Goodwin-Gill and McAdam, *The Refugee*; Harrell-Bond, "Can Humanitarian Work."; Gil Loescher, ed., *Refugees and the Asylum Dilemma in the West*, (University Park, PA: Pennsylvania State University Press, 1992); Malkki, "Refugees and Exile."; Miriam Potocky-Tripodi, *Best Practices for Social Work with Refugees & Immigrants*, (New York: Columbia University Press, 2002); S.A. Prins, "The Individual in Flight," in *Flight and Resettlement*, ed. Murphy, (Paris: UNESCO, 1955); Smyser, *The Humanitarian Conscience: Caring for Others in the Age of Terror*; Stein, "Refugee Experience."; Van Arsdale, *Forced to Flee: Human Rights and Human Wrongs in Refugee Homelands*; Zetter, "Labeling Refugees: Forming and Transforming an Identity."

becoming process. These three events or phases are: 1) preflight (fear), the deliberation and the process of escape or separation from one's country, 2) transit or flight, being the actual journey and 3) reception or arrival , which involves presentation to and then living in the asylum environment. It is tempting to consider the granting of asylum as the culmination of events, but a refugee's life does not end with asylum or in a refugee camp.

The advantages of this particular framework are that: 1) it has both generic and specific usefulness that can accommodate the latitude necessary to consider the diverse situations that contribute to the displacement of different populations, specific groups, or the individual; 2) allows for articulation and integration of context, experience, and interpretation along a continuum; 3) allows for the expression of the experience of suffering, fear, and fleeing as aspects a of human and social experience so necessary for a sense of compassion and empathy; 4) allows for others to appreciate the lived experiences so that those with little or similar experiences can establish a shared sense of understanding.<sup>527</sup>

The disadvantages of this framework are that it: 1) lacks the ability to impart the sense that individuals do not suffer in the same way (i.e., no one represents all); 2) persists the institutional need to "measure the burden of suffering in objective terms that can enable the just allocation of resources to those most in need."<sup>528</sup> 3) affords no account for those left behind; 4) obscures the subjective experience and personal aspects that find expression in narrative, behavior, and hope for an imagined future. (i.e., culture, gender, faith, states of health or illness, age).

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<sup>527</sup> Kleinman, Das, et al, eds., *Social Suffering*, p. 2.

<sup>528</sup> Kleinman, Das, et al, eds., *Social Suffering*, p. 11.



The stages framework is modified in this study so as to acknowledge the element of human hope. Hope is integral to the human being's active participation in lived events, how that lived experience is reflected upon, and how it weighs against intended or anticipated ends. It is the interface between the historical lived experience of the refugee and the subjective interpretation and reflection on those events.<sup>529</sup> Hope, personal and collective, will be considered within the stages framework as an indispensable element for consideration in the lived experience of the refugee person.

#### **4.2A. Pre-flight: Well-Founded Fear**

Theories as to why persons choose to flee the country of their birth have been utilized to contrast the difference between refugees and other types of immigrants. Two classical theories are the *push-pull theory* and the *only option precept*. The *push* factors of the *push-pull theory* are the qualifying criteria for determining refugee status eligibility.<sup>530</sup> Discursive representations of refugees often emphasize these *push* factors leaving the general impression that fleeing is an act lacking deliberate and thoughtful decision-making. Rather, it is precisely the intentionality of the deliberation and decision-making that acknowledges the reflective processes of a whole person as fully engaged in their world.

The *only option* precept is predicated on the supposition that the situational circumstances presented *no choice* for the refugee-person but to flee. While it may be true that in the absence of macro or micro-level forces the yet-to-be-refugee would likely

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<sup>529</sup> Victoria McGeer, "The Art of Good Hope," *Annals of the American Academy of Political and Social Science* 592, no. 1 (2004), p. 103-105.

<sup>530</sup> Kunz, "The Refugee in Flight."

not have chosen to leave, the *only option* precept entrenches the common belief that refugees are persons who suddenly take-leave with little forethought. To flee is a very difficult decision constrained by coercion yet often times deeply contemplated prior to actual flight.<sup>531</sup> In actuality, the imminence of danger may be the cue to finalize and implement a decision that has been suspended for hours or years of consideration. Choosing to leave or choosing to remain is not always a one time event either. The decision to take leave is not always based purely on self preservation.<sup>532</sup> Considerations are many with particular concern involving the bonds of human relations, family ties, and particular human attributes (gender, age, health, etc.).

Some of these considerations can be found in personal or particular attributes of persons. Young single men are likely to be targeted for abduction into subversive forces or deemed as a potential threat and thus face a higher risk of persecution and greater benefit of flight. Women and girls are particularly vulnerable to violence that accompanies pre-flight conflict. "Before flight, sexual violence is routinely an element of the persecution of women."<sup>533</sup> Generally children are not recognized as having autonomous decision-making ability and flight is most often a decision made by their parents.<sup>534</sup> Matlou explains that as communities unravel and families are stressed (or victimized), the number of orphans, abandoned and unaccompanied children, and widows

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<sup>531</sup> Verdirame and Harrell-Bond, *Rights in Exile*, p. 53.

<sup>532</sup> Deen Chatterjee, ed., *Reflections on Humanitarian Action: Principles, Ethics and Contradictions*, ed. Unit, (Sterling, VA: Pluto Press, 2001), p. 47.

<sup>533</sup> Hyndman, *Managing Displacement*, p. 81.

<sup>534</sup> Potocky-Tripodi, *Best Practices for Social Work with Refugees & Immigrants*, p. 16.

increase.<sup>535</sup> Unfortunately, when parents and family members have been detained or killed, children (minor or unaccompanied) and the elderly (generally cared for by family) are left to seek guidance or protection among many others (often strangers) already burdened with similar difficulties.<sup>536</sup> In any event, the decision to leave one's country is a monumental, life-altering step at any age.<sup>537</sup>

In the period leading up to flight, many households experience serious economic hardships as a result of the disruption of income-generating activity and/or due to the shortage of food.<sup>538</sup> Focus on the direct experience of persecution or violence can sometimes overshadow an appreciation of the profound consequences that such chronic factors as restricted mobility, raids, confiscation, and pilfering may have on the overall health of the person prior to escape. Many times the seizure of property and food (often as a consequence of political instability) is intended to amplify the fear for survival and the impetus to flee.<sup>539</sup> Such hardships may relate to the more frequently recognized factors of political persecution or armed conflict, but they can also serve in their own right as major threats to well-being.<sup>540</sup> Mozambican refugees reported months of living

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<sup>535</sup> Patrick Matlou, "Upsetting the Cart: Forced Migration and Gender Issues," ed. Indra, (Berghahn Books, 1998), p. 134.

<sup>536</sup> Verdirame and Harrell-Bond, *Rights in Exile*, p. 95.

<sup>537</sup> Potocky-Tripodi, *Best Practices for Social Work with Refugees & Immigrants*, p. 17.

<sup>538</sup> Alastair Ager, W. Ager, et al. "A Case Study of Refugee Women in Malawi," Report to UNHCR (1991). ; I. Agger, *The Blue Room: Trauma and Testimony among Refugee Women - a Psycho-Social Exploration*, (London: Zed Books, 1997); Binder and Tomic, "Refugees as a Particular Form of Transnational Migrations."; Giorgia Doná and John Berry, "Refugee Acculturation and Re-Acculturation," in *Refugees: Perspectives on the Experience of Forced Migration*, ed. Ager, (New York: Cassell: Continuum International Publishing Group, 1999); Harrell-Bond, "Experience of Refugees as Recipients."

<sup>539</sup> Harrell-Bond, "Experience of Refugees as Recipients," p. 151.

<sup>540</sup> Ager, ed., *Refugees: Perspectives*, p. 3.

in the mountains above their home village, hiding from military forces, before consummating their ultimate decision to leave their homeland for neighboring Malawi.

When the war began our livestock was taken away by the soldiers . . . at first we carried our produce at night to avoid confiscation by the troops . . . all the shops closed down for fear of looting by soldiers . . . [the conflict] completely disrupted trade in the area . . . we began to hide in the hills away from the village at night.<sup>541</sup>

Factors other than economics and threats of physical harm also play their part in the contemplation process. The strong emotional ties to physical places such as the home of their ancestors or the burial grounds of loved ones may delay the time of flight.<sup>542</sup>

Contemplation of the separation from these emotional and valued social bonds can serve as a compelling deterrent to taking leave. Those choosing to stay are separated from those choosing to leave and the fate of one is often never known to the other. The testimony of an elderly Afghan muhajir, Muhammad Yusuf, illustrates the predicament of many contemplating exodus from the northern central areas of Afghanistan.<sup>543</sup>

I was a tenant farmer in northern Afghanistan near the Soviet border. I didn't want to leave my homeland -- it took eight years of war to make me and my family refugees. We left our village along with eighteen other families, after being bombed everyday in retaliation for a Mujahidin attack. It took us six weeks to reach Pakistan. We were bombed twice on the way and ambushed as well. About sixty people in our convoys were killed -- men, women and children.<sup>544</sup>

Whether people move or not is also dependent on constrictions of freedom. For example, some countries do not allow enemies of the state or other persecuted persons to leave (the

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<sup>541</sup> Statement of Mozambican refugees interviewed in the course of the UNHCR-funded study reported in: Ager, ed., *Refugees: Perspectives*, p. 3.

<sup>542</sup> Ager, ed., *Refugees: Perspectives*, p. 4.

<sup>543</sup> Margi Bryant. "The Afghan Tragedy," (1988), p. 194.

<sup>544</sup> Bryant. "The Afghan Tragedy," p. 194-195.

circumstance in Communist countries during the Cold War) thus prohibiting the execution of the personal autonomy and will.<sup>545</sup> In cases where flight is not allowed or is prevented, daring an escape or remaining pose an equally life-threatening situation. Escapes in such a setting must be well planned and carried out with precision. The careful deliberations consider many of the options of leaving, (i.e., the right time to make their move, who comes along, which route to take) are consistent with that of a discerning person weighing the values of life, beliefs, and the benefits/risks for themselves and others.<sup>546</sup> Accordingly, Helene Moussa calls attention to the fact that refugees are people of virtue and strength.

. . . strength of beliefs, roots of resistance, and survival skills did not just begin when they were contemplating flight or emergently uprooted."<sup>547</sup>

Rather, it was this reservoir of strength that, consciously or unconsciously, they were able to draw on for their ability to cope and survive.

The pre-flight phase is comprised of deliberation and choices, however constrained those choices may be. Each person known to us as a refugee, by definition, would be at grave risk of human personal harm if they had not chosen to leave their home. The decision to leave their land of birth means that life as it was known and lived is part of a past which cannot be revisited. From the moment their lives were threatened, they chose to stop the persecution by leaving their countries; not becoming refugees, but

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<sup>545</sup> Potocky-Tripodi, *Best Practices for Social Work with Refugees & Immigrants*, p. 17.

<sup>546</sup> Maroussia Hajdukowski-Ahmed, Nazilla Khanlou, et al, eds., *Not Born a Refugee Woman: Contesting Identities, Rethinking Practices*, (USA: Berghahn Books, 2009), p. 12.

<sup>547</sup> Hajdukowski-Ahmed, Khanlou, et al, eds., *Not Born a Refugee Woman*, p. 6.

to live.<sup>548</sup> From that moment forward and outside their control, the process toward refugee status has begun. Often surrounded by confusion, decisions do not resolve easily and require an integration of reason, emotion, self-reflection, and an "understanding about the world and one's place in that historical existence."<sup>549</sup> This is the shared reality of persons who later become refugees.

#### **4.2B. Flight: The Journey Out**

There are several detailed accounts of the journey out of danger that will serve as the sources for this explication. The choice of the moral agent (not yet a refugee) is both an act of closure as well as an act of separation. Once the decision is made (to leave or remain), it brings deliberation to a close and gives the resolve to act, even if that act is with hesitation or regret. For asylum-seekers, leaving the place where their lives are threatened is only the first obstacle: getting across a border and into a country of asylum often presents a greater challenge.<sup>550</sup> The act, to remain or to take leave, requires unabating courage. Flight from one's homeland clearly represents an event which, even if accomplished swiftly, is likely to prompt major emotional and cognitive turmoil.<sup>551</sup> For those leaving family members behind, the actual act of separation can have a tremendous emotional burden.<sup>552</sup> Past events and actions may be interpreted differently in retrospect.

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<sup>548</sup> Marie LaCroix, "Canadian Refugee Policy and the Social Construction of the Refugee Claimant Subjectivity: Understanding Refugeeeness," *Journal of Refugee Studies* 17, no. 2 (2004), p. 165.

<sup>549</sup> Hajdukowski-Ahmed, Khanlou, et al, eds., *Not Born a Refugee Woman*, p. 32-34.

<sup>550</sup> Verdirame and Harrell-Bond, *Rights in Exile*, p. 55.

<sup>551</sup> Ager, ed., *Refugees: Perspectives*, p. 7.

<sup>552</sup> Strong emotional reactions to separation from one's home society have led Eisenbruch to propose recognition of a phenomenon he refers to as 'cultural bereavement' in refugee populations. see: M. Eisenbruch, "Cultural Bereavement and Homesickness," in *On the Move: The Psychology of Change and Transition*, ed. Fisher and Cooper, (Chichester: Wiley, 1990).

Agony over past choices presupposes the capacity to grasp the self as an actor in their own history.<sup>553</sup>

The flight phase or the journey out of a home country involves the actual physical movement toward and across the internationally recognized border. Escape, whether away from peril or toward security, carries with it the foreseeable harms of exposure and vulnerability.<sup>554</sup> Without proper supplies and protection the journey can be life-threatening. The terrain and the distance to reach anticipated safety can either facilitate or restrict the choice of a flight route and may be critical factors for surviving the journey.<sup>555</sup> A lengthy trek on foot may mean starvation, dehydration, and/or hypothermia for them self or their companions. Those who leave by boat often find that the boats are in poor condition and are overloaded; sinking, drowning, illness, or death is not uncommon.<sup>556</sup>

There is little rest, time to sleep, or time to grieve when fleeing. Trust in all that was familiar and secure can be overtaken by doubt and fear. It is never known for sure who can be trusted to provide safe shelter for the night, water, food, and the direction toward a location with aid and supplies.<sup>557</sup> The not-yet-refugees may be passing through areas of armed conflict and may be subject to witness the same atrocities as in the pre-

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<sup>553</sup> Jeff Sugarman, "Persons and Moral Agency," *Theory & Psychology* 15, no. 6 (2005), p. 781.

<sup>554</sup> A.J. Marsella, T. Bornemann, et al, *Amidst Peril and Pain: The Mental Health and Well-Being of the World's Refugees*, (Washington D.C.: APA, 1994), p. 26.

<sup>555</sup> Marsella, Bornemann, et al, *Amidst Peril and Pain*, p. 27.

<sup>556</sup> Marsella, Bornemann, et al, *Amidst Peril and Pain*, p. 27.

<sup>557</sup> Marsella, Bornemann, et al, *Amidst Peril and Pain*, p. 22.

flight or departure experience.<sup>558</sup> Survival remains hoped for but uncertain. One Zairian refugee of thousands who fled into Tanzania in late 1996 in fear of their lives gave this eye-witness account recorded by Amnesty International and reprinted with permission here.<sup>559</sup>

Five armed men surrounded Pascal Murwirano, a 22-year-old Rwandese refugee, in November 1996. He had sought shelter in an orphanage in eastern Zaire, hoping to avoid the conflict sweeping the area. He was only four miles from reaching the refugee camp that was his destination.

Are you from Rwanda?

Yes.

Are you Hutu?

Yes.

Take off your clothes.

Pascal crossed himself. He unbuttoned the first button of his shirt and before he could unbutton the second one, he was shot. He took one bullet in the heart, four in the stomach and one in the head.  
(Unnamed Zairian Refugee Woman)

The experiences of the flight stage can vary immensely depending upon the circumstances, but one thing remains constant, that some degree of loss is inevitable. That which has been left behind has become part of the yet-to-be-refugee's biography and personal memoir. When revisited, the decisions and consequences of those decisions can evoke feelings of personal responsibility, guilt for things done or left undone and even

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<sup>558</sup> Marsella, Bornemann, et al, *Amidst Peril and Pain*, p. 23.

<sup>559</sup> Amnesty International, *Refugees: Human Rights Have No Borders*, (New York: Amnesty International Publication, 1997), p. 16-17.



shame.<sup>560</sup> The dimensions and depth of these feelings can contribute to a self-image and self-understanding that can be crucial to a sense of diminished self-esteem or worthiness.<sup>561</sup>

#### **4.2C. Arrival: Surviving Camp Life**

Post-flight typically includes a series of events and encounters with many different actors and institutions that are uniquely stressful.<sup>562</sup> The experiences of stage one and stage two concern *getting out*, seeking asylum (both rights granted by International Law), and crossing a recognized state border. This third phase begins with the challenge of *getting in* -- past border patrols and immigration officers, recalling that the "right to seek asylum" does not have the corollary right "to be granted asylum."<sup>563</sup> Arrival in a camp represents the next important installment in the lived experience of a refugee, not an end.

Exhausted, traumatized by what they have already endured, often unable to speak the local language, and sometimes possessing nothing but the clothes they wear, these survivors have to learn to deal with transitory life under the control of new authority.<sup>564</sup> Having arrived in a camp, survival, emotional as well as corporeal, depends on the ability to relegate previous experiences to the past in order to acclimate to and comply with the demands at hand.<sup>565</sup>

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<sup>560</sup> Ager, ed., *Refugees: Perspectives*, p. 124.

<sup>561</sup> Stefi Pederson, "Reaching Safety," in *Flight and Resettlement*, ed. Murphy, (Paris: UNESCO, 1955), p. 39.

<sup>562</sup> Harrell-Bond, "Can Humanitarian Work," p. 53.

<sup>563</sup> UNHCR, "Handbook on Procedures."

<sup>564</sup> Daniel and Knudsen, eds., *Mistrusting Refugees*, p. 19.

<sup>565</sup> Daniel and Knudsen, eds., *Mistrusting Refugees*, p. 182, 185, 199, 232, 244.

Camp life represents a tightrope walk between a safety and the exposure to other problems such as contagious diseases and malnutrition.<sup>566</sup> The enforced association of persons from extremely diverse backgrounds results in attempts to seek out camp dwellers with whom one can identify. Newcomers are conscious of the need to make contacts among settled sojourners that can act as mentors in camp socialization.<sup>567</sup> Therefore, in the construction of social networks, friendships are a necessity and are often founded upon sought out similarities, i.e., of circumstances, of escape, persecution, of nationality, language, or of faith.<sup>568</sup>

For many refugees, camp life represents the most protracted period of their refugee experience.<sup>569</sup> The camps vary greatly in location, standard, and size, as well as in the assistance offered to residents. A number of writers have noted how conditions within camps approximate the form of "total institution" identified by Goffman and surveillance structured in Foucault/Mill's "Panopticon."<sup>570</sup> Both types of social organizations encourage authoritarianism in those with power and acquiescence in those without it. Each person-resident has his or her own subjective interpretation of camp events; however the institutionalized structure and routine procedures that dominant

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<sup>566</sup> Daniel and Knudsen, eds., *Mistrusting Refugees*, p. 20.

<sup>567</sup> Camps consist of many people from different conflicts and persecutions, some of which may be antagonistic to each other. Stedman and Tanner, eds., *Refugee Manipulation*; Zolberg, Suhrke, et al, *Escape from Violence*.

<sup>568</sup> Soguk, *States and Strangers*, p. 231.

<sup>569</sup> Muecke, "New Paradigms for Refugee Health Problems."; Roger Zetter, "International Perspectives on Refugee Assistance," in *Refugees: Perspectives on the Experience of Forced Migration*, ed. Ager, (New York: Cassell: Continuum International Publishing Group, 1999).

<sup>570</sup> Eisenbruch, "Cultural Bereavement and Homesickness."; Guterres, "Abusers or Abused?."; Harrell-Bond, "Experience of Refugees as Recipients."; Harrell-Bond, "Are Refugee Camps."

camp life both standardize role expectations and divide the givers from the receivers. There are standardized procedures for identifying a person as a refugee, the assignment of shelter, counting the number of refugees, delivery of healthcare, and the distribution of resources familiar to most all camps. In other words, the institutional regimentation and approaches "work instead to discipline and regiment the multiplicity of refugee identities, voices, and experiences."<sup>571</sup>

The human experience of having arrived at an organized camp can span the gamut of human emotions. There are, however, recurrent themes in documented narratives. While each experience is unique, the following transcription was chosen because it vividly illustrates the range of challenges to personal well-being commonly faced by those who flee across the border and find refuge in an organized camp for refugees. The following narrative is a segment of the documentation of Mollica and Subani Abboudo's lived experience. The official documents are composed of reprinted UNHCR records and narratives transcribed from a hand-held recorder. The presented quotation is reproduced as it reads in the documented narrative.<sup>572</sup>

Long entry May 22, 2001: Male, Liberian, no papers, no name. Arrived numbed, disoriented, exposed, and half alive. He was immediately interviewed by border officials and later by UNHCR representatives in clinic. He was given a number and assigned to Liberian camp . . . a hut and bed number were designated.  
(Anonymous UNHCR camp transcriber)

Log entry May 24, 2001: "Do you know him? He is my husband, he is my husband... we have separated and now I have found him... he is

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<sup>571</sup> Soguk, *States and Strangers*, p. 176.

<sup>572</sup> This documented narrative was presented in a research review at the 22nd NGO/Public Conference Proceedings in 2004. USAID/OFDA (Office of Foreign Disaster Assistance), "Thinking Outside the Tent," Report: 22nd NGO/Public Conference Proceedings. Humanitarian Assistance: Building on the Basics, (2004).

here." Record male 449982 identified: Subani Abboudo. Reassign to camp section 232 (Transcribed from recording)

Exit interview: Log entry July 6, 2002: Our first [inclination] is to preserve what remains of our identity. We were surrounded again by uniformed authority [sic] asking questions, giving numbers, and assigning tents. We were constantly in fear that they would send us back. Everyone was afraid of being sent back. People sit motionless; children sit as close to their mothers or fathers as possible, they do not play. We hope, that is all we do, we hope for someone to see us, to remember us. The worst of living here is you never know a thing. You follow the routine that is not so bad, we are like all others. The routine keeps us always in today, all we can choose is what we remember. The hardest part is not knowing how much longer. You never know more than today. We live today -- everyday. That is the hardest. When we move to the urban camp we can work and enjoy our labor. I was a school teacher, my husband a doctor. Where we're going, we can hope to work and begin to live with a future again. Then we can stop living the past everyday. It is good. (Transcribed)

The experience of Millica Abboudo, as recounted in official transcription of her own words, is clearly unique in its detail; yet a number of features within the Abboudo's experience are commonly recurring themes in refugee narratives.<sup>573</sup> This personal account of arrival and departure expresses emotion, observations, relationship, and value judgments about what is good, bad, and worse in the refugee camp experience. Exhaustion, joy, fear of being sent back, and fear of staying are followed by the marking of time as the tenacious present. The physical and emotional draining of the flight experience is followed by the joy of finding a loved one in the same place.

The excerpt of Millica Abboudo has its full meaning only in the context of the interpersonal dimension of community and compassion. It is a narrative couched with a sense of group identification. The narrative affirms this person-refugee and the other

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<sup>573</sup> Soguk, *States and Strangers*; Harrell-Bond, "Experience of Refugees as Recipients."; Grahl-Madsen, "Identifying."; Daniel and Knudsen, eds., *Mistrusting Refugees*; Zolberg, Suhrke, et al, *Escape from Violence*.

camp dwellers as present to them selves in time, a sense of the future, and a view of the foreseeable consequences of actions.<sup>574</sup> The use of *we* is directed beyond the couple at hand to include other refugees. The social world experienced by the speaker is recognized to be co-experienced by the group along with a grasp of other's meaningful acts, i.e., people sit motionless and children don't play. Knowledge concerning the fear held in common (fear of being sent back) is relevant for the continued existence of the group. The experience of this fear and the awareness of this fear in others and by others became a fundamental reality and consequently a normative paradigm for refugees. A refugee must 'have left homeland due to well-founded fear'; that same fear must persist for the status-of-refugee to persist.

The expressed emotions and subjective experiences of refugee persons stand in stark contrast to the succession of impressions of the helpless victim of lesser agency which is embedded in the dominant discourse. The many aspects of these transitional stages and the human courage involved are severely under-represented in the discourse about refugees.

### 4.3. Hope: Present to Future

Hope is what can inspire a person (or groups of people) to create the possibility of an alternative future.<sup>575</sup> The three phases (pre-flight, flight, and arrival) are undergirded by

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<sup>574</sup> John F. Crosby, *The Selfhood of the Human Person*, (Washington, D.C.: The Catholic University of America Press, 1996), p. 86-87.

<sup>575</sup> Sasha Courville and Nicola Piper, "Harnessing Hope through NGO Activism," *Annals of the American Academy of Political and Social Science* 592, no. 1 (2004), p. 41.

hope as much as by fear. Hope, as a forward looking emotion,<sup>576</sup> is a significant aspect of the process of becoming a refugee and living as a refugee.<sup>577</sup> Or, it could be said that hope is an aspect of the moral agent's choice or actions toward an intended outcome.<sup>578</sup> Hope is integral to the refugee's lived experience of the three phases identified above and the subjective interpretation and reflection on those events. So integral in fact that Freire says, "Without a minimum of hope, we cannot so much as start the struggle."<sup>579</sup> Yet it is only fear (a well-founded fear) that qualifies the person to be a refugee and the entitlements of a refugee.

#### **4.3A. Hope as Human Survival**

Hope is so very necessary for human survival and human flourishing that literature is replete with commentary on hope. Dufault and Martocchio examined hope and its therapeutic influence in persons diagnosed with cancer during the last phases of life. They defined hope as a "multidimensional dynamic life force characterized by a confident yet uncertain expectation of achieving good, which, to the hoping person, is realistically possible and personally significant."<sup>580</sup> It is this way of defining hope that finds the most meaning for the refugee situation. Dufault, among others, identified antecedents of hope, specifically exhaustion of personal resources; a threatening situation

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<sup>576</sup> Peter Drahos, "Trading in Public Hope," *Annals of the American Academy of Political and Social Science* 592, no. 1 (2004), p. 21.

<sup>577</sup> Courville and Piper, "Harnessing Hope," p. 42.

<sup>578</sup> McGeer, "The Art of Good Hope," p. 101.

<sup>579</sup> Freire, *Pedagogy of Hope*, p. 3.

<sup>580</sup> K Dufault and Martocchio B, "Hope: Its Spheres and Dimensions," *Nursing Clinics of North America* 20, (1985), p. 380.

without certainty of outcome; loss and hardship; intense suffering; and a sense of entrapment of captivity.<sup>581</sup> Hope has also been described as a power within the self that mobilizes one to move beyond the present situation and to envision a better tomorrow for one's self and others.<sup>582</sup> Knowledge is power, as Foucault has said, and appreciating the centrality of hope for the human spirit can highlight the deficiencies in the refugee discourse and normative practices of aid agencies.

To be an intentional moral agent is to be an agent that hopes.<sup>583</sup> To live a life devoid of hope is simply not to live as a human being. Elie Wiesel, survivor of the Nazi Concentration Camps writes:

The instincts of self-preservation of self-defense, of pride, had all deserted us. In one ultimate moment of lucidity it seemed to me that we were damned souls . . . seeking oblivion – without hope of finding it . . . Within a few seconds, we had ceased to be men.<sup>584</sup>

Gravlee explains that losing hope about things that are still in the future can be tantamount to losing our humanity.<sup>585</sup> The subjective position of both the yet-to-be-refugee and the designated refugee is that he or she is relatively powerless in the face of powerful external forces. In the face of such uncertainty, hope can be the inspiration and motivation that triggers an individual (or group) to plan ways and means for achieving a

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<sup>581</sup> Courville and Piper, "Harnessing Hope."; Dufault and B, "Hope: Its Spheres and Dimensions."; Jaklin Elliott and Ian Olver, "Hope and Hoping in the Talk of Dying Cancer Patients," *Social Science & Medicine* 64, (2007); Kaye Herth, "Hope from the Perspective of Homeless Families," *Journal of Advanced Nursing* 24, (1996); McGeer, "The Art of Good Hope."; C.R. Snyder, *Handbook of Hope: Theory, Measures, and Applications*, (San Diego: Academic Press, 2000).

<sup>582</sup> Herth, "Hope from the Perspective of Homeless Families," p. 743.

<sup>583</sup> McGeer, "The Art of Good Hope," p. 100.

<sup>584</sup> Elie Wiesel as quoted in G. Scott Gravlee, "Aristotle on Hope," *Journal of the History of Philosophy* 38, no. 4 (2000), p. 469. The quotation is from Elie Wiesel, *Night*, (New York: Bantam Books, 1960), p. 34.

<sup>585</sup> Gravlee, "Aristotle on Hope," p. 470.

hoped-for goal.<sup>586</sup> Hope embodies the refugees' efforts to constitute a home, meaningful community, and maintain the continuity of their subjective identity in light of past experiences.<sup>587</sup>

#### **4.3B. Hope as Participation in Lived Events**

Active participation in lived events is fundamental to the survival of the human spirit. Keeping in mind that refugees have little input on the decisions in their life, hope can be a means to participate. Both being active and participation are particularly helpful in understanding the role hope plays in the lives of refugees.<sup>588</sup> Writers that have experienced extreme fear, loss, and vulnerability concur that to be a being with true intentional and emotional capacities is to be an agent that hopes. Once again Elie Wiesel, author, Holocaust survivor, and Nobel Prize winner made these observations about hope and being human.

If anything can, it is memory that will save humanity. For me, hope without memory is like memory without hope. Just as man cannot live without dreams, he cannot live without hope. If dreams reflect the past, hope summons the future.<sup>589</sup>

Political leader Vaclav Havel, who spent time in prison because of his participation in the Czech human rights movement and went on to become the first President of the Czech Republic (now retired), was instrumental in transforming that country from a communist system to a free country.

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<sup>586</sup> Daniel and Knudsen, eds., *Mistrusting Refugees*, p. 78.

<sup>587</sup> Daniel and Knudsen, eds., *Mistrusting Refugees*, p. 79.

<sup>588</sup> Daniel and Knudsen, eds., *Mistrusting Refugees*, p. 78.

<sup>589</sup> Elie Wiesel, "Nobel Prize Lecture: Hope, Despair and Memory." (1986). <http://www.eliewiesel.org/nobelprizespeech.aspx>.



The more I think about it, the more I incline to the opinion that the most important thing of all is not to lose hope and faith in life itself. Anyone who does so is lost, regardless of what good fortune may befall him. . . . Only those who have not lost faith and hope can see the horrors of the world with genuine clarity.<sup>590</sup>

Philosophically, Kant identified the question "What may I hope?" as one of the three interests of speculative and practical reason.<sup>591</sup> Kant wrote his *The Critique of Pure Reason* in 1781 that "deals with hope as a moral concern, rather than as an intersubjective lived experience."<sup>592</sup> Kant's considerations of hope and its relation to happiness and ultimate good came to concludes that:

. . . that every one has ground to hope for happiness in the measure in which he has made himself worthy of it in his conduct, and that therefore the system of morality is inseparably (though only in the idea of pure reason) connected with that of happiness.<sup>593</sup>

Both Aquinas and Augustine identify a hope/good dyad. In his *Enchiridion (Handbook) on Faith, Hope and Love* Augustine acknowledges that the two concepts of faith and hope have one thing in common: we do not see either.<sup>594</sup>

Accordingly, faith may have for its object evil as well as good; for both good and evil are believed, and the faith that believes them is not evil, but good. Faith, moreover, is concerned with the past, the present, and the future, all three. . . . But hope has for its object only

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<sup>590</sup> Vaclav Havel, ed., *Open Letters: Selected Writings, 1965-1990*, ed. Wilson, (New York: Vintage Books, 1992), p. 141.

<sup>591</sup> The other two questions are, "What can I know?" and "What ought I to do?" Referenced in F. Beryl Pilkington, "The Many Facets of Hope," in *Hope*, ed. Parse, (Sudbury, MA: Jones and Bartlett Publishers, 1999), p. 14; Immanuel Kant, "Critique of Pure Reason," ed. Guyer and Wood, (Cambridge: Cambridge University Press, 1998), p. 677 or A805/B833.

<sup>592</sup> Pilkington, "The Many Facets of Hope," p. 14.

<sup>593</sup> Pilkington quoting Kant Pilkington, "The Many Facets of Hope," p. 14; Kant, "Critique of Pure Reason," p. 679 or A809/B837.

<sup>594</sup> John Cartwright, "From Aquinas to Zwelethemba: A Brief History of Hope," *Annals of the American Academy of Political and Social Science* 592, no. 1 (2004).

what is good, only what is future, and only what affects the man who entertains the hope. For these reasons, then, faith must be distinguished from hope, not merely as a matter of verbal propriety, but because they are essentially different. The fact that we do not see either what we believe or what we hope for is all that is common to faith and hope.<sup>595</sup>

The theological virtues of faith and charity are undergirded by the virtue of hope as well.

In the psychological literature, on hope, it has become commonplace to note the benefits

of having a hopeful attitude or disposition. As C. R. Snyder summarizes:

The advantages of elevated hope are many. Higher, as compared with lower, hope people have a greater number of goals, have more difficult goals, have success at achieving their goals, perceive their goals as challenges, have greater happiness less distress, have superior coping skills, recover better from physical injury, and report less burnout at work to name but a few advantages.<sup>596</sup>

#### **4.3C. Hope as a Noun or Verb**

Hope, as a noun, can be considered an element in what Karol Wojtyla/Pope John Paul II calls the *irreducible* in that it is "invisible and wholly internal and whereby each human being is an eyewitness of his or her own self -- of his or her own humanity and person."<sup>597</sup> It is hope that enables one to remain open to positive alternative, adapt to changing options, and new prospects for the future; the characteristics of what Wojtyla calls "a self-experiencing subject."<sup>598</sup> As such, hope can function as encouragement for participation as well as compliance with the aid regimen.

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<sup>595</sup> A Cartwright quoting Augustine. Cartwright, "From Aquinas to Zwelethamba: A Brief History of Hope," p. 170; Saint Augustine, Bishop of Hippo, "Enchiridion on Faith, Hope, and Charity," in *The Essential Augustine*, ed. Bourke, (Indianapolis: Hackett Publishing Co., 1974), p. 171, Chapter 178.

<sup>596</sup> Snyder, *Handbook of Hope*, p. 357-358.

<sup>597</sup> Karol Wojtyla, "Subjectivity and the Irreducible in the Human Being," in *Person and Community: Selected Essays*, ed. Woznicki, (New York: Peter Lang, 1994), p. 214.

<sup>598</sup> Schmitz, *At the Center of Human Drama*, p. 74-75.

Hope as a verb emphasizes the person's active engagement in life, identifying what is good and positive for him or her self and others.<sup>599</sup> "As a verb, someone hopes that something will occur which makes it inherently subjective."<sup>600</sup> "To hope is to undertake an active process of doing something, rather than being a helpless victim of circumstances . . . it focuses on things associated with their lives."<sup>601</sup> A yet-to-be-refugee is a person who hopes. He or she is someone who hopes for a life beyond their clear and present danger. Hope, as a verb, is something that someone does as well as possesses and as such is the participation in both the present and future of the human experience.<sup>602</sup>

People in the refugee situation either have lost hope in the state and official political processes of their homeland or lost the hope to regain it so that," as refugees, their hopes are now contemplated outside of their homeland governments."<sup>603</sup> Even if there is the hope to someday return, the hope is for the situation to be different than it was when they departed. If there were no hope, than there would be no forward thinking; and therefore no alternatives for the future.

Refugees exercise a great deal of energy, self-determination, and perseverance, not to become refugees, but to live. In this sense, life is understood as a connected plan

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<sup>599</sup> Elliott and Olver, "Hope and Hoping," p. 138.

<sup>600</sup> Jaklin Elliott and Ian Olver, "The Discursive Properties of Hope: A Qualitative Analysis of Cancer Patients' Speech," *Qualitative Health Research* 12, no. 2 (2002), p. 184.

<sup>601</sup> Elliott and Olver, "The Discursive Properties of Hope," p. 184; Elliott and Olver, "Hope and Hoping," p. 143.

<sup>602</sup> Valerie Braithwaite, "The Hope Process and Social Inclusion," *Annals of the American Academy of Political and Social Science* 592, no. 1 (2004), p. 137.

<sup>603</sup> Courville and Piper, "Harnessing Hope," p. 41.

or unfolding biography with a beginning, a middle, and not yet an end.<sup>604</sup> Persons moving through the transition from citizen to refugee have experienced the uncertainty of hoped-for outcomes and find him or her self in a community where there is no biography of them, only the social identity of refugee.<sup>605</sup> An institution that defines needs independent of the beneficiary and designs normative responses that are tied to their immediate situation does little to foster or sustain the energy needed to spirit hope or commit to transform the experience of being a refugee into healing and future possibilities.<sup>606</sup> Critical reflection on the discourse as it has been established, the impact of that discourse on the refugee person's identity (of themselves and others), and the role of trust and community will open further insights on the meaning of such interaction for the refugee.

#### 4.4. Living within a Hegemonic Discourse

An unappreciated and under emphasized actuality is that the persons known to us as refugees can *only be among those who survive the journey*. The actual number of refugees in the world is unknown due to the fact that it is difficult to account for all those that escape and do not find their way into a camp or other structured setting where they

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<sup>604</sup> 'Biographical life' is a term employed in several disciplines, but particularly by James Rachels where permanent loss of consciousness could be equated with biographical death as opposed to biological death. See Goffman, *Stigma*, p. 66; James Rachels, *The End of Life: Euthanasia and Morality*, (Oxford, Oxfordshire and New York: Oxford University Press, 1986); James Rachels and William Ruddick, "Lives and Liberty," in *The Inner Citadel: Essays on Individual Autonomy*, ed. Christman, (Oxford: Oxford University Press, 1989).

<sup>605</sup> Drahos, "Trading in Public Hope."; Natalie Grove and Anthony Zwi, "Our Health and Theirs: Forced Migration, Othering, and Public Health," *Social Science & Medicine* 62, (2006); Harrell-Bond, "Experience of Refugees as Recipients."

<sup>606</sup> Herth, "Hope from the Perspective of Homeless Families," p. 761.

can be counted.<sup>607</sup> A new respect and appreciation for the fortitude and courage of the person-refugee can be gained when considering that all of the 19 million accounted for refugees are comprised *only* of those who: 1) survived persecution and/or home-land atrocities, 2) made the choice to leave or successfully escape, 3) survived the journey, and 4) arrived in a supported camp or other place where they have been counted.

Any representation or identity of the refugee fails to acknowledge those who have not survived the journey and those left behind. Yet these persons and events are part of the known refugee's memory, experience, and personal history. Refugees are not one-dimensional entities behind a homogenous label. Exhausted survivors have to learn to deal with their life now under the control of others and the kindness of strangers. The one instance that validates the refugee's experience and affixes the refugee identity is the moment of being conferred the legal refugee status. Daniels asks the poignant question: "Does the sufferer have to be legalized in order for his or her pain to be recognized as such."<sup>608</sup> It is an important question because it is at some point in that process of being granted refugee status and being identified by others as refugees that these people in fact become refugees, not just in name, but in the actuality of daily living and in conforming to the associated role expectations.

#### **4.4A. Refugee Identity**

Language and discourse affect both how we understand ourselves, as well as a how we are understood to be by others. The implications of the legal definition of a refugee

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<sup>607</sup> Crisp, "Who Has Counted."; Harrell-Bond, "Can Humanitarian Work."; Telford, "Counting and Identification."; Voutira and Harrell-Bond, "In Search of the Locus of Trust."; UNHCR, "2008 Global Trends UNHCR."

<sup>608</sup> Daniel and Knudsen, eds., *Mistrusting Refugees*, p. 7.

generally serve as rubric for perception of the person as engulfed in fear and helplessness.<sup>609</sup> This refugee identity has been crystallized in discourse long before any one particular refugee arrives in a camp. The concept of identity and all that identity entails ascribes a position the refugee had not envisioned for his or her self, had not hoped-for, sought after, or desired; it serves "only as a reminder of the recent past."<sup>610</sup> The person's identity on a continuum is severely challenged upon being labeled a refugee. Identity is a process of creation, re-creation, negation and manipulation.<sup>611</sup> Ruth Krulfeld, in her fieldwork with refugees reports that, "I found that refugee definitions of identity (whether ethnic or national) were often situational."<sup>612</sup> For the refugee-person "every situation and location reshapes their identity, the expectations of them as a refugee, their sense of self, their agency, and their well being."<sup>613</sup>

The *refugee*, as a legal identity, is born out of a problem-solving discourse and the role of aid agencies is to address the problem. The genealogy of the refugee discourse established the role of agencies in identifying and addressing the refugee *problem*. The refugee *problem* is typically viewed in terms of filling only the immediate requirements of needy people. This discursive history gives momentum to the conviction that the aid

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<sup>609</sup> The definition is that of a "well-founded fear" that both forces (involuntary) them out of their home country and prevents them from returning.

<sup>610</sup> Daniel and Knudsen, eds., *Mistrusting Refugees*, p. 25.

<sup>611</sup> Ruth M. Krulfeld, "Bridling Leviathan," in *Selected Papers on Refugee Issues: II*, ed. Hopkins and Donnelly, (Arlington, VA: Commission for Refugee Issues, American Anthropological Association, 1993), p. 31.

<sup>612</sup> Krulfeld, "Bridling Leviathan," p. 34.

<sup>613</sup> Hajdukowski-Ahmed, Khanlou, et al, eds., *Not Born a Refugee Woman*, p. 28-29.

"experts"<sup>614</sup> are in a position to not only meet the needs of the refugee, but also to define the needs that they (the experts) identify for the refugee. It is the norm for assisting agencies to arrive with an analysis and pre-planned agenda from afar.<sup>615</sup> The institutions remain acutely aware of the donor nations with whom they must find favor and the efficacy that they demand. Many times the involvement of agencies has little to do with what refugees consider to be the most important aspects of their needs and ambitions for the future, such as repatriation or resettlement elsewhere.<sup>616</sup>

#### **4.4B. Goffman: Total Institution**

Erving Goffman's concept of the 'total institution' is a much like Foucault or Mill's Panopticon. The 'residents' of the panoptic structure are called inmates or prisoners. Refugees are neither inmates nor prisoners; however, at times it seems that they may be considered as such. Goffman's 'total institution' is a distinctive type of organization where a large number of individuals with a similar status live together for an extended period of time, isolated from wider society and forced to live a common, formal, and guided life through organizationally defined programs and roles.<sup>617</sup> The handling of

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<sup>614</sup> Dorsh Marie deVoe uses the term "expert" in regard to both the aid workers and aid agencies as definitive of the asymmetrical relationship between refugee (as needy recipient) and helper (who both defines need and provides resources). deVoe, "Framing Refugees as Clients," p. 89-90.

<sup>615</sup> D. Summerfield and F. Hume, "War and Post-Traumatic Stress Disorder: The Question of Social Context," *Journal of Nervous and Mental Disease* 181, (1993), p. 19.

<sup>616</sup> deVoe, ed., *Selected Papers on Refugee Issues*; Oliver Bakewell, "Can We Ever Rely on Refugee Statistics?," *Radstats*, no. 72 (2000). <http://www.radstats.org.uk/no072/article1.htm>; D. Drachman, "A State-of-Migration Framework for Service to Immigrant Populations," *Social Work* 37, (1992); Harrell-Bond, *Imposing Aid*; Harrell-Bond, "Experience of Refugees as Recipients."; Malkki, "Speechless Emissaries."; Renzaho, "Human Right to Food Security in Refugee Settings: Rhetoric Versus Reality."; Andre Renzaho, "Mortality, Malnutrition, and the Humanitarian Response to the Food Crises in Lesotho," *Emergency Primary Health Care (e-Journal)* 4, no. 4 (2006).

<sup>617</sup>E. Goffman, *Asylums*, (New York: Anchor Books, 1961), p. 18.

human needs by the bureaucratic organization of whole blocks of people is the key fact of total institutions.<sup>618</sup>

A total institution may be defined as a place of residence and work where a large number of like-situated individuals, cut off from the wider society for an appreciable period of time, together lead an enclosed formally administered round of life.<sup>619</sup>

While no concrete total institution has all the characteristics of Goffman's total institution, the refugee camp meets many of the criteria and functions nearly as a total institution. All aspects of life are conducted in the same place under the same single authority, each phase of the member's daily activity is carried on in the immediate company of a large number of others, all of whom are treated alike and required to follow a single ordered plan purportedly designed to fulfill the official aims of the institution.<sup>620</sup>

The total institution manifests in the camp community as:

- Freedom of movement is limited.<sup>621</sup>
- Refugees have little possibility for self-reliance, and are thus generally dependent on aid within the camp setting.<sup>622</sup>
- The mode of governance is one of control over refugees.<sup>623</sup>
- Camps are designated as temporary and are also meant as a last resort, when all other options are exhausted.<sup>624</sup>

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<sup>618</sup> Goffman, *Asylums*, p. 17-18.

<sup>619</sup> Goffman, *Asylums*, p. 11.

<sup>620</sup> Goffman, *Asylums*, p. 32-36, 93-98.

<sup>621</sup> Many refugees perceive themselves to be captive in their camps arguing "It is a camp because we cannot leave when we want to." Quotation in: Malkki, "Refugees and Exile," p. 139.

<sup>622</sup> Malkki, "Speechless Emissaries," p. 382.

<sup>623</sup> Hyndman, *Managing Displacement*, p. 141.



Similarly, Anna Schmidt adds that camps ". . . serve to sustain the distinction between refugees and the citizens."<sup>625</sup> According to Schmidt's characterizations, camps also demonstrate a unique set of power relations, "camps may be seen as more about containment than shelter or relief."<sup>626</sup> She also claims that Goffman's "total institution" concepts apply, as refugees are handled through bureaucracy and administration, organized by "daily routines that are introduced by an institution, i.e. waiting in line for food... [and] medicine..."<sup>627</sup> Implementing organizations have power; it is this power over the refugees and their situation that is at the heart of encampment.<sup>628</sup> Refugee camps qualify as the most conspicuous element of refugee institutions; however, increasing use of detention centers in the West reintroduces this camp-based approach to refugee issues as well.

The institutional identity can be used to recognize someone as a member of a specific community as well as their position of power or authority in that community. Goffman develops the concept of social identity as pertaining to the kinds of role repertoires that are anticipated for categories of persons in the institutions.<sup>629</sup> Those that are members in the definitive position act in accordance with their understanding of their

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<sup>624</sup> UNHCR's promotion of repatriation as the 'best durable solution' to the refugee 'problem' has consolidated the policy of encampment on the grounds that refugees are temporary and await repatriation. Verdirame and Harrell-Bond, *Rights in Exile*, p. 272; UNHCR, *Handbook for Emergencies*, p. 134.

<sup>625</sup> Anna Schmidt, "FMO Research Guide: Camps Versus Settlements," *Forced Migration-Online*, (2003), p. 3. <http://www.forcedmigration.org>.

<sup>626</sup> Schmidt, "FMO Research Guide," p. 5.

<sup>627</sup> Schmidt, "FMO Research Guide," p. 6.

<sup>628</sup> Harrell-Bond, "Can Humanitarian Work," p. 561.

<sup>629</sup> Goffman, *Stigma*, p. 2.

status in the institutional community. These social positions within a total institution are often clearly defined; workers can take pride in being members of a rather elite group of people who offer their time, and many times their lives, in the effort to help others.<sup>630</sup>

The aid worker's identity is embedded with those that have the authority and the power to identify the refugee's needs and the refugee's identity is anchored in role of cooperative recipient in having those needs met. The bipolar nature of the refugee/helper relationship establishes the "need hierarchy" which is then "matched to the services and expectations offered by the agency."<sup>631</sup> The patterns of behavior and belief in the *good* of their work are contingent on the belief that the organization they represent is also *good*.<sup>632</sup> Identifying "with" an organization that is internationally recognized and honored as being *good*<sup>633</sup> fosters an intrinsic value of the policies and procedures that have earned such esteemed reputation.<sup>634</sup> The aid worker and/or working group consciously or subconsciously take interest in preserving these policies and procedures because they reinforce group solidarity. Goffman addresses this type of status and social capacity (in this case to be recognized as *good* and doing *good*) as being:

. . . imputed to a person in 'ordinary communication' and thus how others should treat this person. Unlike collective symbols, which draw persons together irrespective of their differences into a 'single

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<sup>630</sup> Aid workers in this context, are among society's unsung and uncelebrated heroes. The work is continuous, the appreciation rare, and the demand unyielding.

<sup>631</sup> deVoe, "Framing Refugees as Clients," p. 90.

<sup>632</sup> Daniel and Knudsen, eds., *Mistrusting Refugees*, p. 216.

<sup>633</sup> The UNHCR has been awarded the Nobel Peace Prize twice; in 1955 and again in 1981.

<sup>634</sup> 'Good' is used in the context of receiving social acknowledgement of highly prestigious appraisals. MacIntyre employs the term 'standards of excellence' which allows for characterizing performance. Alasdair MacIntyre, *After Virtue: A Study in Moral Theology*, 2nd ed., (Notre Dame: University of Notre Dame Press, 1984), p. 191-196.

moral community,' status symbols serve to visibly divide the social world into categories of persons . . . helping to maintain solidarity within a category and hostility between different categories.<sup>635</sup>

This camaraderie or membership gives meaning to the lives and activities of the actors. It fosters a sense of identity or status by defining the insider-outsider boundary and criteria for belonging to the group in authority. Newcomers learn quickly that to achieve the sought-after membership and camaraderie with the other more experienced aid workers (*good guys*) is to avoid alienating their more experienced colleagues.<sup>636</sup>

The binary character of total institutions lies in this basic identity/role split between staff and the refugee tenants where camaraderie and "social mobility between the two strata is grossly reduced; social distance is typically great and often formally prescribed."<sup>637</sup> Goffman's analysis of social life in these types of total institutions relies heavily on the "features of involuntary membership" (e.g., prison inmates and mental hospital patients).<sup>638</sup> Aid workers are in the camps often on a voluntary basis and have the ability to leave or *go home*, if you will, should they decide to do so. Refugees, even if they could leave the camp, cannot return to their home by definition of being a refugee.

A significant part of crossing the threshold from citizen to refugee is in this changing of role expectations in relation to others. Role expectations in the social world or environment of the refugee camp provide the contextual background for constructs of

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<sup>635</sup> Gregory Smith, *Irving Goffman*, 1st ed., (Abingdon, UK and New York, NY: Routledge Press, 2006), p. 18.

<sup>636</sup> Goffman considers the desire to frame identification with a particular community as 'with' like others. Goffman, *Stigma*, p. 13.

<sup>637</sup> Goffman as referenced by Davies: B. Davies and R. Harré, "Positioning: The Discursive Production of Selves," *Journal for the Theory of Social Behaviour* 20, no. 1 (1991), p. 82; Goffman, *Asylums*, p. 19.

<sup>638</sup> Goffman as referenced by Davies: Davies and Harré, "Positioning," p. 82; Goffman, *Asylums*, p. 11.

the refugee identity and sense of community. For the refugee, the challenge of identity harmonization between home, work, and community is resolved in that the camp community (as a total institution) is the geographic setting for all three.<sup>639</sup> Freire explains it in his *Pedagogy of Hope*.

At bottom, the problem is how to preserve one's identity in the relationship between an indispensable occupation in the new context, and a preoccupation in which the original context has to be reconstituted.<sup>640</sup>

The authoritative discourse of the camp setting mandates the acceptance of the different roles that accompany being legally and officially labeled a refugee. The discourse of a total institution unambiguously defines who speaks and which voices have the authority to be heard.

Identity of refugees and those in the institutional setting (aid workers/ agency personnel) are constructed through the differentiation of institutional roles.<sup>641</sup> Without the idea of the individual as an entity – existing outside or beyond role or labels, the idea of a relationship between individuals in a community is limited to the role that they play.<sup>642</sup> The discourse on refugees, both inside and beyond the camp setting, does not foster alternative identities for refugees other than the helpless passive recipient. Consideration of persons solely in regard to the label or role, then, offers no avenue for recognition of internal aspects of persons as whole beings in and of themselves. Crosby has identified caveats of viewing and acting toward others as being unidentifiable or in

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<sup>639</sup> Goffman, *Asylums*, p. 65.

<sup>640</sup> Freire, *Pedagogy of Hope*, p. 24.

<sup>641</sup> Hajdukowski-Ahmed, Khanlou, et al, eds., *Not Born a Refugee Woman*, p. 20.

<sup>642</sup> Adam Seligman, *The Problem of Trust*, (Princeton, N.J.: Princeton University Press, 1997), p. 52.

ways that are depersonalizing. "Once [persons] yield the primary agency to the group, they tend to disappear as persons."<sup>643</sup> The person, by being accepted and certified as a refugee has, in a sense, consented to the identity of the group. Primary agency is dependent upon acting as designated by the social position within the camp community.

In conjunction with the limitations of stereotyping and labeling can define the limitation of the expectations for oneself. Refugees who were valued in professions, in their families, in their neighborhoods, and by their friends no longer have those sources for renewed self-worth as a contributing member of a community. "The refugee's self-identity is anchored more to who he or she was then what she or he has become."<sup>644</sup>

Memories of the self in a past time can make the absence of loved ones, friends, or even social positions more acute and adjustment more difficult.<sup>645</sup> The historical identity, personal identity (the way a person views them self),<sup>646</sup> cultural identity, and coexist so that how people are situated with reference to humanitarian aid is likely to play a significant role in shaping its manner of appearing to them and the response it evokes from them.<sup>647</sup> Only by understanding a society or community as a whole composed of

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<sup>643</sup> Crosby, *The Selfhood of the Human Person*, p. 32.

<sup>644</sup> Daniel and Knudsen, eds., *Mistrusting Refugees*.

<sup>645</sup> Laurence J. Kirmayer, "The Refugee's Predicament," *L'Évolution Psychiatrique* 67, no. 4 (2002), p. 730.

<sup>646</sup> Goffman makes the distinction between social identity and personal identity. Goffman also notes other divisions in identity that he does not examine, such as a legal identity and a proven identity. Goffman, *Stigma*, p. 55.

<sup>647</sup> Ogletree, *Hospitality to the Stranger*, p. 113.

wholes; "only then can a person remain intact an identifiable person capable of autonomy in performing and decision-making."<sup>648</sup>

#### **4.4C. Institution in Community**

In Goffman's total institution, discourses create the social position (perspectives) from which people speak, listen, and act in certain recognizable ways.<sup>649</sup> Self-valuation, self-image, the development of trust relationships, and hope (as active participation) of the refugee can be considered as being influenced by the dominant and privileged discursive sentiments within this total institution environment. Confidence in the aid institution to provide protection, shelter, food, and healthcare will be tempered by the knowledge of the past broken trust in their home institutions (government) to secure those same necessities. Trust is built on experience; experience is integrated with the reflective process, often in a community of acceptance.<sup>650</sup> Discussions of trust in refugee related issues must consider the salience of issues of power and take into consideration vulnerability of the refugee as dependent upon others for fulfillment of needs for basic survival. Because the potential for harm is so great in the refugee context, institutional structures authorized to assist must be held responsible and accountable for policies and actions enacted under their auspices.

Trust is contingent on the evidence which one party provides the others of his true, concrete intentions: it cannot exist if that party's words do not coincide with their action.<sup>651</sup>

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<sup>648</sup> Crosby, *The Selfhood of the Human Person*, p. 18.

<sup>649</sup> Gee, *Social Linguistics*, p. 128.

<sup>650</sup> Seligman, *The Problem of Trust*, p. 113.

<sup>651</sup> Freire, *Pedagogy of the Oppressed*, p. 91.

Trust is a necessary component of a productive group or community and can be a source of solidarity where members are engaged in active dialogue with each other and authority.<sup>652</sup>

Critical to becoming a trusting (and trusted) member of a community is the learning about the behavior expected of one who occupies particular social positions in that community.<sup>653</sup> One's community need not agree with the social position or perception of all members, but a trusting community gives respectful attention to the input of members. The distinction of being a refugee, however, is about the human person where escape represents a fundamental break with social and familial systems founded on once safe relationships and protected citizenship; "a fundamental break with trust"<sup>654</sup> conjoined with limited discursive participation.

Trust in a community to allow for participation is a form of promise-keeping that Kant believes is what unites us in a moral community.<sup>655</sup> In the refugee community (in the form of a camp) trust is related to cooperation and the rigid maintenance of the "structured efforts for the provision of humanitarian assistance" to which refugees are expected to adapt rather than visa-versa – this takes precedence over the refugees' right to choose (e.g., food order, ration portion, or program focus).<sup>656</sup> This type of community

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<sup>652</sup> Kevin P. Doran, *Solidarity: A Synthesis of Personalism and Communalism in the Thought of Karol Wojtyla/ Pope John Paul II*, (New York: P. Lang, 1996), p. 217.

<sup>653</sup> Daniel and Knudsen, eds., *Mistrusting Refugees*, p. 37.

<sup>654</sup> Daniel and Knudsen, eds., *Mistrusting Refugees*, p. 19.

<sup>655</sup> Seligman, *The Problem of Trust*, p. 15. Doran also addresses trust in dialogue as a fundamental element to solidarity. See Doran, *Solidarity, Development, and Human Rights*, p. 217-218.

<sup>656</sup> Verdirame and Harrell-Bond, *Rights in Exile*, p. 101.

which is oriented to being in control fails to acknowledge and encourage the interdependence of its members. The ability to trust again is linked to some of the processes of healing that take place when interdependence is recognized and valued. Interdependence also fosters other types of emotions such as hope. Hope, as presented in a previous section, is a forward looking emotion; it is the active engagement that identifies what is good and positive for the person that hopes. For the refugee hope is vital for healing and the ability to trust in a community of strangers. The centrality of acceptance of persons, even as they are strangers, can be found in a trusting community. Charles Taylor emphasizes the importance of community for distinctions of worth, self-understanding, and the human spirit.

The community is not simply an aggregation of individuals; nor is there simply a causal interaction between the two. The community is also constitutive of the individual, in the sense that the self-interpretations which define him are drawn from the interchange which the community carries on.<sup>657</sup>

Knowing when to speak, who can speak, and what will be heard are learned positions in any community. The powerful and long-lasting effect that dialogical experience has on the sense of personal identity, the uniqueness of that identity, and the sense of personal worth matters greatly and emerges from the discourses that constitute the refugee stage of persons lives, of which hope is an integral part.

#### 4.5. Betrayal of Trust

The dominant discourse about refugees is one in which there are a fixed set of expectations associated with the social position of the refugee; the fixed position is the

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<sup>657</sup> Taylor, *Human Agency and Language: Philosophical Papers 1*, p. 8.



polar opposite of those aiding refugee. These fixed positions and expectations constructs the identity of the refugee in contrast to aid workers, citizens of nations, and *good* actions on their behalf. The refugee-person by being granting refugee status is entitled to membership in the aid community. Membership or legal status of the refugee reinforces a disparate identity of the refugee from aid worker as it is the aid worker that ultimately approves the status. Along with being granted status and thus legally qualified to receive aid also places the refugee in the position of grateful recipient. The previous chapter's review of Mauss' analysis of gift exchange becomes relevant in the overall function of aid distribution and the inverse relationship it creates between giver and recipient.

From a preceding analysis, in which refugee assistance has been construed on a par with gift exchange, assistance becomes contextualized and embedded within the specific socio-cultural context in which it takes place.<sup>658</sup> Mauss demonstrated that the exchange of goods is not a mechanical but a moral transaction, bringing about and maintaining human, personal, relationships between individuals and groups.<sup>659</sup> Goffman contrasts the concept of gift exchange with divergent roles of the staff as dispenser and the refugee as recipient. In other words, relief systems tend to treat aid packages as commodities for distribution and in doing so they fail to pay respect to the complex and often quite different social norms of the receiving group, i.e., everyone receives the same. Indeed, as Waldron noted, the term *refugee* is itself:

. . . an abstraction, a category which qualifies a person to become eligible for UNHCR aid and WFP food. As is the case of most bureaucratic categories, it reduces the totality of the individual person

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<sup>658</sup> Harrell-Bond, Voutira, et al, "Counting the Refugees," p. 210.

<sup>659</sup> Evans-Prichard, "Introduction."

to the single facet which defines client-ship, i.e. refugee status. The open resentment of the term refugee commonly expressed by those so identified reflects a perception of this reduction of self.<sup>660</sup>

Unfortunately, however, the humanitarian regime behaves as though through the act of receiving, the refugee has accepted a contractual obligation to consume whatever has been given, regardless of the adequacy or appropriateness of the gift.<sup>661</sup> To ensure such compliance requires the regime to control refugee populations and it has assumed the right to introduce (extra-judicial) sanctions for their failure to comply.<sup>662</sup>

Given the extremely powerless position into which refugees have been placed *vis-à-vis* an all powerful and impersonal aid regime, it would be reasonable to expect refugees to behave like 'inmates' in a total institution.<sup>663</sup>

#### **4.5A. Headcounts**

Headcounts are one of the activities that proceed according to an institutional order and, when mandated, the refugee has no right to refuse. The rationale underlying the practice of head-counting is that "maintaining reliable and accurate population figures and demographic data is to assure continuation of donor funding for the program."<sup>664</sup> The number of persons per camp is considered essential information by the UNHCR for fundraising and international funding appeals.<sup>665</sup> The headcount objectives were made

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<sup>660</sup> Waldron, "Blaming the Refugees," p. 2.

<sup>661</sup> Daniel and Knudsen, eds., *Mistrusting Refugees*; Harrell-Bond, Voutira, et al, "Counting the Refugees."; Kushner and Knox, *Refugees in an Age of Genocide*; Malkki, "Speechless Emissaries."; Verdirame and Harrell-Bond, *Rights in Exile*; Waldron, "Blaming the Refugees."

<sup>662</sup> Harrell-Bond, *Imposing Aid*, p. 159-160

<sup>663</sup> Waldron, "Blaming the Refugees," p. 3.

<sup>664</sup> Verdirame, "Human Rights," p. 64-66.

<sup>665</sup> UNHCR, "Introduction to UNHCR: Helping Refugees," (United Nations High Commissioner for Refugees, 2006). Section 4.2.6-Reverification. <http://repository.forcedmigration.org>.

fairly clear: "to count the refugees in a particular camp to ensure proper assistance."<sup>666</sup>

There are 'proper' procedures for carrying-out the planned counts. The UNHCR employs several methods of training members in the procedures; some sessions use training movies and other sessions employ experienced personnel for instruction. Two particular UNHCR training films on headcounts were criticized in published refugee studies literature.<sup>667</sup> The training film of the counting (or re-validation) process showed refugees forced into an enclosure to be counted. The UNHCR film referred to this as 'corralling of refugees' to ensure an accurate count.<sup>668</sup> In their book, *Rights in Exile*, Verdirame and Harrell-Bond speak of their observation of aid workers watching the training films and the 'experienced' official's commentary quoted here as written.

. . . Observing humanitarian staff watch these videos was quite revealing. The inhuman aspect [of the head-counting processes] was missed by the viewers; no empathy was shown for the refugees. The staff was busy commenting on practicalities, and giggling when they identified known faces among staff members who appeared in the video.

. . . at the end of the video, Mr. Malik [UNHCR's senior registration officer in charge of headcounts] begins his training and explains the counting process - - - he sets off saying, "All we need for this exercise is ink, wristbands, torches, and scissors." He pauses after naming each object, picks it out of a bag, and shows it to the audience as a smug grin appears under his moustache. Then he displays his panoply of simple head-counting devices on the table and declares,

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<sup>666</sup> Verdirame and Harrell-Bond, *Rights in Exile*, p. 138.

<sup>667</sup> Mark Walkup, "Policy Dysfunction in Humanitarian Organizations: The Role of Coping Strategies, Institutions, and Organizational Culture," *Journal of Refugee Studies* 10, no. 1 (1997); A. Roberts, "More Refugees, Less Asylum: A Regime in Transformation," *Journal of Refugee Studies* 11, (1998); Verdirame, "Human Rights."; Marita Eastmond, "Stories as Lived Experience: Narratives in Forced Migration Research," *Journal of Refugee Studies* 20, no. 2 (2007); Harrell-Bond, Voutira, et al, "Counting the Refugees."

<sup>668</sup> Verdirame and Harrell-Bond, *Rights in Exile*, p. 139; Harrell-Bond, Voutira, et al, "Counting the Refugees."; Walkup, "Policy Dysfunction in Humanitarian Organizations."

"Nothing else but these four instruments to count thousands and thousands of people.' He pronounces the last words and particular solemnity, slowly turning his head to gaze at his entire audience. The contrast between the simplicity of the tools and the difficulty of the task obviously thrills him . . .<sup>669</sup>

The manner in which Knudsen, Harrell-Bond, and Malkki witnessed actual headcount practices in the-field validate the account given by Hyndman when she described the implementation of a plans to count refugees in Kenya. Hyndman reported the events this way.

At five in the morning approximately two hundred Kenyan police and army personnel surrounded the camp. Six counting centers had been set up. All refugees were awakened and instructed to move to the nearest center, each of which was fenced and guarded. UNHCR staff, many of whom had flown in from other locations to assist, communicated by walkie-talkies between the centers. Refugees then filed through narrow corridors through which only one person at a time could pass. Here, they were counted—their hands marked with ink to signify this—and moved to the next area cordoned off within the fenced center. . . . The exercise was complete by early morning.<sup>670</sup>

An official in charge of another headcount that was being carried out in much the same manner as Hyndman describes above reported: "the operation had to be suspended due to protests . . . [the] UNHCR intimated that the food distribution would not be resumed until the population allowed the UNHCR to count them. No food was distributed until the refugees co-operated with the counting process."<sup>671</sup> Harrell-Bond stated: "When some refugees behaved 'badly', on two separate occasions that I witnessed, collective punishment was the 'humanitarian' response."<sup>672</sup> She is quick to note, however, that

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<sup>669</sup> Verdirame and Harrell-Bond, *Rights in Exile*, p. 139-140.

<sup>670</sup> Harrell-Bond, "Can Humanitarian Work," p. 62.

<sup>671</sup> Verdirame and Harrell-Bond, *Rights in Exile*, p. 139.

<sup>672</sup> Harrell-Bond, "Can Humanitarian Work," p. 59.

collective punishment is considered so abhorrent under international law that it is an act prohibited even to an occupying power in time of war.<sup>673</sup> "Not legal justification for the imposition of such measures on the part of a UN agency and in time of peace can be found."

Experienced refugee advocates concur on at least two basic reasons as to why refugees protest head-counting. Firstly, headcounts are almost universally perceived as debasing and humiliating by refugees who have often protested, at times violently, against the process that was managed in a cold, impersonal, and bureaucratic manner them.<sup>674</sup> Secondly, refugees have expressed fear and distrust in the way that the UNHCR's practice of marking each person's elbow with ink to show that he or she had been counted.<sup>675</sup> For some it was a defacing of the body, for others it was a mark that could identify them much like the "numbers issues in the death camps of Nazi Germany."<sup>676</sup> The UNHCR, however, maintains that protests are more about trying to discover those who may have more than one ration card, so that food rations can be obtained and distributed fairly.<sup>677</sup>

The roles and expectations for compliance in head-counting practices left no space for the voice of co-operation or opposition. As shown in the previous chapter,

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<sup>673</sup> Harrell-Bond reference is to the Geneva Convention. Harrell-Bond, "Can Humanitarian Work," p. 59; United Nations, "Relative to the Protection of Civilian Persons in Time of War," *Geneva Convention (IV)*, (Entered into force 21 Oct, 1950, 1949).

<sup>674</sup> Verdirame and Harrell-Bond, *Rights in Exile*, p. 139; Verdirame, "Human Rights," p. 64-66; Harrell-Bond, Voutira, et al, "Counting the Refugees," p. 210-211.

<sup>675</sup> Verdirame and Harrell-Bond, *Rights in Exile*, p. 140.

<sup>676</sup> Verdirame and Harrell-Bond, *Rights in Exile*, p. 139; Verdirame, "Human Rights," p. 211.

<sup>677</sup> Verdirame and Harrell-Bond, *Rights in Exile*, p. 140.

Catherine Bertini, Executive Director World Food Program admitted, "Food is power. We use it to change behavior."<sup>678</sup>

#### **4.5B. Sex-for-Food**

Barbara Harrell-Bond has argued that the requirement to count refugees leads to highly undesirable, oppressive consequences for refugee populations.<sup>679</sup> It forms a central component in an ideology of control which is "part and parcel of most assistance programs."<sup>680</sup> International agencies have very strong interests in maintaining the distinct type of social environment of the camps they run in order to keep control over the distribution of aid.<sup>681</sup> Sidney Waldron is another person who has identified the 'class structure' of refugee camps as a source of 'grave damage to all involved.'<sup>682</sup> The concepts of total institution and stereotyped expectations exist unchallenged in a refugee discourse that approaches the matter of refugees as a problem-to-be-solved. Some believe, results from a repetitive handling of mass cases, where individual differences are hidden and the commonality which produces stereotypes derives from the bureaucratically derived definition which structures role behavior between giver (aid worker) and receiver (refugee).<sup>683</sup> The validity of stereotyping persons when interacting with such large

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<sup>678</sup> Bertini, *Statement to the Fourth World Conference on Women Beijing, China*.

<sup>679</sup> Harrell-Bond, Voutira, et al, "Counting the Refugees."

<sup>680</sup> Harrell-Bond, Voutira, et al, "Counting the Refugees," p. 206.

<sup>681</sup> Hyndman, *Managing Displacement*; Harrell-Bond, "Can Humanitarian Work.," Verdirame and Harrell-Bond, *Rights in Exile*.

<sup>682</sup> Sara Waldron, "Food for Thought," Paper Presentation (Center for the Study of the Administration of Relief, 1992). [www.fmreview.org/RPN/18.pdf](http://www.fmreview.org/RPN/18.pdf); Waldron, "Blaming the Refugees."

<sup>683</sup> Harrell-Bond, Voutira, et al, "Counting the Refugees.," Harrell-Bond, "Experience of Refugees as Recipients.," Zetter, "Labeling Refugees: Forming and Transforming an Identity.," Zetter, "A Label and an Agenda.," Daniel and Knudsen, eds., *Mistrusting Refugees*.

numbers of person can hardly be challenged when considering our very human limitations. Even with human limitations, there is a way to be respectful and remind ourselves of our capacity for compassion.

Harrell-Bond has been keen to identify the particular subsidiary power of the aid worker in the distribution of food: "The further the distance from the source of the gift, the greater the power over the recipient."<sup>684</sup> Borrowing from Mauss' idea of the *gift*, the transfer of goods from the donors to the recipients creates a whole chain of hand and networks of power. That is, the closer material assistance moves toward its recipients, the greater the power of the handler over its allocation. Borrowing from Goffman's idea of the *total institution*, humanitarian actors acquire and exercise power over every aspect of crisis-affected individuals: the power to decide who receives items and who doesn't; what will be given, when and where; where people have to go to or stay; when they have to do so; what they will eat; what clothes and shelter they will have; and how much private and how much social space they will enjoy. Holding such power over scarce resources and their allocation (particularly when rations quantities are diminished or inadequate) can lead to excessive power and coercive actions.

Hollenbach cites the master and slave scenario as it relates to the asymmetrical control, power, and access to scarce resources; the term he uses is that of an "unequal interdependence."<sup>685</sup> The master/slave relationship that Hollenbach describes can be superimposed upon the agency/refugee relationship. The master (agency or agents) is in control of what happens; the slave (refugee) must simply cope with the decisions made

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<sup>684</sup> Harrell-Bond, Voutira, et al, "Counting the Refugees," p. 208.

<sup>685</sup> Hollenbach, *The Common Good & Christian Ethics*, p. 183-184.

by another.<sup>686</sup> Another less radical but equally "harmful form of inter dependence exists between rulers who are not accountable to those whom they rule."<sup>687</sup> Hollenbach has in mind citizens with a ruler/subject relationship. The salience of the matter is that, in neither the master/slave, ruler/subject, and agency/refugee scenarios does an active sharing of governing prevail.

Unequal interdependence . . . fails to give appropriate respect to the equal human dignity of the persons who are partners to it. In extreme forms (e.g., slavery) it does violence to the dignity of those who are reduced to a state of non-agency and simply coping.<sup>688</sup>

There is a significance aspect to the institution of slavery to which Hollenbach refers that may not appear evident at first glance. Masters are dependent on the work of the slaves for an income. The not-so-obvious is that aid institutions do actually depend on refugees for their own income or funding. The total income through private donations positively correlates with degree of destitution and indigence with which the refugee is portrayed.<sup>689</sup>

Humanitarian images aside, power in camps is exercised through both coercion and discipline.<sup>690</sup> Through the process of providing relief under very stressful conditions, some humanitarian actors may act with malevolence.<sup>691</sup> They may abuse their humanitarian power to commit or permit abuses. Abuse of the power granted aid

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<sup>686</sup> Hollenbach, *The Common Good & Christian Ethics*, p. 184.

<sup>687</sup> Hollenbach, *The Common Good & Christian Ethics*, p. 184.

<sup>688</sup> Hollenbach, *The Common Good & Christian Ethics*, p. 185.

<sup>689</sup> Malkki, "Speechless Emissaries," p. 389-393; Harrell-Bond, "Can Humanitarian Work," p. 57-58.

<sup>690</sup> Harrell-Bond, "Can Humanitarian Work," p. 59.

<sup>691</sup> It must be stressed that this is not necessarily due to some particular moral deficiency of aid workers in general or refugees, but can represent a response that finds an opening or opportunity due to an impersonal system of huge proportions.



agencies is not a new issue. On 27 February 2002, the UNHCR and Save the Children UK released a report on the sexual violence and exploitation of refugee children in Liberia, Guinea and Sierra Leone. The allegations contained in the report are very serious: "they point to patterns of sexual exploitation of refugee girl children, and to a culture of impunity."<sup>692</sup> Agency workers from international and local NGOs as well as UN agencies were reportedly the most frequent sex exploiters of girls under 18, often using the humanitarian aid and services intended to benefit the refugee population as a tool of exploitation.<sup>693</sup> Such reports highlight the failure of the UNHCR to fulfill its protection mandate.<sup>694</sup> Forty-year-old Helen Kamara, a refugee in Freetown, told the *South African Press Association* that:

. . . the Secretary-General of our camp once told me that if I did not make love to him or give him one of my seven girls aged between 22 years and seven months, they would not supply us with food.<sup>695</sup>

Many refugees corroborated the allegations. The March 1<sup>st</sup> issue of Monrovia's *The News* quoted another refugee in Sierra Leone saying:

If you do not have a wife or daughter to offer...it is hard to have access to aid.<sup>696</sup>

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<sup>692</sup> Coleman, *West Africa: Sex-for-Food*; Ni Clar Ni Chonghaile, "Sex-for-Food Scandal in West African Refugee Camps," *The Lancet* 359, (2002); Agnes Callamard, "Abuse of Humanitarian Power?," Report (Humanitarian Accountability Project, 2002), p. 1. (on file with author); Webb, "The under-Resourcing of Rights: Empty Stomachs and Other Abuses of Humanity."

<sup>693</sup> Callamard, "Abuse of Humanitarian Power?," p. 1-4.

<sup>694</sup> Coleman, *West Africa: Sex-for-Food*.

<sup>695</sup> Quoted in Coleman, name withheld by press. Coleman, *West Africa: Sex-for-Food*; Iain Levine, "Protection from Sexual Exploitation and Abuse in Humanitarian Crises: The Humanitarian Communities Response.," *Forced Migration-Online*, no. 15 (2002).

<sup>696</sup> Quoted in Coleman, name withheld by press. Coleman, *West Africa: Sex-for-Food*.

The reports of abuse were made known throughout the humanitarian leviathan as well as across many Western news stations. The headlines and details were shocking to many.

Once again the UN has decided to hide behind the veil of secrecy

A report published last month by the UNHCR and Save the Children revealed a serious problem in West Africa regarding primarily male aid workers using food and other aid to bribe primarily female child refugees for sex. The report 'has shocked the humanitarian relief world, forcing agencies to act to root out abuse and safeguard their reputation as protectors of the vulnerable,' reports the African news agency *AllAfrica* today: 'Payment for sex was often as little as a few biscuits, a plastic sheet or a bar of soap,' says the report commissioned by the office of the United Nations High Commissioner for Refugees (UNHCR) and British-based Save the Children.<sup>697</sup>

Commentators across Africa reacted with anger toward the organizations running the camps. A statement by the Refugee Consortium of Kenya, quoted in *The Nation*:

What is mind-boggling is the impunity with which the U.N. staff, entrusted with the lives of entire communities, gets away with sexually exploiting the most vulnerable members. [as written]<sup>698</sup>

These grave allegations of widespread sexual exploitation and abuse of refugee and internally displaced women and children by humanitarian workers and peacekeepers (in West Africa) have highlighted the vulnerability of all refugees, Internally Displaced Persons, and, many others. The humanitarian community's response was quoted in the *The East African Standard* shortly after the initial printed reports:

Humanitarian workers recognize that they will not be held responsible for their actions. Humanitarian officials familiar with the brief said many sex abuse victims are afraid to take part in a formal

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<sup>697</sup> Ruth Gidley, "West Africa: Sex-for-Food Findings Shocks Humanitarians," *Business Day* (2002). <http://allafrica.com/stories/200205060175.html>

<sup>698</sup> Quoted in Coleman, name withheld by press. Coleman, *West Africa: Sex-for-Food*.

investigation and don't come forward for fear of vengeance and recrimination.<sup>699</sup>

While some editorialists proposed that the countries involved should afford more legal rights to refugees, others pointed fingers at the United Nations for its weak supervision of local employees. *The East African Standard* reported:

Changes in disciplinary action and the structure of power within the U.N. need to take place. No institutionalized mechanism exists to bring disciplinary action against such perpetrators within the U.N. system.<sup>700</sup>

The UNHCR responded by sending Assistant High Commissioner for Refugees Kamel Morjane to the region of West Africa. While insisting that the UNHCR would prosecute individuals found guilty of sexual exploitation, Morjane also struck a defensive note.

According to the *Sierra Leone News*, he said:

We are aware that when an organization like ours sees its budget cut by 20 percent, these kinds of consequences are to be expected.<sup>701</sup>

For John Kamau, writing in *The East African*, the excuses were not effectively addressing the issue. He wrote: "Anyone trying to explain this one out should spare us. When people charged with protecting refugees prey on the same hapless refugees, then something must be very wrong."<sup>702</sup>

This Report of the Sex-for-Food scandal is not an isolated complaint. Reports of such abuses can be easily documented on the internet back to 1996. The *Lancet* reported that investigators interviewed 1500 adult and children in October and November of 2001.

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<sup>699</sup> Quoted in the Coleman article Coleman, *West Africa: Sex-for-Food*.

<sup>700</sup> Quoted in Coleman, Coleman, *West Africa: Sex-for-Food*.

<sup>701</sup> Quoted in Coleman Coleman, *West Africa: Sex-for-Food*.

<sup>702</sup> Quoted in Coleman Coleman, *West Africa: Sex-for-Food*.

[they] received allegations of abuse against 67 individuals from more than 40 groups. Agencies implicated include UNHCR, UN Peacekeeping forces, Internal and local NGOs, and government organizations.<sup>703</sup>

In 2002, according to *AllAfrica* and *NewsMax* written reports: "the UNHCR and Save the Children said they would not publish the names of organizations accused of involvement. People are supposed to trust them implicitly when they say they are working on measures to stop the sexual exploitation and deal with its consequences."<sup>704</sup> Several months later, the UN General Assembly did address these serious allegations. The outcome was the release of several statements not only condemning the actions "of a few," the General Assembly went on to announce that "new standards of behavior were being implemented in a newly adopted *Plan of Action* which would strengthen mechanisms for protecting those who depend on international aid."<sup>705</sup>

In light of the allegations of sexual exploitation of refugee girls by, among others, humanitarian workers and peacekeepers in West Africa, there was a new urgency and concern about the safety of female asylum-seekers and refugees everywhere. The push was to confront the shortcomings in the implementation of the new protection standards and to take concrete steps to improve the situation. While the UN's *Plan of Action* was a good start for promoting inclusion of women refugees in camp design for their safety and other provisions, clear and accessible complaint and reporting mechanisms for sexual

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<sup>703</sup> Ni Clar Ni Chonghaile, "Sex-for-Food Scandal," p. 860.

<sup>704</sup> *West Africa: Blame All Around: Sexual Exploitation of Refugee Children*, United States Committee for Refugees, (2002). <http://allafrica.com/stories/200202280821.html>; "U.N. Finally Forced to Probe Its Pedophilia Scandal," *NewsMax Archives*. 2002. <http://archive.newsmax.com/archives/articles/2002/5/6/151901.shtml>.

<sup>705</sup> United Nations, "General Assembly Agenda Item 122-57/306," *United Nations Chronicle*, A/57/465 (2002). [www.un.org](http://www.un.org).

abuse (and domestic violence) were not established. This is not to give the impression that complaint and reporting mechanisms would 'solve the problem,' these pathways to dialogic interchange are newer steps toward the non-silencing of the refugee, particularly women. Women and girls share the problems common to all refugees, each group faces obstacles to protection that are unique to that group, but women and girls are especially vulnerable to abuse. Their vulnerability, the need for scarce resources and the power of those with access to those resources creates a situation that demands further attention.

In June of 2004 a reporter named Aaron Goldstein wrote an article aptly entitled *Where's the Outrage?* for the *American Daily New Service*. Goldstein reported on both his finds and those of Kate Holt and Sarah Hughes, who interviewed more than thirty girls in a refugee camp in Bunia and another under the care of United Nations Children's Fund (UNICEF). Goldstein reported:

It was recently revealed by the UK newspaper *The Independent* that UN Peacekeepers, UNHCR workers, and MONUC soldiers (known as the UN Mission to the Democratic Republic of Congo) had been raping and impregnating girls as young as thirteen years old in exchange for food.<sup>706</sup>

Further in the article, the interviews conducted by Holt and Hughes reveal that the girls involved in the –sex-for-food atrocity felt that they had nothing other than their bodies to "offer-up" in exchange for food that the agency had been withholding due to unrest in the camp.<sup>707</sup> The exchange theory of Mauss, as presented earlier, is a basic concept that relates to the imbalance of give-and-take in the presence of a 'gift' that cannot be

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<sup>706</sup> Aaron Goldstein, "Where's the Outrage? Part II: The UN Sex for Food Scandal," *American Daily*. June 2004, p. 1. [www.americandaily.com](http://www.americandaily.com).

<sup>707</sup> Goldstein, "Where's the Outrage." p. 1.

reciprocated. The exchange concept has turned to abuse and exploitation of the recipient that is expected to be grateful, non-combatant, and (most of all) silent. Again in March of 2005, the evening news broadcast of a major Western news station reported:

We have had and continue to have a serious problem of sexual exploitation and abuse.<sup>708</sup>

This statement of admission by William Lacy Swing, the U.N. special representative to Congo said:

The scandal intensified after the recent discovery of hundred of violent, pornographic photos and video tapes of children, supposedly taken by a U.N. official. The images depict naked Congolese children in positions of severe physical degradation performing sexual acts with and under the control of a man, the United Nations admits, who is one of their own.<sup>709</sup>

Also in March of 2005 the UN office of Internal Oversight Services released a report in which Prince Zeid Raad al-Husseini (Jordan's ambassador to the UN) claimed, "UNHCR and United Nations Peacekeepers regularly had sex with the Congolese women and girls in exchange for food or small sums of money to buy food in the market." Once again on October of the same year (2005), Warren Hoge, the Foreign Desk reporter for the *New York Times*, published excerpts of a 32-page document published by the Washington based advocacy group Refugees International. Refugees International reported that their investigation revealed that the measures developed by the UN to curb sex-abuse had not been put into force due to "a deep-seated" culture of tolerating sexual exploitation.

A 'boys-will-be-boys' attitude breeds tolerance for exploiting and abusing local women. This attitude is slowly changing but the UN

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<sup>708</sup> Steve Harrigan, "Crisis in the Congo: Sex Charges Roil U.N.," narr. Harrigan. FoxNews (3 March, 2005). [www.foxnews.com](http://www.foxnews.com)

<sup>709</sup> Harrigan, "Crisis in the Congo."

must go beyond strong rhetoric and ensure that the resources needed to change this culture are available.<sup>710</sup>

For all of the reporting of abuse, and all the agency responses of change (which can be considered as an aspect of Kant's promise-keeping mentioned earlier), there was only one report of apprehension and punishment. The late edition of the *New York Times*, on November 2, 2005 reported:

U.N. Official Gets 3 Years in Sex Abuse Case. A court in Kosovo, the Serbian province governed by the United Nations since 1999, sentenced an official of the organization to three years in prison after finding him guilty of sexual abuse of a minor.<sup>711</sup>

It can be noted that this lone prosecution is not for West African abuses. From 2002 to 2006 there have been over 150 total allegations of sexual exploitation and abuse, and these allegations fall in all categories, ranging from solicitation to criminal activity of rape and underage exploitation.<sup>712</sup> Even with the overwhelming number of assaults, often times statements of the victimized women were disregarded. Daniel has identified a reason for so easily disregarding the claims of women.

. . . they had bought them for her and sewn them to the child's hat to cover, to camouflage [*exoraisounel/ opov*] an ugliness, a stubborn case of scabies that had forced her parents to shave her head.

Because of this, one of the first lessons that that little girl learned was how even the ugliest things in life can be whitewashed [*opov*] as long

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<sup>710</sup> Warren Hoge, "Report Finds U.N. Isn't Moving to End Sex Abuse," *New York Times*. 19 October 2005. <http://www.nytimes.com/ref/membercenter/nytarchive.html>.

<sup>711</sup> "U.N. Official Gets 3 Years in Sex Abuse Case," *New York Times*. 2 November 2005. [www.nytimes.com](http://www.nytimes.com).

<sup>712</sup> "U.N. Finally Forced to Probe Its Pedophilia Scandal."; "Diplomatic License: Sex-for-Food in Congo," narr. Roth. *Evening News*: CNN (26 November, 2004). <http://transcripts.cnn.com>; "U.N. Sex Crimes in Congo: Prostitution, Rapes Run Rampant," narr. Ross. *Nightly News*: ABC (2005). [www.abcnews.com](http://www.abcnews.com); "U.N. Official Gets 3 Years in Sex Abuse Case."; Gidley, "West Africa: Sex-for-Food Findings Shocks Humanitarians."; Annan, "Tackling Problems of Sexual Abuse."

as you didn't hesitate to hide reality with a beautiful, gold-plated lie.<sup>713</sup>

As one refugee summed it up, "to be a refugee means to learn to lie."<sup>714</sup> The atmosphere of mistrust is characteristic of a total institution where social positions are diametrically opposed and promise-keeping is betrayed.

In refugee camps, the feeling of loss of purpose [uncertainty] adds to the pressures of community structures which might otherwise accord women a measure of protection.<sup>715</sup> That is to say, there is a gendered experience of refugeeness. There is a recognizable increased vulnerability of women through all stages of becoming and living as a person with the legal status of refugee. Serious deficiencies in justice systems, a prevailing definition of the refugee as fear-filled persons and non-combatants, leadership structures, and the lack of access to food distribution systems have combined to expose women to heightened risk of sexual abuse and exploitation. As shown, women and girls are sometimes not even safe from sexual (and other) exploitation by humanitarian aid workers –the very people charged with responsibility for the welfare of refugees. Such exploitation of women and girls is in many cases symptomatic of the protected uncertainty which refugees often face.<sup>716</sup>

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<sup>713</sup> Mary Layoun, "(Mis)Trusting Narratives: Refugee Stories of Post-1922 Greece and Post-1974 Cyprus," in *Mistrusting Refugees*, ed. Daniel and Knudsen, (Los Angeles: University of California Press, 1995), p. 79.

<sup>714</sup> Voutira and Harrell-Bond, "In Search of the Locus of Trust:," p. 216.

<sup>715</sup> Geraldine Sadoway, "The Gender Factor in Refugee Determination and Effect of Gender Guidelines," in *Not Born a Refugee Woman*, ed. Hajdukowski-Ahmed, Khanlou, et al., (2009), p. 244-263.

<sup>716</sup> Hajdukowski-Ahmed, Khanlou, et al, eds., *Not Born a Refugee Woman*, p. 96.



In the absence of dialogue or the space for mutual dialogue in the discourse, persons do get lost to us as persons or at least are greatly muted.<sup>717</sup> The binary aspect of opposing social positions of the worker/refugee organized by the total-institution, the remoteness of the institutional setting (camps locations far from Headquarters), the paternalistic approach of assistance, and a predisposition of perception of the refugee offer little resistance to objectifying the silent other. The use of internal codes of classification and regimentation under the auspices of the international community further removes the refugee person from the dialogue and leaves the agent/worker with knowledge not accessible to the refugee. The stereotypes, the speaking positions, the sense of community, and the self-worth drawn from and reinforced by community relationships before and during the refugee phase of life, all influence the life that the refugee person goes on living. In situations of uncertainty, fear, threat, and survival, withdrawal is a safer strategy than exposure and silence a better language of control.<sup>718</sup>

#### 4.6. Summary

Discussions on refugees have typically meant a discussion of refugees as a unitary, non-gendered, non-political, non-nationality, non-speaking phenomenon presented as if there were no significant differences between the realities of men, women, boys, girls, young, old, pregnant, health, sickly, or strong. Yet the subjective experiences that are encountered through the phases necessary to become labeled a refugee diverge greatly. This chapter attempted to present a small portion of that lived experience so as to bring

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<sup>717</sup> Crosby, *The Selfhood of the Human Person*, p. 32.

<sup>718</sup> Knudsen, "Mistrusting Refugees," p. 26.

the identity of the refugee into the present and the lived experience of the refugee vivid as visible.

The journey to refugeehood was presented in three normative phases augmented with hope. A framework for the phases of the refugee experience was presented to provide insight into common elements refugees must experience by definition. There are two unappreciated and under emphasized actualities that been called to attention. Firstly, the persons known to us as refugees can *only be among those who survive the journey*. Secondly, the person who becomes a refugee begins the journey before ever leaving home. The pre-flight phase is one of emotional, spiritual, and physical danger. It is bracketed by extreme physical suffering (i.e., torture, family raids, hurried good-byes, etc.) and considerable anguish regarding the deliberation to flee one's home, possessions, land, friends, and loved ones. For some the painful decision to flee their country can be a response to an immediate threat, for others it is a decision made after a long period of uncertainty or when all other options have failed. In any case, the refugee experience embodies fear, sacrifice, and separation from all that is familiar, life as it was lived, and life as it was hoped to be lived.

The absence of voice renders the refugee indiscernible. More convicting is that the absence of the refugee voice is not missed. The missing and not missed voice effectively obviates the refugee as a moral agent and reduces the refugee to match the collective silent image held as an unquestioned truth. Rarely does an understanding of the refugee as a person, the impact of the event of flight in their life, or the actual voice of

the refugee enter into the analysis of their needs, policies, or aid strategies.<sup>719</sup> Refugee populations are not composed of thousands of victims with the same experiences, fears, hopes, and needs; nor do they exist in a vacuum with no past history, occupations, or hoped-for ends. Or as Rizvi calls it: "limbo."<sup>720</sup>

In sum, the world has acquired a stereotyped impression of refugees through powerful and distorting discursive practices that ultimately neglect to engage the refugee in aid efforts. Central to issues of abuse and regimented impersonal practices is that we must find a way to incorporate the agency of the refugee into the aid process. The dominant discourse, from the very outset, assumes that refugees and those who aid them (international agencies, nation-states, and donors) represent two opposing entities which are fundamentally divided. Discourse can either provide a bridge over the divide or prohibit opportunities to appreciate the subjectivity of the refugee as a moral agent experiencing and expressing the reality of their life, a requisite for compassion, trust.

The upshot is that the refugee remains the object rather than the subject of humanitarian intervention. The refugee is locked into the role of recipient/needy beneficiary with little opportunity to affect their hoped-for-outcomes. Leaving the refugee outside the discourse (missing, but not missed) negates the possibility of developing their own strategies for dealing with, responding to, and improving the situation. The call is for mutual involvement of refugees, aid agents, donor governments, and their constituents which requires a discourse that allows for speaking positions,

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<sup>719</sup> Dr. Harrell-Bond is among a growing number of refugee activists that have fought for changes in refugee care and have recently witnessed some of those changes manifest in policy and practice. See Harrell-Bond and Voutira, "Anthropology," p. 6.

<sup>720</sup> Zia Rizvi, "The Protection of Refugees," An Essay The International Symposium on Assistance to Refugees. Geneva: Alternative Viewpoints, (March 1984).

listening positions, and positions for joint responses and hope. Unlike the unilateral transfer of resources, the thread running through a more inclusive discourse must be that of hope.

# CHAPTER 5

## IS THE MOST THEY CAN HOPE FOR IS THE LEAST THAT WE CAN DO?

### Introduction

The task so far has been to step back from the dominant circulating discourse on refugees so as to understand the discursive systems that have imbued a disposition to respond and react to global refugee populations in characteristic ways. Previous chapters concentrated on the examination and deconstruction of the dominant discourse on refugees in its multifarious forms in an effort to answer the question, "What is going on?"<sup>721</sup> The response to this question is that the dominant discourse on refugees takes a problem-solving approach with a normative *modus operandi* already in place that is self-authorized to "render some persons mute or invisible, their moral positions incoherent or inexpressible, and/or their standing as moral agents compromised or unacknowledged."<sup>722</sup>

The ambition of this chapter, then, is to revisit the dominant discourse on refugees with the goal of demonstrating the opportunities present to reorient the discourse toward

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<sup>721</sup> Niebuhr argues an Ethics of Responsibility will ask "What is going on? "What shall I do?" H. Richard Niebuhr, *The Responsible Self: An Essay in Christian Moral Philosophy*, 1963 ed., (Louisville, KY: Westminster John Knox Press, 1999), p. 60-64.

<sup>722</sup> Margaret Urban Walker, *Moral Understandings: A Feminist Study in Ethics*, 1st ed., (New York: Routledge Press, 1998), p. 78.

the primacy of the human connection between the refugee person and aid rendered. The selection of agency, reciprocity, solidarity, and hope (as approached in the Judeo-Christian tradition and in relation to the refugee discourse) intends to impress the centrality of 'worldview' and 'operating-unspoken-premises' in the shaping of the approach to refugee issues and ultimately, the care of and for refugees.

The contention is that perception of the moral relevance of aiding refugees is in itself an act of moral insight that precedes deliberation; and the present discourse on refugees undermines that perception. Faith and theology have a role to play in bridging the gap created by perceptions that separate people and the terms used to maintain that separation (e.g., labels, stereotypes, caricatures, etc.).<sup>723</sup> Discourses from this approach hold a passionate respect for the inherent dignity and equal/inalienable rights of all as the foundation of freedom. Normative expressions of this are: First, the value of interactive mutual relationships for the appreciation of a person's unique capacities and cultural heritage; and second, to create a space for the voices of those not previously heard. The present discourse on refugees is oriented to a problem-solving approach which is the polar opposite. This opposing problem oriented discourse begins with the imposition of a predefined identity that both subjugates and amplifies the vulnerability of refugees.

Opportunities to re-orient the dominant discourse, and in the process discursively created perceptions of refugees, can be located in the constellation of discursive domains that create the whole. The major satellite discourses contributing to the overall perception of refugees that will be focused on are as follows:

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<sup>723</sup> Daniel Groody, "Crossing the Divide: Foundations of a Theology of Migration and Refugees," *Theological Studies* 70, no. 3 (2009), p. 644.

Internal and Inter Organizational Discourse  
Media-Aid-Communication Interface and Discourse  
Philanthropic Discourse  
Imagery and Graphics as Discourse  
Educational Discourses, and  
Technological Discursive Interface

As a starting point, critical thinking about these discourses will show that they lack the capacity to inspire a mutual recognition, respect, collaboration, and a spirit of hope.

Refugees are discussed in a discourse that is often couched in a problem-solving rhetoric; refugees are the humanitarian problem, problem of war, problem to be shared, growing global problem, and a looming immigration problem.

As a 'problem,' the refugee is defined, assessed, and visually represented by what they seemingly lack: a home, a name, a nationality, a voice, and the ability to contribute anything of significance. The potential harm for refugees is amplified in the present discourse where the refugee is missing and yet not missed as an agent that can deliberate and affect his or her own end. The task is to recast the dominant discourse on refugees from within the Judeo-Christian concepts of agency, reciprocity, solidarity, and hope not as a means of replacing or redeeming the present discourse on refugees but rather as a means of reframing or reorienting the mindset from which the discourse is generated, unquestioned-truths are perpetuated, and risk calculated.<sup>724</sup>

A positive aspect of the present discourse on refugees, even as it is couched in tones of xenophobic national interests and sprinkled with a barrage of celebrity endorsements, is that it manages to impart the moral notion that people matter. The

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<sup>724</sup> The literature on risk is broad and uses risk interchangeably with danger or future injurious effects. The latter is used here in reference to actions with primary consideration of risk identified by and facing refugees (e.g., health hazards, environmental challenges, injustice, manipulations, etc) as opposed to risks that refugees posit to the interest of nation states or corporate investments.

downside of the present dominant discourse is that it does little to nourish what is morally necessary to care for refugees, in other words, that people matter beyond the ways that they intersect with our own agenda or projects.<sup>725</sup>

The normative aspect of this project is to identify specific places within the aforementioned discourses that generate and perpetuate the perception of the refugee as a silent one-dimensional being that exists geographically distant and in the limbo of time. The specific discursive segments have been chosen because they occur as a forceful interface with the power to direct information flows, broaden moral sympathies, effectuate aid allocations, and energize the political will to act.

Aid to refugees is rarely discussed outside of the tangible world. The present discourse is directed toward solving the problems related to basic needs of food, water, shelter, and medical care. However, there are vital intangibles that allow life to thrive and not merely be lived. These intangible elements of life root us in our past, make the experience of our present meaningful, and generate the hope for a future outcome. Life's intangibles are cultural heritage, historical memory, generationally passed skills, and the need to participate in one's own destiny while building the inheritance of future generations. Agency, in this context, can be a means of acting co-operatively within the constraints of need, human rights, and dignity; with an appreciation for historical and lived experiences; and in anticipation of the realization of hoped-for ends. The acts of speaking, seeing, and listening are forms of opening oneself to others in the spirit of reciprocity and are manifest in the ways refugees are depicted and portrayed, both to

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<sup>725</sup> This concept was inspired and developed from the similar notion by John Crosby. See: Crosby, *The Selfhood of the Human Person*, p. 13.



themselves and to others. Solidarity embraces the dimensions of integrity, interdependence, common endeavors, and the constancy of dignity amid our differences. Lastly, hope locates present human experiences in the context of a forward looking reconstruction of lives and communities. Hope roots commitment not just in enduring daily challenges, but in the possibility of creating an outcome that will be past-on to future generations. All four of these attributes can inspire new ways of seeing both ourselves and refugees as valuable contributors in the evolving globalized world.

In an effort to stay on-point with the core concept of discourse, the approach tackled in this project does not have as its goal to change the definition of *refugee* or advocate for any particular political perspective. Nor will this chapter go about designing new policy structures, constructing new immigration laws, defining the social obligations of communities, analyzing the social justice issues of oppressive governments, and/or about challenging issues of state sovereignty. The target of this project is up-stream from all these very important and controversial issues.

It might be objected that by concentrating on the structures that generate discourse and collective perceptions at their origin neglects relevant social processes and imperatives. In defense of such criticism it is hoped to make clear that discursive practices (printed, verbal, metaphorical, visual, or audible) are the "key means through which social relationships and social structures are made, produced, and reproduced"<sup>726</sup> and as such, the recurrent theme of the refugee as a *problem* is not just a "question of

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<sup>726</sup> Janet Heaton, "The Gaze and Visibility of the Carer: A Foucauldian Analysis of the Discourse of Informal Care," *Sociology of Health & Illness* 21, no. 6 (1999), p. 774.

semantics but has significant social consequences."<sup>727</sup> A problem is not a contributor; a problem does not have a voice or a face; a problem stalls progress; a problem does not have rights or the freedom to affect its own end, a problem inhibits imagination when it works toward re-instating the normalcy, and (paramount to this project) a problem has a finite life-span.<sup>728</sup>

Recognizing that discourse is about the way other persons become visible to us or cease to be visible to us,<sup>729</sup> the pre-emptive perception of the refugee as a problem (literally, metaphorically, visually) ties the discourse to the refugee's immediate situation and only secondarily to the larger context of human reality across time. A problem begs for a solution; the solution is generally determined in favor of the problem-solver (i.e., the one identifying the problem and the one with power to affect an outcome). Being a problem is an unquestioned perceptual moment in the refugee lexicon which has 'created' as a 'subject-of-knowledge' and an 'unquestioned-truth' a discourse that includes refugees as passive recipients of a unilateral transfer of goods.

The number of refugees in the world has not abated nor has the persecution and violence that men, women, and children attempt to escape. What we choose to do for and about refugees emerge from our present awareness (knowledge) as a process of deliberation predisposed and reinforced by the circulating and authoritative dominant

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<sup>727</sup> Heaton, "The Gaze and Visibility of the Carer," p. 774.

<sup>728</sup> This is not to say that refugees do not have problems or that problems do not exist in the socio-political world that affects refugees.

<sup>729</sup> Elaine Scarry, *The Body in Pain: The Making and Unmaking of the World*, (New York: Oxford University Press, 1985), p. 22.

discourse that has defined refugees and their relationship with larger society.<sup>730</sup> A meaningful examination of the refugee discourse must consider the *refugee-as-a-problem* as being antecedent to, indicative of, and intrinsic to the collective understanding and representations of refugees in the public arena.

Discourse is a unique capability given to man to create a vision, it can also be used to build a new vision. Anchoring the refugee discourse with the distinctively reflexive and relational concepts of agency, reciprocity, solidarity, and hope has the very real aptitude to integrate mission, approach, and practices that honor the intrinsic worth of the human person all the while allowing for the refugee–person to perceive his or her self (and be perceived) as a proactive moral agent participating in his or her own survival. A discourse generated from this perspective could potentially revitalize aid efforts, solicit the refugee to join the discussions about them, as valued participants in aid efforts for them, transform the shared knowledge about refugees, and stimulate a redistribution of power by promoting active participation and creating a space for mutual expression and trust, all of which can ultimately improve care for refugees.

## 5.1. Discourse as a Vehicle for Change

### 5.1A. What Works & What Does Not Work

The good thing about discourses is that they can and do change as information changes and we become more conscious of the perceptions, structures, and consequences created by the discourse. The notion of addressing discourse as a means of effecting social change is not new. Geoffrey Hughes wrote an interesting book on the topic of *Political*

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<sup>730</sup> This is a reference to a quotation used further on in this project by Karol Wojtyła. Schmitz, *At the Center of Human Drama*, p. 53.

*Correctness and the History of Semantics and Culture*.<sup>731</sup> Hughes presents a broad overview of the use of language and semantics as an expression or reflection of the worldview, values, prejudices, and institutional hierarchies of the different times. Hughes, with the assistance of the *OED*,<sup>732</sup> researches practices into the 13<sup>th</sup> Century to substantiate the endurance of the concept of controlling language as an effort to delimit social parameters. By the 17<sup>th</sup> century it was thought that many social ills were caused by bad language. It was thought that if hateful, wicked, or lewd words were abolished from speech as well as print there would be "fewer opportunities to think them and no means for children to learn them."<sup>733</sup>

The Victorian age, under a screen of propriety, was successful in squelching the use of explicit language that referenced sexual or bodily functions, but there was little sensitivity to expressions of classism and other hierarchal semantics.<sup>734</sup> The printed post reflected the sentiments that the constrictions on language imposed. Mass media was a useful tool for reinforcing the perceptions of proper propriety where women were illustrated as being buttoned-up, laced-up, and hushed-up. By the 1950s and caught up in the sexual revolution, the censure of sexual or explicit language fell out of favor. The social agenda was redirected by a discourse of peace and love. As the discourse loosened the constrictions on what could be said and who could say it, so did the media. Images in the post and market advertizing reflected the freedom of the post-war society. Morality,

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<sup>731</sup> Geoffrey Hughes, *Political Correctness: A History of Semantics and Culture*, 1st ed., (West Sussex, UK: Wiley-Blackwell Publishing, 2009).

<sup>732</sup> The Oxford English Dictionary 1933 supplement volume.

<sup>733</sup> Hughes, *Political Correctness*, p. 212.

<sup>734</sup> Hughes, *Political Correctness*, p. 217-220.

or at least sexual morality, was replaced by socio-political correctness where bias and prejudice, it was thought, could be laid to rest if pejorative words, ethnic slur, and the cruel or offensive bias against various groups (i.e., gender, cultural, religious beliefs, age-related context, nationalities, and/or disabilities) were openly shunned.<sup>735</sup>

Overall, the success of these movements or campaigns to change social status or sentiments by censoring or substituting nomenclature has been sporadically successful. Changing nomenclature and nothing else often leads to the infusion of a new name or word being applied in the same way as the old one. When ideas are deeply embedded in social structures, popular perceptions are generally the product of more than just a word or expression of speech, they are a product of the entire circulating discourse of words, meanings, images, and speakers.<sup>736</sup> The word refugee is not a bad word. It is not racist to call someone a refugee, as the Reverend Jesse Jackson has said.<sup>737</sup> Nor are refugees people "wandering somewhere looking for charity," as the Reverend Al Sharpton has said.<sup>738</sup>

Suggesting a shift in the refugee discourse must invoke the call of authoritative voices along with the contributions from those with the power of disseminating

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<sup>735</sup> Hughes, *Political Correctness*, p. 178-184.

<sup>736</sup> Hughes, *Political Correctness*, p. 289.

<sup>737</sup> Rev. Jesse Jackson made this statement in regard to the Katrina Hurricane victims. The full quote can be found in chapter one of this project and is reprinted here: "Refugee implies a foreign 'other' which demeans the largely African-American group the term is currently being used to describe. It is racist to call American citizens refugees." Dominick, "Racism." It can be noted here that is not racist to call any person legally designated a refugee, particularly those residing on the African continent.

<sup>738</sup> Rev. Sharpton made this statement in regard to the Katrina Hurricane victims. The full quote can be found in chapter one of this project and is reprinted here: "They are not refugees. They are citizens of the United States. They are citizens of Louisiana and Mississippi, taxpaying citizens. They are not refugees wandering somewhere looking for charity. These people are victims of neglect and a situation they should have never been put in the first place." Zorn, "Refugees Vs. Evacuees."

information. An especially difficult hurdle to cross is the idea that only a member of a specified oppressed group (or those with direct experience) can discuss or write about a specified group's experiences and challenges. Martha Nussbaum counters that claim in her approach: "a perceptive outsider may sometimes see what a person immersed in an experience fails to see."<sup>739</sup> New perspectives, whether by insider or outsider contributions, are vitally important to "cross group boundaries in imagination."<sup>740</sup> New ideas serve the function of opening the debate and making accessible "an expansion of sympathies that real life cannot cultivate sufficiently."<sup>741</sup>

### **5.1B. Media & The Refugee Perception**

The importance of symbolic systems (i.e., words, metaphors, images) that readily identify a deep-seated prejudice or social bias has not been ignored by cultural theorists. It has been equally noted by a large number of theorists that such systems embody affect as well as content.<sup>742</sup> The meanings embedded in systems of discourse are considered to be emotional as well as substantive, an observation noted by Tocqueville when he referred to the "habits of the heart."<sup>743</sup> In *Discourse and Social Change*, Fairclough frequently refers to examining the meaning of a discourse with a system that follows its progression from the interpretation of a discursive practice (process of text, visual representations,

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<sup>739</sup> Martha C. Nussbaum, *Cultivating Humanity: A Classical Defense of Reform in Liberal Education*, (Cambridge, MA: Harvard University Press, 1979), p. 111.

<sup>740</sup> Nussbaum, *Cultivating Humanity: A Classical Defense of Reform in Liberal Education*, p. 111.

<sup>741</sup> Nussbaum, *Cultivating Humanity: A Classical Defense of Reform in Liberal Education*, p. 111.

<sup>742</sup> Fairclough, *Discourse and Social Change*, p. 231.

<sup>743</sup> Tocqueville used this term and Bellah cited it as well in the preface to the first edition. Robert N. Bellah, Richard Madsen, et al, *Habits of the Heart: Individualism and Commitment in American Life*, (Berkeley: University of California Press, 1996), p. xvii.

metaphors, symbols, and meaningful representations) to the interpretation of this practice in light of the social values or issues in which the discourse is embedded.<sup>744</sup>

One discernible theme is the linear relationship between news content and public perception. The public discourse on refugees has been one of sound-bytes or celebrity endorsements augmented by images, commentary, news reports, and political critiques superimposed on national, international, and political self-interests. This has given the experience of the familiar and the distant becoming inextricably intertwined by virtue of the television, the internet, and other means communication that have transformed sources of for public knowledge. Much like the focus of Foucault's *Archeology of Knowledge*, the texts, images, commentaries and other means of discourse "construct our perception of what is real."<sup>745</sup> Those discursive structures influence what we perceive to be significant and the way we interpret objects and events.<sup>746</sup>

As evidenced by the uproar concerning the media's use of the word *refugee* to describe the Katrina Hurricane victims, the dominant discourse, combined with the force of institutional and cultural pressure, set the parameters within which the term refugee could be used and outside of which was critiqued as unacceptable. Foucault calls this affect of discourse an "act of framing"<sup>747</sup> as the constitution of social reality renders

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<sup>744</sup> Fairclough, *Discourse and Social Change*, p. p. 87, 118, 198, 231.

<sup>745</sup> Mills, *Discourse*, p. 50.

<sup>746</sup> Mills, *Michel Foucault*, p. 55.

<sup>747</sup> Mills, *Discourse*, p. 4.

invisible or delimits the consideration of other observable features, problems, or qualities.<sup>748</sup>

As a consequence of powerful objections raised by political and religious leaders, media representatives, and victims of Katrina as well, the use of the word *refugee* was dropped from the Katrina discourse. People were drawn together around the issue of whom or what could be called a refugee. The media's depictions either fit or did not fit the broader cultural view of their understanding.<sup>749</sup> It was not the word refugee but what people imagined a refugee to be that precipitated the controversy. Even though the images of Katrina victims resembled images that might suggest a refugee type situation, the broad cultural understanding of the *refugee* was in stark contrast to the geographical nearness and the nationalistic identification with the New Orleansis.

The objections to the use of the word refugee had little to do with the legal definition of a refugee.<sup>750</sup> Loyalty to citizens versus non-citizens was certainly a large element for consideration. The Katrina Hurricane made visible (and worsened) conditions that already existed. Prior to the hurricane, the living conditions of New Orleansis were not invisible; but due to the hurricane and media, that which was previously out-of-sight was now exposed.<sup>751</sup> But there was much more to the collective perception or imagination of the difference between the New Orleansis and the

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<sup>748</sup> Mills, *Michel Foucault*, p. 89.

<sup>749</sup> Stephen Harold Riggins, ed., *The Language and Politics of Exclusion: Others in Discourse*, ed. White, Communication and Human Values, (Thousand Oaks, CA: SAGE Publications, Inc, 1997), p. 7.

<sup>750</sup> Michael J. Fuhlhage, "Refugee, Evacuee, or Something Else," *ETC: A Review of General Semantics* 63, no. 1 (2006), p. 114.

<sup>751</sup> McCormick, "Hung out to Dry," p. 46-47.



quintessential refugee. Americans would not tolerate American citizens being called refugees. While both the Katrina victims and refugees are people forced out of their homes under extreme circumstances, it was much worse a thing to be called a refugee.

Official statements about refugees from persons of recognized authority both reflected popular public sentiments and reinforced them. The U.S. Representative Diane Watson (D. – California) went on record saying that, "[the word] *refugee* calls up to mind people that come from different lands that have to be taken care of."<sup>752</sup> A brilliant example of the mental image that *refugee* conjured up for many people was verbalized by a New Orleans citizen, Mr. McKnight.<sup>753</sup>

The image I have in my mind is people in a Third World country, the babies in Africa that have all the flies and are starving to death. I am not a refugee and I am in America.

While most people have never been to Africa, a Third World country, or a refugee camp, the conceptual reality embodied in *refugee* has been deeply engrained as a collective truth. The Katrina incident brought together a broad variety of voices expounding on a singular reference, *refugee*. Taken as a collective (or separately) it is not difficult to recognize the way value orientations, attitudes, and interpretations of our world are endorsed, reinforced, and coalesced by a discourse with a shared frame of reference.

The Katrina tragedy illuminated the social cultural context of contemporary beliefs about refugees. It opened a dialogue that allowed for the expression of a reservoir of knowledge about refugees that has been deposited in multiple layers of meaning, metaphor, media depictions, statistics, institutional dogma, and a powerful organizational

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<sup>752</sup> Statement by U.S. Representative, Diane Watson, D. - California. Zorn

<sup>753</sup> Pierre and Farhi, *Refugee: A Word of Trouble*.

superstructure. What we choose to do for and about refugees emerges from our present awareness (knowledge) as a process of deliberation involving not only the circulating discourses and renditions of refugees, but a recollection of sedimented memories that are revisited, reinterpreted, and re-circulated without being challenged ( i.e., the norm). The power of the media to convey such information is tied to the agencies that feed the information and images. It is a potent reciprocal relationship that will be integral to any perceptual change.

## 5.2. Foundation to Build Upon: Judeo-Christian Traditions

Katrina Hurricane reporting is exemplary of the power of public discourse to usurp the media's ascendancy over the ability to dominate public perception. The passion that the public drew upon to challenge the press, to openly debate the use of the word refugee, and to shut-down the press from using the word refugee is the same passion that is needed to fight for and create a genuine humanitarian space for the inclusion of refugees, the expression of their concerns and issues, and the reciprocal act of hearing as well as being heard. Such passion can only be aroused if the collective memory and perception of refugees changes.

Discourse, in all its forms of communication, is the portal for human understanding. It is only in discourse with others that we can share our faith, protect human rights, evaluate economic initiatives, guide educational platforms, foster philanthropy, and collaborate for peace. The discourse, then, is also the portal through which refugees are perceived. The discourse itself has direct consequences for the way normative decisions are made about refugees. Ramsey, in *The Fabricated Man*, calls this type of perception an "attitude," a "total life-view," an "outlook," and an "operating,

unspoken premise"<sup>754</sup> at work in defining our conscious and unconscious decision-making in and about the world. The selection of agency, reciprocity, solidarity, and hope as approached in the Judeo-Christian tradition and in relation to the refugee discourse intends to impress the centrality of 'worldview' and 'operating, unspoken premises' in the shaping of the approach to refugee issues and ultimately, the care of and for refugees.

This section will begin the task of deliberation and identification of agency, reciprocity, solidarity, and hope within the Judeo-Christian traditions in a way meaningful for evaluating and reorienting the dominant discourse on refugees. The Bible is a powerful and authoritative resource to show the strength of discourse to create reality. Beginning with Genesis and continuing through Scripture and the New Testament, the spoken word of God that created all of creation (love), in His image and likeness (agency and dignity), bound His people in Covenant (solidarity), gave the commandments to the faithful (gift and responsibility), and Christ as the Word is the key to salvation for all men (hope, love, solidarity, asymmetrical gift of grace, and fidelity). The Holy Scripture is an ongoing discourse that expresses the value of human life that will be foundational for this project.

### **5.2A. Salience of Genesis and Imago Dei**

The book of Genesis is the starting point for the creation of man and provides the basis for the appreciation of the all mankind. Genesis is an introduction to the foundational belief that human beings are created in the image and likeness of God. Having been made in the image of God is a thread that is woven into the text all the way through

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<sup>754</sup> Ramsey used these words to describe the attitude toward cloning and genetic practices. Paul Ramsey, *Fabricated Man: The Ethics of Genetic Control*, (New Haven, Conn: Yale University Press, 1970), p. 90, 91.

scripture to the New Testament book of James (Gen 1:26-27; 5:1-4; 9:6; 1Cor 11:7; James 3:9). By defining all human beings in terms of *imago Dei*, a trajectory is established for all other assertions in relation to human beings. *Imago Dei* is a phrase that consolidates an appreciating for the depth of the human being as a creature that reasons, acts with deliberation, exercises potential, and hopes for a future outcome.<sup>755</sup>

The moral significance of claims of *Imago Dei* can be understood within the context of a moral discourse. Outside such this particular shared discourse or moral narrative the infinite worth of human persons cannot be understood to its fullest. A general secular discourse loses that depth of meaning. *Imago Dei* is also a concept which is integral to covenant thinking. Both concepts of covenant and *Imago Dei* are sources that integrate agency, reciprocity, solidarity, and hope in a way meaningful for the unique relationship refugees have with the rest of the world. Each expresses the essential elements of humanity: dignity, fidelity, interdependence, receptivity, and time (present, historical and future) in a unique way.

Discourse, in all its forms of communication, is the portal for the interface of faith, human rights, business initiatives, philanthropic and organized assistance, and the collaboration of governments. The role of media relations, humanitarian activities, and their combined communications can accommodate a discourse rooted in a Judeo-Christian orientation of agency, reciprocity, solidarity, and hope to create ways of representing refugees that will reorient the mindset which is antecedent to and indicative

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<sup>755</sup> Rev. Benedict Ashley, "John Paul II: Theologian of the Body of the Acting Person," *The Josephinum Journal of Theology* 7, no. 1-2 (2000), p. 32.

of the discourse on refugees and encourage critical thinking along-side the refinement of sympathetic imagination.<sup>756</sup>

### **5.2B. Karol Wojtyla and the Lublin Lectures**

The insight of Karol Wojtyla, later to become Pope John Paul II, tells us that what we know about something directs how to understand and respond.<sup>757</sup>

Human acts are taken with deliberation and according to the level of the agent's knowledge of reality, a knowledge that anticipates the value of the good in relation to the person.

This quotation embodies elements that are meaningful for the appreciation of the relationship between acting and discourse. The implications of Karol Wojtyla's quotation on human acts will be evaluated with the refugee as the subject. The first segment addresses the issue of "human acts taken with deliberation." Purposeful deliberation is an attribute of a moral agent.<sup>758</sup> Refugees, as moral agents, are persons who deliberate and act with phenomenal courage in the face of personal and communal risk by taking control of the protection of their lives under the most trying conditions. However, refugees are rarely presented as people who act with deliberation. Rather, refugees are often represented as people to whom things are done. The present discursive practices allow little space for mutual deliberation between refugees and agencies or appropriate actions,

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<sup>756</sup> Martha Nussbaum speaks of 'sympathetic creation of an experience' for the hearer as appeal to his or her imagination and feelings by use of vivid narrative (discourse). See Martha C. Nussbaum, *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy*, (Cambridge, MA: Cambridge University Press, 1986), p. 185.

<sup>757</sup> Schmitz quoting Karol Wojtyla in the Lublin Lectures of 1981. See Schmitz, *At the Center of Human Drama*, p. 53.

<sup>758</sup> Ashley, "John Paul II: Theologian," p. 33.

and collaborative partnerships of humanitarian and media actors at a local level with refugees.<sup>759</sup>

The second segment of the Wojtyla quotation clarifies the considerations of deliberation, "according to the level of the agent's knowledge of reality." Our level of knowledge is only as good as the sources we have for that knowledge. An authoritative trustworthy source can stimulate the imagination to look further than the facts. It cultivates empathy, compassion, and the refinement of sympathetic imagination<sup>760</sup> by forcing an examination of the elements beyond the immediate impression.

The notion of perception can be considered an aspect of an agent's 'knowledge of reality' as well. Perception, as Blum identified it, "is an important element for any full account of how people come to choose the actions they do."<sup>761</sup> Perception has been identified by Blum and others as a type of knowledge that occurs prior to deliberation.<sup>762</sup> The editors of *Health Care Ethics: a Theological Analysis*, Ashley and O'Rourke tell us that one's "perception and interpretation of acts is influenced by one's value system and personal experience."<sup>763</sup> The perception of refugees, then, has a huge role to play in the decisions made about acting in regard to refugee issues particularly when the discursively

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<sup>759</sup> Chatterjee, ed., *Reflections on Humanitarian Action: Principles, Ethics and Contradictions*; Ager, ed., *Refugees: Perspectives*; Harrell-Bond, *Imposing Aid*; Harrell-Bond, "Can Humanitarian Work."; Malkki, "Speechless Emissaries."

<sup>760</sup> Martha C. Nussbaum, *Upheavals of Thought: The Intelligence of Emotions*, (Cambridge, UK: Cambridge University Press, 2001), p. 331.

<sup>761</sup> Lawrence Blum, *Moral Perception and Particularity*, (Cambridge: Cambridge University Press, 1994), p. 30.

<sup>762</sup> Blum, *Moral Perception and Particularity*, p. 37; Barbara Herman, *The Practice of Moral Judgment*, (London: Harvard University Press, 1993), p. 83.

<sup>763</sup> Benedict M. Ashley and Kevin D. O'Rourke, *Health Care Ethics: A Theological Analysis*, 4th ed., (Washington, D.C.: Georgetown University Press, 1997), p. 458.

created perception of refugees brings to mind the mental image and spontaneous identification of a refugee as 'wandering in the desert', 'faceless hoards', and 'pitiful beings' in need of direction.<sup>764</sup>

There is, however, another "agent's knowledge of reality," that is seldom recognized for contributing to the overall "level of knowledge" available in the refugee discourse: the refugee's knowledge. The refugee's knowledge of reality is based on their experience and the interpretation of events within their own cultural, religious, and political means of making sense of the world. It would be negligent not to include the knowledge of reality about refugees that refugees themselves can contribute to a well-rounded "level of knowledge" about refugees and refugee issues.

Wojtyla specifically refers to knowledge that can be useful if it is to serve us in deliberation. To be useful, information and reporting must be both accurate and timely.<sup>765</sup> In addition to media standards, new technologies have made it possible to create information collaborations with the affected populations directly. New means of communication is a portal for knowledge about the way the world of refugees functions and is the threshold to a level of participation in society that refugees could not have imagined. Amartya Sen takes note of the positive role that media can play when collaborations are nourished beyond the dominant influence of humanitarian rule.<sup>766</sup>

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<sup>764</sup> Chatterjee, ed., *Reflections on Humanitarian Action: Principles, Ethics and Contradictions*; Ager, ed., *Refugees: Perspectives*; Harrell-Bond, *Imposing Aid*; Harrell-Bond, "Can Humanitarian Work."; Malkki, "Speechless Emissaries."

<sup>765</sup> Boltanski, *Distant Suffering*, p. 71; Norman Fairclough, *Media Discourse*, 2nd ed., (London: Edward Arnold of the Hodder Headline Group, 2003), p. 49.

<sup>766</sup> Amartya Sen, *Development as Freedom*, (Oxford and New York: Oxford University Press, 1999), p. 152.

No substantial famine has ever occurred in any independent and democratic country with a relatively free press.

Sen is identifying the significance of unfettered or otherwise suppressed information for moral deliberation and action. The moral agent that deliberates must be aware of the limitation on knowledge and information gained from sources that benefit from the information that they produce. In other words, agencies doing the informing (UNHCR and mass media) and the agents being informed must take into consideration the structures that may hinder the flow of knowledge.<sup>767</sup>

The dominant discourse on refugees has been crippled by the fact that even with the advanced communication technologies and broadened platforms for information sharing; the information about refugees has changed very little. Acting in deliberation of knowledge that is inhibited by the limitation of perspective or agenda can prejudice the possible responses. Therefore, the sources of information and knowledge in the refugee discourse (mainly the UNHCR and media)<sup>768</sup> have a responsibility to represent the refugee in a manner that enlarges the mutual comprehension of people while remaining faithful to codes of ethics and standards that have been laid down by relevant instruments of law and journalist integrity.<sup>769</sup> It will be shown (in a section to follow) that the

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<sup>767</sup> Nicholas J. Wheeler, "Agency, Humanitarianism and Intervention," *International Political Science Review* 18, no. 1 (1997), p. 18.

<sup>768</sup> Even with launch of the RAIS (Refugee Assistance Information System) and the new Skype low-bandwidth services, the UNHCR and mainstream media services remain the major sources for information not to be of interest to the masses. Web-1. [www.oneworld.net/news\\_sources](http://www.oneworld.net/news_sources) and [www.reliefweb.int/search\\_stats\\_refugee\\_services](http://www.reliefweb.int/search_stats_refugee_services).

<sup>769</sup> The first 'codes of ethics' addressing international media is the Nordenstreng's Mass Media Declaration of UNESCO. There are numerous Codes that address communication, journalism, media accountability, and so on. See Kaarle Nordenstreng, *The Mass Media Declaration of UNESCO*, (Norwood: Ablex Publishing, 1984); Lee Wilkins and Clifford Christians, eds., *The Handbook of Mass Media Ethics*, (New York: Routledge, 2009), particularly 55-70.



UNHCR believes them self to be faithful in presenting the plight of refugees to the rest of the world.<sup>770</sup> It will also be shown that these modes of representation (ad campaigns, posters, etc) are downstream from the established perceptions of the refugee. As such, the refugee is represented in a way that reflects the problem-solving approach and the silent refugee image.

The third segment of Wojtyla's quotation refers to anticipation as an element of knowledge. Anticipation can be seen as trust and hope in the present for an outcome or event forwardly directed in time. A "knowledge that anticipates the value of the good in relation to the person"<sup>771</sup> already presupposes the good, worth, dignity, and moral agency of the refugee as a person rather than as a labeled object for the unilateral distribution of goods. Anticipation as trust suggests an unspoken openness or willingness to being open to learning something new. This anticipation is manifest in the normative aspects of seeing, listening, and engaging with persons in a reciprocal manner.

Agency, reciprocity, solidarity, and hope in the context of Karol Wojtyla's statement, can be a means of acting in the discourse on refugees for both media and aid agencies. (Specific examples will be critiqued in the sections to follow.) There is a responsibility to deliver and support information that can positively impact the way others deliberate about assisting refugees.

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<sup>770</sup> UNHCR, "Introduction to UNHCR: Helping Refugees."

<sup>771</sup> Schmitz quoting Karol Wojtyla in the Lublin Lectures of 1981. See Schmitz, *At the Center of Human Drama*, p. 53.

### 5.2C. Covenant as a Rubric for a Morally Engaging Discourse

The global issues, nationalities, cultures, faiths, and human preference can be an expression of personal or group identity. There is so much diversity in the world that one finds it difficult to agree on the common elements that might bring us together as a unified effort, particularly when the concern is for those persons we do not know. The issues surrounding refugees are broad and cross all kinds of boundaries. Not only are refugees strangers to us in the sense that they are geographically distant, they are strangers to us in cultural traditions and values as well. Caring for strangers is often reduced to physical traits based on a common denominator such as we all 'bleed when cut' or that 'we all know sadness.'<sup>772</sup> The rallying point is around the ways that all people are alike.

The common physical or sentient denominator may motivate acts of charity or efforts to aid refugees, but that is not enough. Often the focus is on how we are all alike. Yet, the elements that truly bring us together are the ways in which we differ; and that difference is expressed in "the lived experiences of the person in its wholeness and the wholeness of the person himself."<sup>773</sup> Rather than being the lowest common denominator among people, the wholeness of experiencing one's life brings the realization that each person's life is a lived experience as well. The wholeness of person and life as a lived experience are what people share with each other; each experience being unique. It is realizing that we share our lived experiences as a point from which we can understand our differences and attempt to reach a shared outcome.

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<sup>772</sup> Ogletree, *Hospitality to the Stranger*, p. 95.

<sup>773</sup> Jaroslaw Kupczak, *Destined for Liberty: The Human Person in the Philosophy of Karol Wojtyla/John Paul II*, (Washington, D.C.: The Catholic University of America Press, 2000), p. 23.

It is posited that covenant thinking offers a means of cohesion between the elements of agency, reciprocity, solidarity, and hope in such a way as to bring significant meaning for reframing or reorienting the mindset of the dominant discourse on refugees. Covenant expresses the central themes of the lived experiences of life in its wholeness: the need to matter (agency, Imago Dei); relationships both internal and external (reciprocity); stewardship over the visible world (solidarity); and most important the lived experience in the dimension of time (hope).<sup>774</sup> Covenant in these terms is not an account of one human life, or human lives separately, but rather an account of all human life within the whole of creation. Differences are not trivialized but rather are brought together, each contributing a unique part toward a common end. Covenantal approach can be regarded as being a lens or filter through which we approach others. It is an expectation for excellence and responsibility beyond the present, both collectively and individually.<sup>775</sup>

The underlying belief that a Creator endowed each person's with human dignity and inalienable rights can be the lens through which agency, reciprocity, solidarity, and hope can be utilized. Rights and dignity within this framework cannot be given and taken away by an international declaration or nation-state constitution. While this is not a new idea or observation,<sup>776</sup> covenant as recounted in Sacred Scriptures offers a valuable consideration at the media-aid interface.

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<sup>774</sup> Joseph L. Allen, *Love & Conflict: A Conventional Model of Christian Ethics*, (Nashville, TN: Abingdon Press, 1984), p.42.

<sup>775</sup> Allen, *Love & Conflict: A Conventional Model of Christian Ethics*, p. 35.

<sup>776</sup> It is recognized that the concept of Covenant has been utilized in other models for society. Karl Barth used covenant in Christian Ethics as a criticism of personal relationships lacking a personal commitment in lieu of moral/legal formalities. Robert Bellah employs the concept of the "Broken Covenant" to emphasize

The Biblical concept of covenant is a cornerstone of both the Jewish and Christian discourses but need not be limited to the faith based discourse. There are many faiths, movements within faiths, congregations, and even nationalities that appeal to covenant thinking in general; there are an even broader range of interpretations and implications of a covenant between God and man.<sup>777</sup> It was through a covenant (first with Noah,<sup>778</sup> later with the Hebrew people on Sinai<sup>779</sup>) that God extended Himself to mankind by "agreeing to control his own power; to limit His power in order to make human participation possible."<sup>780</sup> A remarkable aspect of the faith dimension of covenant thinking and apropos to the refugee discourse is that "the key to the constructive use of power is partnership."<sup>781</sup> Partnership means inclusion and collaboration. These elements of

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the secular hierarchy and continued search for a national community life. H. R. Niebuhr follows much the same path as others in addressing early American political ideas and the alternative that covenant thinking offered to the prevailing. Nickel refers to the International Covenant on Economic, Social and Cultural Rights in regard to the high cost of making welfare and medical services "available to all." Karl Barth, *Church Dogmatics*, (Edinburgh: T & T Clark, 1958); Robert N. Bellah, *The Broken Covenant*, (New York: Seabury Press, 1975); H. Richard Niebuhr, "The Idea of Covenant and American Democracy," *Church History* 23, (1954); James W. Nickel, "Human Rights and the Rights of Aliens," in *The Border That Joins*, ed. Brown and Shue, (New Jersey: Rowman and Littlefield, 1983).

<sup>777</sup> See Aaron Mackler, *Introduction to Jewish and Catholic Bioethics*, (Washington D.C.: Georgetown University Press, 2003), p. 46-48; Laurie Zoloth, "Faith and Reasoning(S)," in *Notes from a Narrow Ridge: Religion and Bioethics*, ed. Davis and Zoloth, (Hagerstown, MD: University Publishing Group, 1999), p. 54; Laurie Zoloth, *Health Care and the Ethics of Encounter: A Jewish Discussion of Social Justice*, (Chapel Hill: University of North Carolina Press, 1998), p. 133-135; Elliot N. Dorff, "The Covenant: The Transcendent Thrust in Jewish Law," in *Contemporary Jewish Ethics and Morality: A Reader*, ed. Dorff and Newman, (New York: Oxford University Press, 1995), p. 58-75.

<sup>778</sup> The covenant with Noah was the promise never again to destroy the earth by flood.

<sup>779</sup> The promise to Abraham is that his descendants would multiply and inherit the land of Israel. God's revelation of the law to Moses on Mount Sinai created a pact between God and Israel known as the Sinai covenant.

<sup>780</sup> Irving Greenberg, "Toward a Covenantal Ethic of Medicine," in *Jewish Values in Bioethics*, ed. Meier, (New York: Human Sciences Press, 1986), p. 140.

<sup>781</sup> Greenberg, "Toward a Covenantal Ethic of Medicine," p. 134.

partnership, inclusion, and collaboration are all necessary to begin to form a media, humanitarian, AND refugee interface.

Traditions of Biblical covenant thinking fare that of acting in deliberation and in anticipation of a favorable outcome. In solidarity, Dr. Mackler confirms that, in Judeo-Christian covenant thinking, the favorable outcome is extended to all.<sup>782</sup>

Most theologians have endorsed the Talmud's statement that not only Jews but righteous individuals of all nations will enjoy the salvation of a portion in the world to come.

The Biblical covenant is with God and "with the children of Noah" (i.e. all of humanity).<sup>783</sup> God invites all righteous people to enjoy His peace and comfort in the world to come. One need not look far to find this same concept in the moral world. It could be argued that all are invited by God to enjoy a sort of 'right to asylum' (so to speak). A parallel for the covenant of the Holy Scriptures can be found in the 1948 Universal Declaration of Human Rights Article 14.<sup>784</sup>

Everyone has the right to seek and enjoy in other countries asylum from persecution.

This right to seek and enjoy asylum, as stated in Article 14, is not an explicit right to asylum. It is interesting that in covenant thinking, in the *Universal Declaration on Human Rights*, and the *1951 cum 1967 Convention on Refugees and Protocol*, the right to enjoy asylum rests on compliance with limitations on behavior and on the stipulation of being invited to enter into a territory of asylum. Refugees are not often represented as

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<sup>782</sup> Aaron Mackler, "Judaism, Justice, and Access to Health Care," *Kennedy Institute of Ethics Journal* 1, (1991), p. 11.

<sup>783</sup> The covenant with the children of Noah as being inclusive of all humanity is explained in a footnote on this topic by Dr. Mackler. Mackler, "Judaism, Justice, and Access to Health Care," p. 11.

<sup>784</sup> United Nations, "United Nations Universal Declaration of Human Rights."

moral agents with the capacity to act with deliberation and compliance to limitations on behavior. It is difficult to forget the words of Catherine Bertini, the Executive Director of World Food Program in 1995, which acknowledged the use of food to manipulate behavior.<sup>785</sup>

Food is power. We use it to change behavior. Some may call that bribery. We do not apologize.

Manipulation is an affront to human dignity and capabilities.<sup>786</sup> It is another aspect of perceiving the refugee as incapable. Refugees are able to properly deliberate on responsibilities within the constraints of need, human rights, and dignity as well as create collaborations that can more fully appreciate the cultural, historical and lived experience of those within their communities. Collaboration brings with it more opportunities for the possibility of hoped-for ends than does coercion or bribery.

Scriptural covenant thinking also makes space for speaking positions which must be considered as significant for the normative expression of agency, reciprocity, solidarity, and hope. Rabbi W. Gunther Plaut has chosen Scripture that makes it clear that kindness and respect was to be shown to everyone including strangers which could be considered as the contemporary refugee.<sup>787</sup>

That even the weakest and most vulnerable (considered being widows and orphans) ought not to be mistreated.<sup>788</sup>

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<sup>785</sup> Bertini, *Statement to the Fourth World Conference on Women Beijing, China*.

<sup>786</sup> Wilson Ukken, "Manipulation: A Sin against the Dignity of the Person," *Christian Orient* 5, (1984), p. .

<sup>787</sup> Chapter One of this project detailed the meaning of stranger in the early Hebrew text. The Jewish term of 'zar/nochri' was a stranger who, as a visitor, a temporary resident, and with national bonds intact and 'ger' might fit the definition of today's refugee, not a criminal and no longer protected by the homeland. Plaut, *Asylum*, p 18-19, 28-31.

<sup>788</sup> Plaut and Stein, eds., *The Torah -- a Modern Commentary*, p. 1354; Plaut, *Asylum*, p. 30.

Refugees may be the most vulnerable people in our contemporary global society. Orphans, widows, and strangers represented (in the Biblical times) those often considered not to have speaking positions in society and were referred to as the weakest and most vulnerable.<sup>789</sup> This scriptural statement also makes it clear that difference matters. By specifically identifying the "most vulnerable" as widows and orphans, the attention to the detail of circumstances becomes evident. Such detail must also be reflected in humanitarian approaches because refugee populations consist of the elderly and the children, the women and the girls, and the acutely ill and the chronically ill. By identifying the "most vulnerable," God also calls on us to identify the most vulnerable which requires a conscious and deliberate evaluation of persons according to their circumstances and needs.

Plaut's choice of Scriptural quotations also brings attention to aspects of reciprocity. Reciprocity, in Judeo-Christian scriptural and covenant tradition, is represented in the openness of God to hear our voice, to respond to what is heard, and to allow participation. This means that God's openness extends beyond hearing. The Lord hears us, but listening and responding raises hearing to an active and deliberative mode of behaving. The Lord, it says, listens most particularly to those "without standing or power."<sup>790</sup>

If you do mistreat them I will heed their outcry as soon as they cry out to Me. (Ex 22:22)

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<sup>789</sup> Plaut and Stein, eds., *The Torah -- a Modern Commentary*, p. 1354; Plaut, *Asylum*, p. 30.

<sup>790</sup> Bruce C. Birch and Larry L. Rasmussen, *Bible & Ethics in the Christian Life*, (Minneapolis: Augsburg Publishing House, 1989), p. 29.

Rarely is the refugee's voice heard in the administrative offices far removed from the field. Too often the refugee's voice does not rise above the camp officials to whom much power is given. Even less often is the refugee's voice 'listened to' as a source of knowledge for deliberate actions on the behalf of refugees.

Today's refugees are escaping a fate similar to that of the Jewish people under Pharaoh; they fear for their lives under a political regime that is a threat to their survival. Refugees cross an international border in much the same way as the Jewish people crossed the known boundaries of Egyptian authority. Modern day refugees, however, do not always have the protection (or encumberment) of a large group as did the biblical Jewish population or the more recent populations affected by the Second World War. Escape may be a singular act of courage or a movement of large numbers of people. Regardless of the reason for fleeing or means by which they escape, refugees are among the weakest and most vulnerable of the modern world.

Many aspects of Biblical covenant thinking have been shown to be relevant for consideration in the contemporary refugee discourse. Following sections will draw on these aspects of covenant to show where they can be salient at the discursive media-aid interface.

#### **5.2D. Covenant: Refugee as Moral Agent Living in Hope**

Hope is an aspect of both *Imago Dei* and covenant thinking. It is a future oriented aspect of human life. That is to say, animals do not hope for a mild winter, but people often do. The ontological nature of hope can be significant in survival of human beings. Many



studies have been conducted that support the value of hope for human survival.<sup>791</sup> These studies have shown that "hope can relieve suffering"<sup>792</sup> or make "suffering more tolerable"<sup>793</sup> and that despair is not the opposite of hope, but rather the "inability to give up hope."<sup>794</sup> Hope may be ontological and eschatological, but in reality it is either experienced in the present or not all.

Hope is an element that cannot be absent from the refugee discourse. People that hope together, even if for different outcomes, create a sense of community. The unifying properties of hope are part of co-creating the social/organizational discourse that stimulates the imagination. Shared hopes and shared imagination provide refugees, agencies, agents, the donating public, and nation-states with a means of reconstructing the relationships that are presently divided by agendas and self-interests.

Covenant based discourses create a community of trust and hope (in the present) for an outcome (in the future) because it is moored in an appreciation for the lived experience of human beings. Refugees, as disenfranchised and powerless people without legal or governmental structures to secure their rights or advocate for change, have little avenues for undertaking social or environmental changes. When agencies like the UNHCR come together with refugees in a united vision, hope can be revitalized into a

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<sup>791</sup> Shlomo Breznitz, "The Effect of Hope on Pain Tolerance," *Social Research* 66, no. 2 (1999); Richard Zaner, "Power and Hope in the Clinical Encounter: A Meditation on Vulnerability," *Medicine, Health Care and Philosophy* 3, (2000); Elliott and Olver, "Hope and Hoping."; Kaye Herth, "Enhancing Hope in People with a First Recurrence of Cancer," *Journal of Advanced Nursing* 32, no. 6 (2000).

<sup>792</sup> Breznitz, "The Effect of Hope on Pain Tolerance," p. 642.

<sup>793</sup> Tolerable and resistant are used interchangeably. Herth, "Enhancing Hope in People with a First Recurrence of Cancer," p. 1433; Elliott and Olver, "Hope and Hoping," p. 143; Breznitz, "The Effect of Hope on Pain Tolerance," p. 644.

<sup>794</sup> Breznitz, "The Effect of Hope on Pain Tolerance," p. 649; Elliott and Olver, "Hope and Hoping," p. 143.

force with real power of being effective. Uniting refugees with persons (agencies) on the opposite side of exchange creates a unified platform for the openness in both discussing and finding resolutions in a collaborative effort.

Centering the discourse in the creation of man by God is centering the perception of life in God's promise. A promise generates hope; hope is trusting and forward anticipation of a promise fulfilled. Hope can be encouraged, shared, and built upon to re-engage all members of society. As discourse and discursive activities begin to shift and re-orient the image of the refugee to the world, to the media, to agencies, and to the refugee as well, so too will the multi-dimensions of refugee-person become more visible.

#### **5.2E. Covenant in Time and Time in Human Agency**

Recognition of the infinite and irreducible value of human life is expressed in the behaviors and symbols of honor, respect, and appreciation of other lives. It is a mutual recognition of the identity of others as they experience and identify themselves. Self-identity and time, however, present particular challenges for refugees. Being a refugee is about being a stranger who is received as someone who no longer is what he or she once was. Friends and family relate to persons they know with a sense of the historical person, that is, memories and shared experiences are components of the relationship in the present. Those friends, family, and community relationships may no longer exist for a person after involuntary displacement. A refugee becomes like all other refugees within a disparaging discourse. It is a discourse that fails to recognize the moral agency of the person-refugee within the historical context of their lived experiences and without a sense of their hoped-for-ends. In this sense, time and the expressions of being part of a community are vital for the recognition of moral agency.

The meaning of agency, within Judeo-Christian covenant thinking, expresses an integral relationship to one another that is inclined toward perceiving the world as a related whole. It is also a concept that recognizes that the irreducible worth of the human being must not be reduced to being a mere segment of a whole that only exists in the present.<sup>795</sup> Refugees are rarely imagined as individuals with an historical or contextual life and are conceptualized in terms of being part of an undifferentiated mass.

The interesting aspect of the moral relationships in a covenant is that the relationships always extend over time; they are not temporary or isolated agreements.<sup>796</sup> The extension over time is a particularly specific aspect of expressing life as on a continuum, an aspect missing in reporting and representations of refugees. Because a covenant occurs over time, a discourse couched in covenant values anticipates aspects of subjective experience over time: change, memory, and relationships that may fluctuate across boundaries of difference.<sup>797</sup> It is a means of discourse that expresses life as a continuum, each life having a history and each history in relation to others. Yet when the topic of refugees takes place in a discourse centered on the *refugee problem*, that wholeness of person (both historical and future) is lost. The *refugee problem* becomes *some-thing* as opposed to being about *some-one*. There is the preoccupation of disposing of or finding a solution to the *problem*. That is to say, that if everybody were to just go home the *problem* would go away and we could all get back to doing whatever it is that we do.

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<sup>795</sup> Crosby, *The Selfhood of the Human Person*, p. 16.

<sup>796</sup> Allen, *Love & Conflict: A Conventional Model of Christian Ethics*, p. 39.

<sup>797</sup> The concept of covenant over time was developed in Allen, *Love & Conflict: A Conventional Model of Christian Ethics*, Chapter 2.

A discourse imbued with the Judeo-Christian tradition of agency, reciprocity solidarity, and hope has the potential to shift attitude away from the problem-oriented approach. The goal is to make visible the problem-oriented discourse which associates the value the refugee with their moral relevance to our acting.<sup>798</sup> Moral agency places the emphasis on the refugee's life as a continuum rather than fragmented living segments related to refugeehood: life as it was before refugeehood; life during refugeehood; and life after refugeehood. The humanitarian discourse (or dominant discourse for that matter) does not sufficiently consider a life pre or post-refugeehood. People do not come to be refugees from no-where and they do not disappear when they cease to be refugees. Becoming a refugee does not stop time; rather a refugee is a person living in time.

A comment by John Knudson, co-editor of the well known refugee advocacy book *Mistrusting Refugees*, speaks of the way that refugees experience time as it becomes a process controlled by others. Knudsen puts it this way:

In the camps, refugees enter a limbo state as they carefully attempt to prove their right to asylum and aid from the international community.<sup>799</sup>

The use of the phrase limbo state refers to both the mental state of experiencing time as 'going nowhere' and the experiential time/place of waiting in time for a long slow moving process.<sup>800</sup> Limbo has several ways of expressing this meaning of waiting. Limbo (Capital 'L') is a place in Roman Catholic Theology that serves as a 'place of confinement' that exists in-between the physical world and heaven where un-baptized infants (unable

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<sup>798</sup> This aspect of a problem-oriented discourse is inspired by Crosby. Crosby, *The Selfhood of the Human Person*, p. 9.

<sup>799</sup> Knudsen, "Mistrusting Refugees," p. 18.

<sup>800</sup> *Oxford English Dictionary*.

to committed any sin) and the righteous who died before the redemptive coming of Christ still wait for what is called the 'second coming.'<sup>801</sup> In the literary sense, limbo (small 'l') is a place or state of oblivion to which persons are relegated when cast aside, forgotten, or are no longer un-accessible.<sup>802</sup> Sadly, a state-of-limbo seems to be a descriptive of the social position of refugees in the greater world. They are stateless (politically and nationally) people in waiting.

### 5.3. Inter-Organizational Discourses

Throughout this project the dominant discourse on refugees has been shown to be powerfully negative, selectively-inclusive, and oriented toward problem-solving. Beginning with the refugee as a problem as opposed to the moral relevance of our acting in relation to the most vulnerable people of the world, brings to the fore questions about what might be done to steer the 'refugee problem' in another direction. Strangely, the discourse on refugees cannot be shifted by discussing refugees directly, probably because the discourse has no space for the refugee and the image or created truth about refugees is so deeply engrained.

Psychologist Kurt Lewin was one of the first to develop a model of behavioral change in his 1951 book, *Field Theory in Social Sciences*.<sup>803</sup> Lewin described three stages as being necessary in the implementation of a change in perception and behavior:

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<sup>801</sup> E.A. Livingstone, *The Concise Oxford Dictionary of the Christian Church*, 2nd ed., (Oxford: Oxford University Press, 2000).

<sup>802</sup> *Oxford English Dictionary*.

<sup>803</sup> Kurt Lewin, *Resolving Social Conflicts: And, Field Theory in Social Science*, (Washington D.C.: American Psychological Association (APA), 1997), p. 330.

unfreezing; change or moving to a new level; freezing of group vision.<sup>804</sup> Unfreezing, the stage during which the people become ready to learn or acquire a new behavior, has been forced into realization by new technologies and challenges that still need to be overcome. Those at the heart of the refugee discourse care deeply about the challenges for refugee assistance in an increasingly globalized world. The number of refugees in the world has not abated nor has the persecution and violence that men, women, and children attempt to escape. Needs and funding costs are rising and states are becoming more agile at staving off asylum seekers. The readiness to acquire new knowledge and fresh ideas are part of an organizations struggle to adapt to these (and other) changing global circumstances.

After unfreezing the discourse, or at least priming the atmosphere for questioning the unquestioned truths, the second stage Lewin identifies is that of the change itself.<sup>805</sup> Technologies are in place or coming into place at a rapid pace to bring about significant changes in the care for refugees. There are, however, some refugee advocates that believe the UNHCR has not made a concerted effort to engage the culture of new innovations.<sup>806</sup> The questions asked by these advocates regard why the UNHCR has been slow or even reluctant to incorporate the use of so many other new innovations.

Technology changes require a full scale change. The UNHCR functions across a broad spectrum of nations; the education of personnel to the use of a new system or new

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<sup>804</sup> Lewin, *Resolving Social Conflicts: And, Field Theory in Social Science*, p. 330.

<sup>805</sup> Lewin, *Resolving Social Conflicts: And, Field Theory in Social Science*, p. 330.

<sup>806</sup> Verdirame and Harrell-Bond, *Rights in Exile*; Renzaho, "Mortality, Malnutrition, and the Humanitarian Response."; Dufour, de Geoffroy, et al, "Rights, Standards and Quality."; International Committee of the Red Cross ICRC, "Dissemination: Spreading Knowledge of Humanitarian Rules," *International Review of the Red Cross*, Special Issue 319 (1997). <http://www.icrc.org/web/eng/siteeng0.nsf/html/57JNRF>; Piers Robinson, "The Policy-Media Interaction Model: Measuring Media Power During Humanitarian Crisis," *Journal of Peace Research* 37, no. 5 (2000).

technology is time intensive and may even be cost prohibitive. However, there is a starting point for stimulating the motivations for change. That stimulation can be found in the organization's values, their definition of what is good, their commitments and principles, and the priority of the persons most affected by their actions. The quotation of Karol Wojtyla might provide a starting point for discussion or insight into the decision-making process.<sup>807</sup>

Human acts are taken with deliberation and according to the level of the agent's knowledge of reality, a knowledge that anticipates the value of the good in relation to the person."

The 'actions taken' in assisting refugees is limited by the knowledge about refugees. That 'knowledge' has long been tied to what refugees lack as opposed to the capabilities that refugees, as human beings and moral agents, possess.<sup>808</sup> The 'anticipation' has been expressed in terms of the present or little beyond present survival statistics, and standardized reports, as Jennifer Hyndman explains.<sup>809</sup>

[The focus is on] arithmetical calculations and therapy that transposes particular events and activities in the field into standardized reports, statistics, and community development projects suitable for consumption at the UNHCR.

The 'good' has historically been measured in a discourse of calculations, as Robin Needham, of the Refugee Participation Network, has explained.<sup>810</sup>

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<sup>807</sup> Schmitz, *At the Center of Human Drama*, p. 53.

<sup>808</sup> Economist Amartya Sen has written extensively on what he calls the "capabilities approach" to international development which recognizes the expansion of freedoms for development and the limiting of the sources of un-freedoms such as lack of access to healthcare, clean water, sanitation, political and civil rights, and lack of gender equality. See: Amartya Sen, *Commodities and Capabilities*, (Amsterdam: Elsevier, 1985); Sen, *Development as Freedom*; Nussbaum and Sen, eds., *The Quality of Life*.

<sup>809</sup> Hyndman, *Managing Displacement*, p. 122.

<sup>810</sup> Needham, "Refugee Participation," p. 1.

Successful progress in a refugee operation is measured in terms of "x" tents or erected, "y" tons of food provided, and "z" patients treated. There is little consideration of social factors or refugee values because the whole basis of so many refugee relief efforts rests on objects, not on people; on what is available, what has been delivered, and not on what is needed.

The present discourse is fixated on this calculated knowledge of reality chained to their decision-making and outcome criteria. If the knowledge of reality is re-aligned to an alternative standard, the language of the discourse must change. The language of care must be rooted in the notion of an actual encounter with another human being. A language of disengagement can be replaced by a language of engagement.<sup>811</sup> Such a language can be found when the perceptual outlook originates from the expression of a shared understanding of stewardship and an aversion to the human suffering that confronts us.

A discourse centered in communal relationships expresses concern for the fate of others. The Judeo-Christian approach recognizes the other as a moral agent whose presence in the world is significant. It is a discourse that recognizes all human beings as made in the image of God; where the marginalized are heard by God and have equal voice in the community of fellowship. It compels us to compassion and active engagement in the aid of those disempowered by their social position, with the eye set on a goal beyond the present, and culminating an enduring change for generations.<sup>812</sup>

The first chance for an expression of the significance of the other and that the fate of the other matters is in the mission statement of the UNHCR. The mission statement is

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<sup>811</sup> Bandura speaks extensively on moral disengagement. Albert Bandura, "Selective Moral Disengagement in the Exercise of Moral Agency," *Journal of Moral Education* 31, no. 2 (2002).

<sup>812</sup> Zoloth, *Health Care and the Ethics of Encounter*, p. 126.



the blueprint that identifies the UNHCR's primary motivators, commitment to principles, and vision of their mission in the care of refugees.

### **5.3A. Mission Statements**

A mission statement is a discourse. It is a discourse that must be embedded, repeated, and re-enforced over time. Assuring that the actions of organizational members remain consistent and faithful to the organization's mission requires the discourse to be reiterated in different settings and in solving specific problems. Latour called this an ability of "immutable mobility."<sup>813</sup> By immutable mobility, Latour thinks of a mission statement as an entity that can travel from one spot to the other without suffering from distortion, loss, or corruption.<sup>814</sup>

Mission statements, if regarded as discourses with immutable mobility, can provide a common ground for a cohesive commitment for action. The mission statement for the UNHCR can provide purpose and direction for its employees by creating a culture that shapes the values, attitudes, and behavior of its members. The ideal for any mission statement is that "everyone should know, understand, and live an institution's mission."<sup>815</sup>

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<sup>813</sup> Cooren quoting B. Latour publications of 1987 and 2005. Francois Cooren, Frederik Matte, et al, "A Humanitarian Organization in Action: Organizational Discourse as an Immutable Mobile," *Discourse & Communication* 1, no. 2 (2007), p. 157.

<sup>814</sup> Cooren quoting B. Latour. Cooren, Matte, et al, "A Humanitarian Organization in Action: Organizational Discourse as an Immutable Mobile," p. 157.

<sup>815</sup> Woodrow quoting J. Kouzes (2003). James Woodrow, "Institutional Mission; the Soul of Christian Higher Education," *Christian Higher Education* 5, (2006), p. 315.

James Woodrow investigated the role of mission statements, not only to direct member's actions but also to transform people's values, motivations, and actions into positive outcomes.<sup>816</sup>

The ability for people to embrace a mission requires that they sense a real potential that they can make a difference in the world.

The UNHCR is an organization that can and does make an immense difference in the lives of millions of people across the world. The larger impact of the UNHCR on the world also provides meaningful and honorable work for those with the depth of commitment necessary to carry out its mission. Therefore, the UNHCR's mission statement can have a significant impact on both members and non-members of the institution.

The mission statement of the UNHCR can be seen as a dimension of the scope and scale of the refugee discourse. It is a discourse that fails to represent the person-as-refugee in more than one dimension. Taking a critical look at the 2010 UNHCR mission statement presents one of the opportunities to reorient the discourse on refugees. Crafting a mission statement is immensely important and requires time, energy, and knowledge of the organization's history, potentials, and limitations,<sup>817</sup> which are beyond the limitations of this project. This project will, however, review the mission statement of the UNHCR to evaluate the message that is communicated to both those that work within the organization and those that seek to understand or support the organization.

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<sup>816</sup> Woodrow, "Institutional Mission; the Soul of Christian Higher Education," p. 315.

<sup>817</sup> Woodrow, "Institutional Mission; the Soul of Christian Higher Education," p. 316.

Every organization begins with a mission statement that clarifies their purpose, articulates their values, and charts out the parameters within which they will function both as a declaration of identity and as a template for members of the organization.<sup>818</sup> A mission statement ought to present three aspects of the organization's functioning (e.g., mission, vision, values).<sup>819</sup> The UNHCR's existing statement does incorporate these three aspects of organizational function however, the articulation (or lack of articulation) of a clear understanding of the mission, the vision, and the values of the organizational unit presents an opportunity for re-examining the discourse that expresses the values at the core of aid to refugees.

The people at the center of UNHCR efforts are the refugees; a mission statement must clearly articulate that value. The language of agency, reciprocity, solidarity, and hope in the Judeo-Christian tradition can offer that language and normative direction to move toward a respectful account of moral agency.

It is conceded that the power of the UNHCR must remain in constant vigilance to retain its effectiveness as *the* international conduit for aid. In order to continue to be effective they are under pressure to remain neutral in all political and religious conflicts. It is, however, possible to remain neutral and still articulate Judeo-Christian values that express the irreducible worth of human life and acknowledge the dimensions and needs of life as it is being lived.

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<sup>818</sup> Martien A.M. Pijenburg, Bert Gordijn, et al, "Catholic Healthcare Organizations and the Articulation of Their Identity," *HEC Forum* 20, no. 1 (2008); Carol Taylor, "Roman Catholic Health Care Identity and Mission: Does Jesus Language Matter?," *Christian Bioethics* 7, no. 1 (2001); Woodrow, "Institutional Mission; the Soul of Christian Higher Education."

<sup>819</sup> These three categories of mission statements are defined in Pijenburg, et al. see: Pijenburg, Gordijn, et al, "Catholic Healthcare Organizations and the Articulation of Their Identity," p. 77.

## UNHCR Mission Statement

### UNHCR - Our Core Values and Goals

The High Commissioner for Refugees is mandated by the United Nations to lead and coordinate international action for the worldwide protection of refugees and the resolution of refugee problems.

UNHCR's primary purpose is to safeguard the rights and well-being of refugees. In its efforts to achieve this objective, the Office strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, and to return home voluntarily. By assisting refugees to return to their own country or to settle permanently in another country, UNHCR also seeks lasting solutions to their plight.

UNHCR's Executive Committee and the UN General Assembly have authorized involvement with other groups. These include former refugees who have returned to their homeland; internally displaced persons; and people who are stateless or whose nationality is disputed.

The Office seeks to reduce situations of forced displacement by encouraging states and other institutions to create conditions which are conducive to the protection of human rights and the peaceful resolution of disputes. In all of its activities, it pays particular attention to the needs of children and seeks to promote the equal rights of women and girls.

The Office works in partnership with governments, regional organizations, international and non-governmental organizations. It is committed to the principle of participation, believing that refugees and others who benefit from the organization's activities should be consulted over decisions which affect their lives.

Figure 5.1. UNHCR Mission Statement 2010

The mandates of the UNHCR are "embedded in a discourse that is humanitarian, apolitical and civilian."<sup>820</sup> They include securing asylum (not grant asylum) for refugees and the prevention of the involuntary return of refugees to states where harm to them or persecution still exist (nonrefoulement).<sup>821</sup> The UNHCR's 2010 mission statement conveys these mandates and responsibilities within the five short paragraphs of the mission statement along with the visions of the mission it sets out to accomplish. The

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<sup>820</sup> Terry, *Condemned to Repeat? The Paradox of Humanitarian Action*, p. 29.

<sup>821</sup> Verdirame and Harrell-Bond, *Rights in Exile*; UNHCR, *A Global Humanitarian Organization of Humble Origins* Official Web-site of the UNHCR, (2009). <http://www.unhcr.org/pages/49c3646cbc.html>; UNHCR, "Framework."; UNHCR, "The Wall Behind Which Refugees Can Shelter: The 1951 Geneva Convention on the Refugee 50th Anniversary."; UNHCR, *The 1951 Refugee Convention: Questions and Answers*, (Geneva: UNHCR: Media Relations and Public Information, 2007).

2010 mission statement is posted in its entirety as (Figure 5:1). The first sentence of the present mission statement has several components, all of which are indicative their raison d'être.<sup>822</sup>

**First paragraph** affirms the UNHCR's "mandate to lead and to coordinate . . . the protection and resolution of refugee problems." The UNHCR defines itself, its identity, and its credentials at the opening of the mission statement.

**The second paragraph** articulates two things: first, its primary purpose or objective ("safeguard the rights and well-being of refugees") and second, how the objective will be pursued (by striving to ensure the exercise of rights, by assisting refugees to settle, and seeking lasting solutions to the plight").

**The third paragraph** bespeaks of the "authorized involvement in other groups." [note: This involvement has been a vigorously debated issue. For the purposes here, it suffices to say that limitations of 'involvement' are extensively enumerated in humanitarian law, in the UNHCR charter, and in other international agreements.]

**The fourth paragraph** identifies a vision that "seeks to reduce situations of forced displacement by encouraging states and others to create conditions -- protective of human rights and peaceful resolutions." The needs of children, women, and girls are specifically identified as requiring particular attention.

**In the fifth paragraph** the UNHCR minimally acknowledges a partnership aspect of its mandate. This fifth paragraph contains the only principle to which the mission expresses a commitment: "the principle of participation." Participation is further qualified as being limited to those who benefit from the UNHCR activities.

In this mission statement primacy is placed on the mandated authority over refugees and remains silent on serving refugees. Secondary to mandated authority is the mission to "to safeguard and protect the rights of refugees." Upon reading the mission statement, there is no sense as to why refugee rights, their needs, or suffering should matter to us. From a

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<sup>822</sup> UNHCR, "UNHCR Mission, Core Values, and Goals," (2010).  
<http://www.unhcr.org/pages/49ed83046.html>.

Judeo-Christian perspective, the UNHCR mission statement lacks a clear articulation of the value of human life beyond the dimension of rights. Palpably missing is a stated commitment to protecting rights while honoring the dignity of persons living in refugee situations. The mission statement also fails to acknowledge a relationship between actions taken by the UNHCR and the hoped-for-ends of refugee persons.

Considering the scope with which the UNHCR provides (or is the conduit for) the necessities of refugees, the mission statement is silent about the quality of aid or provisions that it renders. The statement makes it clear that the function of the UNHCR is "mandated," however, being mandated to perform a function does little to articulate a level of expectation. A commitment to a standard of quality of care is an expectation that must be clearly proclaimed so as to become an inspiration for members throughout the different levels of service. Stating the level of quality to be achieved can also inspire or raise the expectation levels of other agencies and associations.

The UNHCR can be that inspiration to other organizations by developing a closer respect and attunement to the people they serve. Attunement to the person-refugee requires an appreciation for the whole human being and his or her life as it is experienced. Agency is intimately bound with the concept of the right to self-determination. Participation invites the normative expressions of this moral agency. Indeed, participation and engagement of refugees in the decision-making processes would solicit discussions, negotiations, and co-operations for the purpose of evaluating the needs and risks identified by the population served. It also means the development of a creative plan or model in anticipation of such participation.

Carol Taylor identifies modeling as an important means of expressing the values of the institution so as to guide the actions of its staff members.<sup>823</sup> Taylor uses examples that convey the importance of stating the ultimate values that the organization holds in esteem and backing those values with a committed plan for action. A mission statement identifying the irreducible worth of the people it serves must begin with the person-refugee and a commitment to strive to identify ways of incorporating the refugee as a participatory member in the efforts to provide compassionate quality care.<sup>824</sup>

Taylor and others make it clear that the language of the mission statement is central to an organization's level of internal function.<sup>825</sup> The UNHCR's mission statement employs the language of mandated authority and as rights protector. This is the identity that agency members assume for themselves as a function of membership in the organization.<sup>826</sup> Moral discourse at this level relies on the authority of moral agents within a discourse (staff and members) that is procedurally oriented and value neutral. The refugee is placed in the position of being important only as he or she intersects with the mission or mandates of the organization.

The UNHCR calls for protecting the rights of beneficiaries. Dignity and respect for identity call for treating the refugee as an active claimant of those rights and not

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<sup>823</sup> Taylor, "Roman Catholic Health Care Identity and Mission: Does Jesus Language Matter?," p. 30.

<sup>824</sup> Priority setting in mission statements from: Woodrow, "Institutional Mission; the Soul of Christian Higher Education," p. 316.

<sup>825</sup> Helen Rose Ebaugh, Paula Pipes, et al, "Where's the Religion? Distinguishing Faith-Based from Secular Social Service Agencies," *Journal for the Scientific Study of Religion* 42, no. 3 (2003); Diane Hegeman, "Community Colleges' Use of the Web to Communicate Their Mission: Slights of Commission and Omission," *Community College Journal Of Research and Practice* 31, (2007); Woodrow, "Institutional Mission; the Soul of Christian Higher Education."

<sup>826</sup> Walzer, *Spheres of Justice*, p. 40-41.

merely as a passive recipient. Active claimants have a voice and power with which to participate to seek to meet their own basic needs. Rights and participation in those rights are essential to the foundation of discourses about human persons. These qualities and the implied disposition of service become easily disconnected in the refugee/aid worker relationship when refugees are dehistoricized and decontextualized. Relationships become one-dimensional with the label or stereotype as a mass identifier. The disposition for interaction fails to recognize the other in all his or her capacities.

In the context of mission statements, the disposition to act must be appropriate to the socially embedded narrative of the organization.<sup>827</sup> The disposition for acting under the narrative of the UNHCR's mission is directed by identification with "who I am" (a member of the agency mandated to protect refugee rights) as opposed to "what I should do" (how best can I serve the needs of the person-refugee in this situation). That is to say that "persons behave according to their level of knowledge" and the UNHCR's mission statement places a prominent focus on 'who they are' as opposed to 'who they serve.'

The Judeo-Christian traditions of agency, reciprocity, hope, and solidarity have all but disappeared from the language of mission, vision, or values. Absent from the UNHCR's statement is the moral expression of why we should care for vulnerable people. A mission statement must incorporate coherent and unambiguous statements that clarify the purpose of an organization and provide guidance to its members. The act for caring for others begins in the concept of *Imago Dei* and is communicated through the

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<sup>827</sup> This idea developed from an article written by Weaver. See: Gary Weaver, "Virtue in Organizations: Moral Identity as a Foundation for Moral Agency," *Organization Studies* 27, no. 3 (2006).



respect and priority placed on life, particularly, the life of a vulnerable human being.<sup>828</sup>

A mission statement integrated with these value orientations might include some of the example statements offered here.

To be an agency committed to serving persons in refugee situations with all the authority mandated to them.

To guard, promote, and defend the dignity of people in refugee situations.

To honor the courage and fortitude displayed in the lives of those they serve in all communications and practices.

To the best of their (UNHCR) abilities, sustain lives in accordance with the historical and cultural values that have meaning for them (those they serve).

To assist in means that might cultivate and preserve traditions for generations that follow.

To advocate for and render assistance to achieve the goals and hoped-for-ends of the populations they serve.

It is not enough, however, to have new statements or reformulated language in a mission.

The mission must be an accurate reflection of the values and visions of the organization as well as provide a blue-print for guidance to organizational members. Ensuring coherence between the stated commitments, the institution's values, and the actions of the institutional members is "critical for institutional integrity."<sup>829</sup> A mission statement must have a means to be reproduced, sustained, and transported from the paper it is written on

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<sup>828</sup> Hodge identifies stewardship as one aspect of Imago Dei. The other two are: being able to enter into other-centered relationships and possessing the attributes of rationality, volition, creativity and a future orientation. See David Hodge and Terry Wolfer, "Promoting Tolerance: The Imago Dei as an Imperative for Christian Social Workers," *Journal of Religion & Spirituality in Social Work* 27, no. 3 (2008), p. 304.

<sup>829</sup> Ana Smith Iltis, "Institutional Integrity in Roman Catholic Healthcare Institutions," *Christian Bioethics* 7, no. 1 (2001), p. 99.

to the farthest person in the organization.<sup>830</sup> The farthest out person in the constellation of the UNHCR is the person at the point where goods actually change hands. Dr. Harrell-Bond has made note of this subsidiary power.<sup>831</sup>

Mauss' analysis of gift exchange becomes relevant in raising a whole host of other related issues for refugee assistance. Most importantly, in the chain of agents who have been allocated different responsibilities in the overall machinery of aid distribution, the power structure acquires the following inverse relationship: the further the distance from the source of the gift, the greater the power over the recipient.

Dr. Harrell-Bond refers here to the power of what is called the 'tipper'.<sup>832</sup> Dr. Harrell-Bond further explains that the delivery of goods passes through a system that consists of a chain of decisions about allocation of goods, logistics of delivery, legalities of crossing borders, challenges of travelling make-shift roads, the risks of confiscated goods, and finally the distribution of goods at the camp.<sup>833</sup> As the goods travel through the chain of delivery, the power of the handler increases. There is no guarantee that the amount of goods dispatched at the origin will be the same amount of goods delivered at the destination. The definitive power rests in the hands of the person who counts out and hands over the food.<sup>834</sup>

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<sup>830</sup> Several recent studies have been conducted on the transportability of mission concepts throughout the organization. David M. Craig, "Religious Health Care as Community Benefit: Social Contract, Covenant, or Common Good?," *Kennedy Institute of Ethics Journal* 18, no. 4 (2008); Cooren, Matte, et al, "A Humanitarian Organization in Action: Organizational Discourse as an Immutable Mobile."; Hegeman, "Community Colleges' Use of the Web to Communicate Their Mission: Slights of Commission and Omission."; Pijenburg, Gordijin, et al, "Catholic Healthcare Organizations and the Articulation of Their Identity."; Woodrow, "Institutional Mission; the Soul of Christian Higher Education."

<sup>831</sup> Harrell-Bond, Voutira, et al, "Counting the Refugees," p. 208.

<sup>832</sup> Harrell-Bond, Voutira, et al, "Counting the Refugees," p. 209.

<sup>833</sup> Harrell-Bond, Voutira, et al, "Counting the Refugees," p. 208-209.

<sup>834</sup> Harrell-Bond, Voutira, et al, "Counting the Refugees," p. 209.

A system that perceives the refugee as a passive recipient is more likely to be a system that renders aid as the unilateral transfer of goods delivered. A system that "uses food to control behavior"<sup>835</sup> is reflective of a value system that accepts manipulation as a means to reach a goal; not surprisingly, a system where sex-for-food abuses might occur.<sup>836</sup> A system, however, that orients their practices from a position that regards manipulation as an assault against the dignity of persons<sup>837</sup> might be more likely to anticipate different behavioral outcomes.

Françoise Cooren, et. al., analyzed the central role that discursive patterns play in large-scale organizational change, particularly in regard to mission statements.<sup>838</sup> Cooren recognized that the appropriation of a vision or mission must be reflected in communications where they interface: within the organization, communication between organizational members, and in communications with those outside of the organization.<sup>839</sup> In other words, a mission statement requires the clarity necessary to be understood and communicated throughout the organization. It must be integrated with the internal organizational discourse, internalized at the farthest most member of the

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<sup>835</sup> Bertini, *Statement to the Fourth World Conference on Women Beijing, China*.

<sup>836</sup> It is duly noted that the potential for abuse exists wherever uneven power can be exercised.

<sup>837</sup> Ukken, "Manipulation: A Sin against the Dignity of the Person."

<sup>838</sup> Cooren, Matte, et al, "A Humanitarian Organization in Action: Organizational Discourse as an Immutable Mobile."

<sup>839</sup> Cooren referencing the work of Latour (1986) Cooren, Matte, et al, "A Humanitarian Organization in Action: Organizational Discourse as an Immutable Mobile," p. 182.

organization, and then be reflected in external discourses. If such continuity is not achieved the mission of the organization itself is in peril.<sup>840</sup>

### **5.3B. The Refugee Voice: Can You Hear Me Now?**

A mission statement is not limited to the values and vision of an organization, but also must incorporate its openness or resistance to alternate ways of carrying out its mission. The parameters of acting are defined by the values and beliefs that are intimately linked to the institution's knowledge of their mission and their own conception of the good they wish to achieve.<sup>841</sup> Participation, as the lone stated value, may be challenged by emerging technologies that are redefining participation and shifting power. New technologies may not have the potential to invert the power of the UNHCR over refugees, but new technologies do present new possibilities for integrated power. Returning to Foucault's 'knowledge is power,' increased opportunities for communication beyond local limitations can be a source of information or knowledge for refugee camp inhabitants.

Stories of the impact of cellular technology have become increasingly intriguing. Cellular technology has the potential for changing the world of humanitarian aid.<sup>842</sup> The advent of new communication platforms make possible the mobilization of large numbers of people within minutes of a in a disaster or large camp emergency. Crowdsourcing is

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<sup>840</sup> Smyser, *The Humanitarian Conscience: Caring for Others in the Age of Terror*, p. 201.

<sup>841</sup> T.J. Scheff, "Awareness Structures: Defining Alienation/Solidarity," *The Journal of Power* 1, no. 3 (2008), p. 12.

<sup>842</sup> Greg Barrow, "Mobile Phone Helps One Somali Refugee Send Long-Distance SOS," (2006). <http://www.unhcr.org>.

one of the many upload-able, download-able, teleport-able and limited band-widths worthy technologies.<sup>843</sup>

Greg Barrow, a Senior Public Affairs Officer for the United Nations World Food Programme, wrote (in an open document on the UNHCR web-blog) his story of an interesting cell-phone encounter that occurred in 2006.<sup>844</sup> Mr. Barrow's story began when his mobile phone rang twice while he was in his London office. At first he passed-over the cell phone interruptions thinking that it may be another advertisement from the cell-phone provider about upgrades available. When the phone rang for a third time in this secession, he "could not have been more surprised."<sup>845</sup> This time the call was direct from a disaster zone in the Horn of Africa. The message was stated to be as follows:<sup>846</sup>

My name is Mohammed Sokor, writing to you from Dagahaley  
refugee camp in Dadaab. Dear Sir, there is an alarming issue here.  
People are given too few kilograms of food. You must help.

This disturbing message originated from a refugee camp in northern Kenya, from a man "living on the very edge of existence."<sup>847</sup> The distance between the drought ridden area of Africa and the office in London was no longer a geographical obstruction for the cellular connection. In his candid story-telling, Mr. Barrow (consciously or

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<sup>843</sup> Crowdsourcing is a means to contact and mobilize many organizations and groups with a common broadcast about a disaster site. There are many ethical, social and economic implications of indiscriminately broadcasting and mobilizing on a large scale. See Editorial, "The Rise of Crowdsourcing," *Wired*, no. 14.06 (2006). <http://www.wired.com/wired/archive/14.06/crowds.html>.

<sup>844</sup> Paraphrased recount of Barrow's story which can be found at the UNHCR website. Barrow, "Mobile Phone Helps One Somali Refugee Send Long-Distance SOS." This was also posted as a reprint from the UNHCR in *Wired* magazine Editorial Reprint, "Flood, Famine, and Mobile Phones," *The Economist*, (2007).

<sup>845</sup> Barrow, "Mobile Phone Helps One Somali Refugee Send Long-Distance SOS."

<sup>846</sup> Barrow, "Mobile Phone Helps One Somali Refugee Send Long-Distance SOS."

<sup>847</sup> Barrow, "Mobile Phone Helps One Somali Refugee Send Long-Distance SOS."

unconsciously) references a stereotype about refugees that has been voiced by so many before him. It is a stereotype that has been central to this project's claims about the dominant discourse on refugees. Mr. Barrow is quoted as having made the following comment.<sup>848</sup>

The stereotypical image of the faceless anonymous victim of another African disaster *is shattered*; and a voice and a name are given to the tragedy unfolding in the Horn of Africa.



Figure 5.2. Skype in UNHCR communications  
[www.textually.org/textually/archives/2010/12/027364.htm](http://www.textually.org/textually/archives/2010/12/027364.htm)  
<http://blogs.skype.com/en/2010/12/unhcr.html> ; w-4:32 Video

It seems the offices of the World Food Programme have not been immune to the prevailing perception of refugees. Technology has the potential to change the discourse on refugees. The ability to transmit a voice not before heard opens opportunities for the refugee to be recognized beyond the stereotype, as Mr. Barrow confirms. Change can be enhanced by attunement to Judeo-Christian values that recognize the person as a refugee and push our imagination to move beyond the present constraints.

Technology, particularly cellular technology, has the potential for massive achievements in the integration of refugee voices with humanitarian directives. Only six

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<sup>848</sup> Barrow, "Mobile Phone Helps One Somali Refugee Send Long-Distance SOS."

months prior to the June 2006 cell-phone call placed to the London offices of the World Food Programme, a publication by the UNHCR, Refugee Livelihoods Network (RLN),<sup>849</sup> dedicated an entire issue to the various aspects of mobile or cellular technology by which refugees can "develop and sustain relations" that link together their societies of origin and settlements in the Diaspora.<sup>850</sup>

From an ethical perspective, the question that must be answered first does not have to do with how these transnational activities by refugees and refugee organizations can be strengthened through policies and programs, but rather what are the risks or harms for refugees of such information transmission. The confidentiality of refugees must be paramount and securely protected; after all, these are people who fled due to a "well-founded fear of persecution."<sup>851</sup>

How open the UNHCR is to the use of these of technologies became evident in a news release December 6, 2010 announcing a new partnership between Skype and the UNHCR. The capabilities were made clear in this short statement that follows. (Figure 5:2)<sup>852</sup>

The UNHCR has recognized the immense opportunities for communication that cellular, low-bandwidth, broad-bandwidth, and LTE technologies promise. The interesting aspect of this news release is that the service is available to UNHCR personnel as a

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<sup>849</sup> The Refugee Livelihoods Network (RLN) is an initiative of the UNHCR's Evaluation and Policy Analysis Unit (EPAU)

<sup>850</sup> Editorial, *Transnational Livelihoods*, (December 2006). [www.unhcr.org/PDES\\_or\\_www.eldis.org/go/livelihoods/](http://www.unhcr.org/PDES_or_www.eldis.org/go/livelihoods/).

<sup>851</sup> UNHCR, "Convention Relating to the Status of Refugees, (Geneva, 28 July 1951); Protocol Relating to the Status of Refugees, (New York, 31 January 1967)."

<sup>852</sup> *UNHCR and Skype Join Forces*, Textually Org: All About SMS and MMS, (6 December 2006). <http://www.textually.org/textually/archives/2010/12/027364.htm>.

means of keeping in touch with their families from the most remote areas of the world.<sup>853</sup> Keeping in touch with families is extremely important when far removed for long periods of time. But UNHCR workers are not the only people so far removed.

Perceiving the refugee as more than one dimensional would bring attention to the fact that being a refugee is just as much about those left behind or lost in the move as it is about the refugee in the camp. Rolling out Skype's test-worthy technologies for UNHCR staff workers is yet another step in integrating technologies that open avenues they may allow refugees to connect with home communities and/or locate relatives. Corporations such as Ericsson and refugee organizations such as Refugees United have joined in partnership with the UNHCR and mobile operator MTN in Uganda to launch a pilot project to trace and reconnect refugees and IDPs (internally Displaced Persons) through the use of cell phones.<sup>854</sup> In that exploration and excitement of new means for communication, the protection of refugees must remain *a priori*.

Opening of technologies for refugees requires investment and as such must be a protected value. For instance, mobile phones have been banned in several refugee camps and the phones confiscated by country officials.<sup>855</sup> The UNCHR has reported an incident involving the Rohingya Refugee Camp, where mobile phones were confiscated. The lack of protection for the refugees in this and other similar incidents are reported as "Gaps in

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<sup>853</sup> This URL will link to the video (4:32 minutes). It provides an informative explanation of the low-bandwidth version of Skype for the UNHCR: operates free-of-charge, software base with a [Blue Wall] firewall, inaccessible by the public version Skype, functions within time limited parameters. Web-2. <http://blogs.skype.com/en/2010/12/unhcr.html>.

<sup>854</sup> Jo Piazza, *A Refugee Social Network: There's an App for That* Tonic: re-defining the online media landscape, (23 September 2010). [www.tonic.com](http://www.tonic.com).

<sup>855</sup> "Mobile Phones Banned in Rohingya Refugee Camp," *Burma News International*, (2010). <http://www.bnionline.net/news/kaladan/9561-mobile-phones-banned-in-rohingya-refugee-camp.html>.



Protection."<sup>856</sup> Cellular phones have memory chips and store information such as names, GPS locations, and messages. Such "gaps in protection" must not be allowed to occur, and aggressive measures must be taken to develop a plan of protection for refugees and their confidentiality.

Ethics calls for attention to the risks for refugees and other vulnerable parties that any new technologies pose. Gaps in communication technology protection can place many people (even communities) in harms way. The addition of Skype and Refugees United internet communications networks make imperative the maintenance of confidentiality and plans to protect information when accessing technologies available to refugees.

It is highly unlikely that the Geneva offices of the UNHCR will be inundated with calls from refugees. The vital human necessity of connecting loved ones through available technologies has become the latest reality in minimizing the geographical divide. Technological advances for communication must be pursued with consideration of the increased vulnerability they pose for refugees and humanitarian workers alike.

### **5.3C. Solidarity: Refugees Join the Discourse**

The protection of refugees now and for future generations demands that the contributions of refugees be recognized, supported, and integrated into the systems already available. Assistance can be provided by a collective solidarity system that remains attuned to differences in cultures and identities, levels of resources and development, and ability to engage with discourses of the familiar and the foreign. An example of one such project

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<sup>856</sup> UNHCR, "Bangladesh: Analysis of Gaps in the Protection of Rohingya Refugees," (2007). [www.unhcr.org](http://www.unhcr.org).

that has met with both opposition and collective support is the *Kakuma News Reflector- A Refugee Free Press*. The *KANERE*,<sup>857</sup> (acronym) is an independent on-line newsletter produced by Ethiopian, Congolese, Ugandan, Rwandan, Somali, Sudanese and Kenyan journalists operating in Kakuma Refugee Camp in northern Kenya.<sup>858</sup> When the first issue of the newsletter was published on the 22<sup>nd</sup> December 2008, it was the first fully independent, refugee-run, news source of its kind to emerge from a refugee camp, and has attracted considerable international attention.<sup>859</sup>

The *KANERE* was preceded by a print news-paper called the *Kakuma News Bulletin* (*KANEBU*, 1993-2005) that had been circulated within the Kakuma refugee camp and local area.<sup>860</sup> Though this earlier publication had received support from the UNHCR, the agency also supervised and re-edited the articles that were published. The *KANEBU* ceased publication in 2005 as the editors and writers were gradually resettled in third countries or expatriated to Sudan.<sup>861</sup> The inspiration for such a publication remained with the younger understudy journalists. Efforts for the resurgence of a refugee newsletter were initiated when internet access made it possible to produce a document without the need for paper, ink, printers, or distribution costs. The estimated minimal

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<sup>857</sup> Web-3. <http://kakuma.wordpress.com/about-kanere>.

<sup>858</sup> The Kakuma refugee camp in Kenya was chosen for its significance for Duquesne University as a member of the Pittsburgh community. Khadra Mohammed of the Pittsburgh Refugee Center and Dr. Suzanne Peterson of Magee Women's Hospital traveled to this Camp in 2006. link to images and information: Web-4. [http://www.pittsburghrefugeecenter.org/refugee\\_camp2.htm](http://www.pittsburghrefugeecenter.org/refugee_camp2.htm).

<sup>859</sup> Kakuma News Reflector, *Report on KANERE's Progress and Challenges* 418, (05 February 2009). <http://pambazuka.org/en/category/comment/53789>.

<sup>860</sup> Editorial, *History of the Kakuma News Bulletin*, (2010). <http://www.pambazuka.org/en/category/comment/53439>.

<sup>861</sup> Editorial, *History of the Kakuma News Bulletin*.

running cost for a web-net site was \$100 USD per month for phone, internet access, scanning capabilities, and camera batteries.<sup>862</sup>

The vision for the news forum was not merely to inform, but also to "counter the monopoly on information enjoyed by humanitarian organizations that largely control access to and information about refugee encampment."<sup>863</sup> Within a month of the internet launch the government district officer had confiscated *KANERE*'s news registration applications demanding the *KANERE* produce a letter of support from the local UNHCR.<sup>864</sup> The news blog went on reporting while attempting to register with the government as a local community-based organization when the report of registration-interference attracted the attention of a small human rights organization. Contacts were made and reports were followed-up with dramatic results. The following month, January 2009, *KANERE* was highlighted at the ICVA Conference (International Visual Communications Association)<sup>865</sup>

The attention of rights organizations raised the public profile which in turn created more resistance from the UNHCR. The situation intensified when an article was submitted to and published in the *Pambazuka News* (internet African Voices for Freedom and Justice) naming UNHCR officials that posed a threat to the survival of *KANERE*

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<sup>862</sup> Paul Currion, *The Refugee Voice* HumanitarianInfo, (02 February 2009). <http://www.humanitarian.info/2009/02/04/the-refugee-voice/>.

<sup>863</sup> Bethany Ojatehto is a US Fulbright scholar and journalist that developed the on-line news blog. Bethany Ojatehto, *Refugee News Reporting Project under Threat* Issue 474, (18 March 2010). <http://www.pambazuka.org/en/category/features/63143>.

<sup>864</sup> Bethany Ojatehto and Boru Qaabata, *Support KANERE for an Independent Refugee Press*, (2009). <http://www.pambazuka.org/en/category/comment/53437>.

<sup>865</sup> The International Visual Communications Association is a European based and is the largest professional body for business and public sector communications. It is not to be confused with the small US based IVCA, which is not an affiliate. Web-5. <http://www.ivca.org/index.html>.

news-blog.<sup>866</sup> The article was released to the *Pambazuka News* from the *KANERE* publishers.<sup>867</sup> The following months were troubled with multiple hostile shut-down attempts by the region's humanitarian agencies;<sup>868</sup> in separate incidents the editor of the *KANERE* had been assaulted, his cameras confiscated, and his home vandalized. In a letter dated 13 August 2009 and addressed on behalf of Kakuma humanitarian agencies and signed by the UNHCR head of Sub-Office Mohamed Qassim stated that:<sup>869</sup>

[the] UNHCR 'cannot support the pure independence' of a free press that receives the support of 'relief funds.'

This letter prompted a meeting between the *KANERE* editor and the UNHCR director of the African Bureau, George Okoth-Obbo. The published report of the meeting stated the newsletter would not receive support from the humanitarian agencies unless they (agencies) were allowed to filter the information that was published. A segment of the published report follows.<sup>870</sup>

It was made clear that humanitarian agencies will only offer support to *KANERE* if they [agencies] are allowed to play a role in the news publications. Discussions with UNHCR officials required 'editing our work' or 'going through the articles' before allowing for publication or distribution.

The *KANERE* survived the disruptions without being subjugated to the opposing forces.

The latest publication was posted February 2011.<sup>871</sup>

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<sup>866</sup> Ojalehto and Qaabata, *Support KANERE for an Independent Refugee Press*.

<sup>867</sup> Kakuma News Reflector, *Report on KANERE's Progress and Challenges*.

<sup>868</sup> Kakuma News Reflector, *Report on KANERE's Progress and Challenges*.

<sup>869</sup> Ojalehto, *Refugee News Reporting Project under Threat*.

<sup>870</sup> Ojalehto, *Refugee News Reporting Project under Threat*.

<sup>871</sup> Web-6. <http://kakuma.wordpress.com/2011/02>.

One may ask where the solidarity can be found. Solidarity may be absent in one location but very much alive in another. KANERE found support in other organizations with the ability and desire to unify in support of publication's efforts. There was a solid response from organizations such as The Humanitarian Futures Programme,<sup>872</sup> The Society for International Development,<sup>873</sup> Humanitarian.Info,<sup>874</sup> and many other human rights activist organizations.

Leading scholars in the field of human rights and refugee law have contributed to *KANERE*'s pages, including Dr. Barbara Harrell-Bond of the Oxford Refugee Studies Centre,<sup>875</sup> Merrill Smith of the U.S. Committee for Refugees and Immigrants,<sup>876</sup> and Dr. Ekeru Aukot, director of the Committee of Experts on the Kenyan Constitution.<sup>877</sup>

The next question may consider why the active solidarity of larger organizations is vital to small local publications, beyond the obvious monetary and exposure a large institution can provide. Paul Currion, a journalist for humanitarian.info, wrote a very nice review about why the *KANERE* is important in its larger context. He writes:<sup>878</sup>

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<sup>872</sup> Short article about Kakuma's KANERE Newsletter. Web-7.  
<http://humanitarianfutures.wordpress.com/2009/02/02/kakuma-refugee-newsletter>.

<sup>873</sup> Web-8. <http://www.sidint.net/the-cognitive-landscape-of-a-refugee-camp-conversation-part-iv>.

<sup>874</sup> Web-9. <http://www.humanitarian.info/2009/02/04/the-refugee-voice>.

<sup>875</sup> B. E. Harrell-Bond, *Speaking for Refugees or Refugees Speaking for Themselves*, Volume 1, Issue 2, (2009). <http://kakuma.wordpress.com/2009/01/31/speaking-for-refugees-or-refugees-speaking-for-themselves/#more-256>.

<sup>876</sup> Merrill Smith, *International Politics and Humanitarian Action*, Boston Globe, (16 July 2009). <http://kakuma.wordpress.com/2009/07/16/859/#more-859>.

<sup>877</sup> Ekeru Aukot, *Do Refugees in Kenya Have the Right to a Free Press?*, Volume 1, Issue 3, (February 2009). <http://kakuma.wordpress.com/2009/02/28/who-believes-in-the-rights-of-immigrants-do-refugees-in-kenya-have-the-right-to-a-free-press/>.

<sup>878</sup> Currion, *The Refugee Voice*.

First, it's accountability in practice; another perspective can pose threat to business as usual for aid organizations.

Second, it is unmediated – exactly the sort of refugee voice that UNHCR won't present at Davos.

Third, it demonstrates how information empowers people – something that we've been talking about for ages but failed to put into practice.

Fourth, extending information rights to beneficiaries – in this case, the residents of Kakuma Refugee Camp – is no longer optional, and this is just the beginnings of the next stage of growth for the aid industry.

Not only has *KANERE* found solidarity with well-known contributors, positive journalistic reviews, and a broad range of organizational heavy-weights, it is now translated into Japanese through the Refugee Empowerment Network's *KANERE* page.

Solidarity in the refugee news-blog was just one specific example of the passion and motivation of refugees to participate; they have valuable voices and skills that have yet to flourish. Experiences differ according to values, cultures, and hopes; who better to tell the stories but the refugees themselves. Local support allowed for a larger presence that was picked-up by yet larger and larger powers.

From a Judeo-Christian perspective, solidarity functioned the way it is supposed to function. It began at the center of need and worked outward in concentric circles.<sup>879</sup> As the circles enlarged, the helping capacity increased, and so did the level of help increase. There was no bright yellow line between the rich and the poor. The small local supporters played just as important a role as the large organizations. Solidarity, in this sense, is not just between those of equal capacity, or like interests. Solidarity crosses

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<sup>879</sup> Developed from reading Crosby. Crosby, *The Selfhood of the Human Person*, p. 84, 106-107, 113, 170.

boundaries. Solidarity is reflective of the sensitivity to other ideologies, other means of defining need, and other means of evaluating risk.<sup>880</sup>

There are many opportunities for humanitarian agencies, particularly the UNHCR to strengthen solidarity with the refugees they assist. The UNHCR is the quintessential meeting place of diversity and internationality. An agency that brings together alternative perspectives, values, faiths, and conceptions of life provides the necessary platform for the development of ethics in such a way that actions and decisions can be meaningfully translated into support for those impacted by the evolving technologies.

Technologies are evolving at such a rate that vigilance and cooperation is required to make meaningful use of them. YouTube, WorldNews Online, MaximsNewsNetwork, ACRIInternational, are just a few online news video sources have Playlists of relief web videos. Refugees have also been able to post their own videos on social network sites. Videos occur within varying degrees of professional to amateurs. Informational videos have been produced about refugee camps direct from disaster areas.

Always, care must be taken to protect the confidentiality and concerns of the agents involved. Aid and assistance is about those assisted (those acted upon) and not on the technology itself or the person or agency acting. Refugees are people escaping persecution. Refugees have families and cared for friends in places that harm can still come to them. Agencies have grasped on to the new territory open to them through internet connections. They must also embrace solidarity and discourse that engages in the give-and-take of dialogue with sensitivity to the inequality of the impact (benefits or harms) that the use of such technology may present.

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<sup>880</sup> Ogletree, *Hospitality to the Stranger*, p. 114-122.

#### 5.4. New Philanthropic Discourse: It's Not Mauss' Gift Anymore

Increasingly, individuals (rather than corporations) are emerging as the primary change agents in the economy and society of the 'New Century.'<sup>881</sup> The newest arm of philanthropic activity is the creation of companies that exist to serve high-profile entrepreneurs in the pursuit of such things as the development of a personal brand and pinpoint philanthropic alliances which will benefit both the charitable organization and enhance (or at least not tarnishing) the high-profile image.<sup>882</sup>

The leveraging of resources is shifting from large corporate philanthropy to high profile individual philanthropists. Oprah, Steven Spielberg, and Bono have already reshaped the philanthropic 'industry.' In the world of high profile media, for example, most every celebrity has some sort of affiliation with a charity. For the average citizen or family, charities offer a means of community involvement, a way to give-back, or even a type of socializing such as volunteering to deliver meals to the elderly. The celebrity affiliations provide celebrities with the same opportunities to give-back and get-involved, but even more, celebrity charitable affiliations have the potential for career enrichment or image enhancement.<sup>883</sup>

Corporate trends have produced a whole new industry: Industry of Philanthropy. Celebrities are the only high-profile clients. The Helixx Group, The Celebrity Source,

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<sup>881</sup> The New Century is a term used in several venues. It is also the title of Paul Rudnick's (2008) book of short plays.

<sup>882</sup> Ilan Kapoor, "Humanitarian Heroes," Paper presented at the annual meeting of the International Studies Association Global Governance: Political Authority in Transition. Le Centre Sheraton Montreal Hotel, Montreal, Quebec: Published on AllAcademic.com, (2011). [http://www.allacademic.com/meta/p501500\\_index.html](http://www.allacademic.com/meta/p501500_index.html).

<sup>883</sup> Kapoor, "Humanitarian Heroes."



and other corporate groups exist to provide services (for a price) to 'high-impact' clientele: "people capable of broad and positive economic and social influence."<sup>884</sup> Such corporations perform within the business model as an alternative to the more common third party 'fund-raiser.' These corporations are not a substitute for the media, or fund-raising pledge drives; and they are certainly not to be overlooked.

It might be asked why these corporations are important to those of us who are not part of such an exclusive group of persons. The new business of philanthropy has already begun to change the discourse about philanthropy in general. New corporate approaches mean new terms added to the philanthropic lexicon. The mission statement of one group states their services provide directions for entrepreneurial investments and leadership regarding the area of "lifework studies" and the "value creation" process.<sup>885</sup> Corporate Social Responsibility (CSR) and corporate philanthropy (CP) have been slowly gaining common ground in the context of 'giving.'<sup>886</sup> According to Michael Porter and Mark Kramer, in their January 2011 *Harvard Business Review* article, companies must recast narrowly defined CSR and CP programs around a proposition for creating 'shared value' – an approach designed to deliver as much value to the company as to society.<sup>887</sup> A discourse of profit-value co-coordinates philanthropy with the consumer base of a corporate product.<sup>888</sup> Reciprocal corporate approaches tie social responsibility to profits

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<sup>884</sup> Information from Helixx Group, LLC site. Web-10. [www.helixxgroup.com](http://www.helixxgroup.com).

<sup>885</sup> Information from Helixx Group, LLC web-site. Web-10.

<sup>886</sup> Kapoor, "Humanitarian Heroes."

<sup>887</sup> Michael Porter and Mark Kramer, *The Big Idea: Creating Shared Value*, (Article with embedded Video 2011). <http://hbr.org/2011/01/the-big-idea-creating-shared-value/ar/1>.

<sup>888</sup> Porter and Kramer, *The Big Idea: Creating Shared Value*.

and are (in theory) intended to sustain corporate philanthropic giving. The more familiar terminology may be 'what is good for business is good for society' or the reverse, "what is good for society is good for business."<sup>889</sup>

This is not an indictment of this new corporate approach to philanthropy. It is a practice that has been evolving as the internet has increased the ability for individuals to investigate, rate, and choose which charities they believe provide the best match for their own priorities in social responsibility. The factual reality is that new discourses introduce different perspectives that will soon blur the meaning of terms such as charitable contributions, corporate investment, and community involvement. The challenge here is to respond to the new business model of philanthropy with a discourse that visualizes the larger picture and avoids the tunnel vision of disinterested and disengaged calculations of worth and worthiness.

The moral concern with the profit-value business model is that other contributions, equally crucial, are at risk of getting lost in the competition for profitable philanthropic 'investments.' These other contributions involve the human ability to step outside of the 'shared value' model and approach global issues from the moral imagination, empathetically or sympathetically attempting to comprehend the lived experience of others.<sup>890</sup>

Cultivating and developing moral perception and human empathy are the antithesis of a model tethered to balancing community and corporate profits. The Judeo-

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<sup>889</sup> Porter and Kramer, *The Big Idea: Creating Shared Value*.

<sup>890</sup> The idea of moral imagination and corporate profits is indebted to a recent reading of Martha Nussbaum, particularly at chapter VI. Martha C. Nussbaum, *Not for Profit: Why Democracy Needs the Humanities*, (Princeton, N.J.: Princeton University Press, 2010), p. 95-120.

Christian tradition provides the conceptual resources for recognizing the value to be found in large and small efforts of philanthropic giving. The language of care and irreducible worth of persons enriches the discourse and expresses the value of the human lived experience (e.g., suffering, need, desire) over a discourse of economic equilibrium.<sup>891</sup> Terms of stewardship, discernment of cause versus profit, and the participation in hope for a better outcome cannot be lost.<sup>892</sup> Failing to do so perpetuates the subjugation of vulnerable others to the interests of the powerful. Lost will be the language of mercy, of compassion, and dignity.

It might be countered that corporate giving within the concept of 'shared value' is reflective of the reciprocal relationship characterized by Mauss. That is to say, there is an obligation to give, and obligation to receive, and obligation to return.<sup>893</sup> Mauss found a relationship between interdependence and the reciprocal trust it sustained. Giving with a deliberate calculation of mathematical certainty of reciprocal returns is static. Removed is any sense of participation that Mauss described in the exchange or compassion and care created by interdependence. The faith response is that giving, caring, and compassion are not measured in the calculated reciprocity of the act. People matter, not in the context of strangers competing for support or aid, but as uniquely important in the context of their lived experience. An ethic of generosity and care cannot be calculated in terms of a balanced reciprocity.

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<sup>891</sup> Crosby, *The Selfhood of the Human Person*, p. 204.

<sup>892</sup> Rosemarie Rizzo Parse, ed., *Hope*, (Sudbury, MA: Jones and Bartlett Publishers, 1999), p. 168.

<sup>893</sup> As presented in Chapter three of this project. See Mauss, *The Gift*.

## 5.5. Depicting Refugees: The Good, the Bad, and the Ugly

The UNCHR and media outlets (either separately or collectively) can play a key role in the "development, maintenance and circulation of discourses that establish hierarchical relationships."<sup>894</sup> Therefore, these same institutionally located discursive forces can be used to challenge or redirect the present discourse on refugees.

The suggestion here is that the aid agency of the UNHCR might reconsider the way in which they represent refugees both to their own agency as well as in the media. As the UNHCR reorients their vision of refugees within their own agency (beginning with their mission statement as suggested above) the readjustment of perception effects the reorienting of the information, images, or portrayals that are made accessible to the media. It is a cascading effect that can work in both directions, internally and externally.

### 5.5A. The Power of Moral Graphics

In her book *Moral Understandings*, Margret Walker addresses what she calls "representational practices that construct socially salient identities for people."<sup>895</sup> Her perspective emphasizes the way in which figures are constructed by the discourses surrounding them. Through the use of what Walker calls "*moral graphics*" she explain the importance they have for social perceptions.<sup>896</sup>

[moral graphics]. . . some depictions are morally dubious or outright malignant, not only because of what is individually shown but because of the power of what is shown in the context of certain practices of representation.

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<sup>894</sup> Mills, *Discourse*, p. 11.

<sup>895</sup> Walker, *Moral Understandings: A Feminist Study in Ethics*, p. 178.

<sup>896</sup> Walker, *Moral Understandings: A Feminist Study in Ethics*, p. 178.

Margaret Walker's observation is relevant across a plethora of domains that graphically represent subjects. Particularly objectionable are those representational practices (e.g., words, metaphors, images) that condition our "morally significant perceptions of and interactions with"<sup>897</sup> those other people. Diana Meyers calls these "culturally normative prejudices" that have become commonplace stereotypic conceptions of social groups "by vivid figurations that turn up in widely disseminated stories and pictures."<sup>898</sup> The images become, as Meyers calls it "culturally entrenched and passed on."<sup>899</sup> Foucault might say these highly recognizable and normalized images have become the unquestioned truth.

By now the images have become familiar and unmistakable: desperate people crossing a dust blown desert with baskets on their heads, children gaunt with large bellies, and cities of collapsible tents. Walker has commented that these type of images "look necessary,"<sup>900</sup> as if any other images of refugees would be less typical. Even verbal definitions of the refugee depend for their application on our being able to recognize or being able *to see* the same rendition across a broad range of social platforms. The culturally entrenched images of refugees are similarly embedded in the collective imagination. No better evidence of this spontaneous recognition can be found than in the Katrina discourse or the recounting of Mr. Barrow at the World Food Programme. This collective imagination has been a significant factor in the knowing of and consequent acting in regard to refugees.

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<sup>897</sup> Walker, *Moral Understandings: A Feminist Study in Ethics*, p. 179.

<sup>898</sup> Walker quoting Meyers. Walker, *Moral Understandings: A Feminist Study in Ethics*, p. 178.

<sup>899</sup> Walker quoting Meyers. Walker, *Moral Understandings: A Feminist Study in Ethics*, p. 178; Diana Meyers, *Subjection and Subjectivity*, (New York: Routledge, 1994), p. 52-53.

<sup>900</sup> Walker, *Moral Understandings: A Feminist Study in Ethics*, p. 178.

Geographically distant, most everything we had come to know about refugees was authored or multi-authored by others.<sup>901</sup> News reports, journal articles, documentaries, and appeals on the national and local level are rarely about refugees outside of the relief umbrella. Few people would readily recognize the fact that Madeline Albright, Henry Kissinger, and Gloria Estefan were at one time refugees.<sup>902</sup> Education, sophistication, employment, hard work, and even beauty are words that trail behind a long list of problematic descriptives, metaphors, and images.<sup>903</sup>

There is a portrayal of refugees (images in particular) that has been deposited over decades of learning about refugees. Martha Minow calls attention to the questions of 'why' and 'who' have devised the particular renditions that uniformly dominate our perception and imagination of refugees.<sup>904</sup> Martha Minow cites a commentary by Albert Einstein about the stereotypic categories that act as mental images; they might easily resonate with Foucault.<sup>905</sup>

Our internal, mental representations of the world become the world. We act as if this world were real, external to ourselves. The stereotypical categories that we use are rarely without some point of tangency with reality (biological, social, medical), but their interpretation is colored by the ideology that motivates us.

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<sup>901</sup> Harrell-Bond, "Can Humanitarian Work," p. 556.

<sup>902</sup> Henry Kissinger fled Nazi persecution, 1938 moved to New York; Madeline Albright's father had been the Czechoslovak Ambassador to communist Yugoslavia, in 1948 she came to the US by way of London to flee the Soviets; Gloria Estefan's father was a Cuban soldier and bodyguard to Cuban dictator Batista.

<sup>903</sup> Marfleet, "Refugees and History," p. 142.

<sup>904</sup> Martha Minow, *Making All the Difference: Inclusion, Exclusion, and American Law*, (Ithaca, New York: Cornell University Press, 1990), p. 179.

<sup>905</sup> Martha Minow citing Albert Einstein as cited by Sander Gilman (1985) Minow, *Making All the Difference*, p. 179.

Einstein appears to be in agreement that normalizing dominant discourses render the world visible to us. Foucault has cautioned that the unquestioned truths about the world are developed and reinforced by these normalizing discourses.<sup>906</sup>

In response to Martha Minow's questions of why and who devise the renditions that dominate our perception and imagination, the main vehicle for the depiction of refugees has been the media.<sup>907</sup> The speaking position of the media as informant and voice of the refugee compounded with their added ability to choose the images that frame the refugee 'proto-type' has resulted in an embedded concept of who and what a refugee is.

### **5.5B. Reading Images**

Foucault's rich meaning of discourse can be seen to encompass the competing forces of mass media including the areas of imagery and non-verbal communication, where topics are googled instead of waiting for them to be presented on the proverbial platter. English and Silvester emphasize the relationship between text and image in their book *Reading Images and Seeing Words*.<sup>908</sup> 'Reading images' is the expression these two authors apply to the use of imagery in conjunction with the 'nonverbal' to communicate a value, an instruction, an event, or a concept.<sup>909</sup>

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<sup>906</sup> Mills, *Michel Foucault*, p. 82.

<sup>907</sup> Terence Wright, "Moving Images: The Media Representation of Refugees," *Visual Studies* 17, no. 1 (2002), p. 54.

<sup>908</sup> Alan English and Rosalind Silvester, eds., *Reading Images and Seeing Words*, (Amsterdam & New York: Rodopi, 2004).

<sup>909</sup> English and Silvester, eds., *Reading Images and Seeing Words*, p. 10-11.

"There is a long tradition of considering painting as the illustration of a pre-existing text."<sup>910</sup> Researchers have found this to be an aspect of education and graphic art worthy of investigation. Neil Schwartz and colleagues have published their studies on the influence of graphics or images when they are used as a metaphorical depiction of a theme.<sup>911</sup> It was consistently found that metaphorical graphics or images "drive what people remember and reconstruct later as the underlying message."<sup>912</sup>

When graphics or images are metaphorical depictions of the theme of a text, the graphics drive what people remember about what they have read.

Over time, people do not remember what they read, but they remember the graphics.

People use the graphs or images to reconstruct the underlying message of a text, making graphics and images very powerful in what they remember.<sup>913</sup>

The well respected refugee advocate Barbara Harrell-Bond has explained that Humanitarian agencies are in a "straitjacket with little else than human misery upon which to base their appeals."<sup>914</sup> With this constraint in mind Dr. Harrell-Bond admonishes that "agencies vary in the degree of dignity with which they transmit images of refugees, but all rely on a public which will respond to media portrayals of extreme

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<sup>910</sup> English and Silvester, eds., *Reading Images and Seeing Words*, p. 1.

<sup>911</sup> The most recent publication also has an extensive bibliography for further interest. Neil Schwartz and Michael Stroud, "Summoning Prior Knowledge through Metaphorical Graphics," *The Journal of Educational Research* 103, (2010).

<sup>912</sup> Neil Schwartz, "Research on Text and Graphics," (2008), slide#20-conclusion. [www.csuchico.edu/~nschwartz/Research%20on%20Text%20and%20Graphics.pptx](http://www.csuchico.edu/~nschwartz/Research%20on%20Text%20and%20Graphics.pptx).

<sup>913</sup> All three conclusion statements are posted in a power-point presentation easily available on the internet. Schwartz, "Research on Text and Graphics," slide-#20-final slide.

<sup>914</sup> Harrell-Bond, "Humanitarianism in a Straitjacket," p. 3.



human suffering and starvation."<sup>915</sup> Consequently, and not surprisingly, agency-produced graphic renditions of refugees match the public perceptions of refugees and *visa versa*.

### **5.5C. The Good: Annual World Refugee Day**

The most authoritative source of information and representation of refugees would be the agency that defines *refugee*, grants refugee status, and co-ordinates most all efforts to assist refugees. That agency is the UNHCR. The UNHCR has annual campaigns for funding the agencies activities.<sup>916</sup> They also produce posters (intermittently and annually) that show-off the images that, as an organization, they have agreed may best convey their message. At the same time, news agencies are primarily concerned with the latest events as they are unfolding. In order to meet the objective of 'authoritative reporting' news organizations have become increasingly dependent on humanitarian agencies for information and images that will provide their audiences with current, relevant, and engaging stories.<sup>917</sup>

Presenting refugees to the world as more than just needy people began to gain velocity when the energies of both the UNHCR and the media were joined with the creation of the World Refugee Day. World Refugee Day is day set aside to raise awareness of the plight of refugees around the world. It was proclaimed through a

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<sup>915</sup> Harrell-Bond, "Experience of Refugees as Recipients," p. 10; Harrell-Bond, "Humanitarianism in a Straightjacket," p. 4.

<sup>916</sup> UNHCR is almost entirely funded by direct, voluntary contributions - the bulk from donor nations, a small annual subsidy from United Nations for administrative costs. UNHCR website: Web-11. [www.unhcr.org](http://www.unhcr.org). "Fund-Raising."

<sup>917</sup> Robinson, "The Policy-Media Interaction Model: Measuring Media Power During Humanitarian Crisis," p. 622.

resolution in the United Nations General Assembly on December 4, 2000, with the first World Refugee Day being on June 20, 2001. June 20 was chosen because most countries in Africa already observed Africa Refugee Day on that date each year.<sup>918</sup>



Figure 5.3. UNHCR World Refugee Day posters<sup>919</sup>

The annual Refugee Day poster campaign is a major event for the UNHCR to make more visible the work of the UNHCR and the faces of refugees. The annual poster campaigns energized artists and photographers that might not have entered into the discourse. New eyes and new photographic lenses brought a fresh perspective to the depictions of the refugees. The posters became works of art in their own right.<sup>920</sup> Along with free downloads of the poster images, the UNHCR began selling the posters to an

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<sup>918</sup> Web-11.

<sup>919</sup> Web-11.

<sup>920</sup> Ken Johnson, *Poster Popularity and Refugee Relief*, on-line, (2006). [www.nytimes.com/archives\\_and\\_records](http://www.nytimes.com/archives_and_records).

increasingly interested public.<sup>921</sup> The number of posters printed and the distribution to venues expanded immensely.

A transformation was taking place. Centering on a theme for each annual poster series energized other organizations as well as the UNHCR. The images honored the lives of refugees and began to 'unfreeze' the discourse, as Lewin might say.<sup>922</sup> One year it was Hope, another year the theme was Courage, and in 2010 it was Home. As a tribute to the UNHCR, the poster series have come a long way from the depictions of refugees over a decade ago. Campaigns have been co-ordinated with other activities such as exhibits, film-festivals, cultural art events, and other well attended events in major cities around the world

The newer posters convey the sense of a new dialogue about refugees. No longer are the images of forlorn children and queues of people with empty containers. The children are smiling and playing as children often do. Young women are depicted as the lovely young women they are, active and involved in every aspect of community life. Some of the more memorable posters are presented here. These poster images are not important because they are colorful, or artistic, or take up space. They are presented here because they *are* the discourse about refugees in this increasingly abbreviated and visual society. They are respectful, dignified, productive, and compelling depictions of people that are not posed for the camera because of their pity generating power.<sup>923</sup>

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<sup>921</sup> Johnson, *Poster Popularity and Refugee Relief*.

<sup>922</sup> Lewin, *Resolving Social Conflicts: And, Field Theory in Social Science*, p. 330.

<sup>923</sup> Susan D. Moeller, *Compassion Fatigue*, (New York: Routledge Press, 1999), p. 87, 112, 213.



Figure 5.4. UNHCR World Refugee Day posters. "Refugees want the same problems you have."<sup>924</sup>

At times it can be debated if celebrity association with a philanthropic organization is beneficial to anyone other than the celebrity image. Goodwill ambassadors have become the accepted public face of many NGOs, particularly those in the UN system. But the UNHCR's selection, recruitment, and deployment of Angelina Jolie has proven to be quite successful. Originally there was concern that Ms. Jolie would be a distraction rather than a messenger.<sup>925</sup> Ms. Jolie, however, has proven to be vocal, articulate and passionate as an ambassador for refugees who hugely enhances the

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<sup>924</sup> Web-11.

<sup>925</sup> Johnson, *Poster Popularity and Refugee Relief*.

profile of UNHCR's work and reflects the compassion and respect worthy of the any person, but particularly in the vulnerable image of the refugee.

This is the refugee discourse of the 21<sup>st</sup> Century. The new heroes are celebrities and the ability to read images is the new literacy. Discourse is not static. The distinctions and messages once conveyed by words alone have taken a back-seat to metaphorical graphics and glossy posters. Refugees are not static either; the situations they encounter are in a constant state of evolution. Technology allows for expanded human connections, it is imperative that the discourse about refugees and vulnerable people maintain their social presence within the evolving landscape of communications.

#### **5.5D. The Bad: The Visual Catalogue**

This increasingly dependent relationship between news agencies and humanitarian agencies provides the opportunity and the power to influence public perceptions.<sup>926</sup> In an attempt to reconcile the geographic and experiential gap between refugees, the media, and its audience, the UNHCR established a *visual catalog* to communicate the diversity of refugee experiences and the complexity of refugee issues.<sup>927</sup> Accompanying the very moving images were the stories of struggle and courage among people of diverse age groups, gender, nationalities, and religions. The *visual catalog* was a brilliant idea in response to the changing challenges of the new media platforms. Internet access and accompanying images update the approach and expand the potential audience. This

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<sup>926</sup> Hennie Schoemaker and Marita Vos, *Monitoring Public Perception of Organizations*, (Hoofddorp, The Netherlands: Stichting Reprorecht, 2006), p. 45.

<sup>927</sup> The visual catalog at the web site has been discontinued. Alternative see: The UNHCR website under News and Views as Photo Galleries.

*visual catalog* platform has the potential to give some permanency to refugee issues as opposed to the sporadic crescendo of mass media.

The UNHCR has been consistent in their belief that behind the variety of refugee experiences there remains a common universal identity.<sup>928</sup> This message of the universal refugee was to be conveyed by the opening image to the *visual catalog*. The image was of an empty long-sleeved shirt hanging in front of what appears to be a make-shift shelter, there was no refugee.

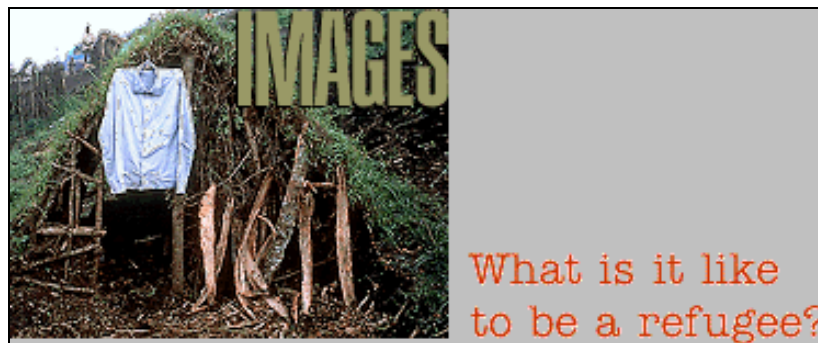


Figure 5.5. UNHCR Visual catalog.

The significance of this single image qualifies the explanation that follows. The actual *visual catalog* was a wonderful collection of colorful, diverse, and hope-filled images of refugees. It was difficult to understand the reason that UNHCR chose this particular image. The lack of a human being in the opening image, the emptiness of the shirt, and the dark opening of a make-shift shelter were the elements of a metaphorical graphic that conveyed little about the refugee as a person. Martha Minow called our attention earlier in the asking the questions 'why' and 'who' have devised the particular renditions that uniformly dominate our perception and imagination. It is worthy to ask

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<sup>928</sup> Malkki, "Speechless Emissaries."; Zetter, "A Label and an Agenda."

those questions in search for the meaning that the opening image was hoping to convey about refugees. There was no explanatory text, only the question.

Without an accompanying explanation, it appears that a refugee is no one or anyone. There is no face, no refugee commentary, and nothing but an empty shirt to communicate the 'human'-being that is a refugee. Several questions come to mind when initially presented with this solitary image:

Is the shirt hanging out to dry in front of a refugee's shelter?

Has the shirt been left behind?

Is the refugee likely to be alone? Are refugees not in large gatherings?

And (at the risk of sounding foolish) do refugees have clean pressed shirts and hangers for them?

What about this image would beckon me to look further?

The viewer of the empty shirt image is left to ponder the emptiness of the message. Such an empty picture builds on the present unquestioned truths that refugees are voiceless or speechless. In the case at hand, the UNHCR, consciously or unconsciously, perpetuated the 'nothingness' of the refugee thinking it quite adequate for signifying the emptiness that all refugees feel.<sup>929</sup>

Not unlike the empty shirt and empty dwelling, refugees are often portrayed as suffering from emptiness: empty cups, empty eyes, and devoid of work. Even the United Nations High Commissioner for Refugees, Sadako Ogata, represented refugee life as empty in an article published in the UNHCR publication *Refugees*.<sup>930</sup>

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<sup>929</sup> This is the author's own supposition.

<sup>930</sup> Soguk quoting Sadako Ogata from 1993 article titled "Ethnic conflict and Refugees". Soguk, *States and Strangers*, p. 9.

A refugee's life is desperately simple, and empty, No home, no work, no decisions to take today. And none to take tomorrow. Or the next day. Refugees are the victims of persecution and violence. Most hope that, one day, they may be able to rebuild their lives in a sympathetic environment. To exist again in more than name.

The empty shirt image is reflective of Madam Ogata's proclamation, that refugee can exist "in more than just a name" only before or after being a refugee. The discourse lacks the attunement to the person existing as a whole being at every point of the continuum of life. There is no sense of the refugee as being a person with a family, a childhood, a memory, a voice, or a face. Levinas has a particular way of expressing the uniqueness and humanity of the Other in referring to the Face-of-the-Other.<sup>931</sup>

I do not *perceive* the other human being as I perceive any other objects in the world which I can describe and to which I can attribute certain characteristics, including moral characteristics. "The epiphany of the face is ethical"(rather than real).

The empty shirt image offers no person to which one can attribute any characteristics. Levinas' concept of the 'face-of-the-other' calls for a discourse that recognizes the uniqueness of the Other; another human being different and separate from our self. The unsettling emptiness in the empty shirt poster is brought into focus when considering that there is no participant in the lived experience that can present a valid claim on us. To whom are called to respond? Paul Ricoeur also expresses the ethical relationship with the other, but relates it to the passivity inflicted by the suffering.<sup>932</sup>

Suffering is not defined solely by physical pain, nor even by mental pain, but by the reduction, even the destruction of the capacity for

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<sup>931</sup> Welie quoting Levinas. Jos Welie, "Towards an Ethics of Immediacy," *Medicine, Health Care and Philosophy* 2, (1999), p. 13.

<sup>932</sup> Paul Ricoeur, *Oneself as Another*, trans. Blamey, Reissue edition ed., (Chicago: University Of Chicago Press, 1995), p. 190.



acting, of being-able-to-act, experienced as a violation of self-integrity.

The empty shirt may be a means of indicating this isolation and reduced capacity to act. It is not clear. What is clear is that refugees exist as more than just a label that empties them and makes them invisible. An empty shirt is devoid of the central experience of the life of a human being. Instead, it seems to secure the reduction of the refugee to invisibility. Invisibility has no identity, is incommunicable, and has no capacity to act.<sup>933</sup>

The refugee is not a one dimensional label behind which the human being disappears. The discourse of imagery must indicate the total agency of the person and the refugee if there is any hope of his or her voice to be heard or passion to be felt. That agency can be reflected in the face; and the face is essential for there to be a voice.

#### **5.5E. The Ugly: Pulitzer Prize Winner of 1994**

The empty shirt image, devoid of a person or a face, seemed to be as empty an image as could be described. Yet, there is another image of a refugee that, even with a human being in the image, that reflects the pain of the destruction of the capacity for acting that Paul Ricoeur expresses.

The haunting photo of a vulture stalking an emaciated Sudanese girl who had collapsed on her way to a feeding station won photographer Kevin Carter a Pulitzer Prize in 1994. The story behind the disturbing photo can be found in any number of publications. The story is recounted here as written in African History Guide available on-line.<sup>934</sup>

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<sup>933</sup> In reference to Ricoeur. Ricoeur, *Oneself as Another*, p. 187.

<sup>934</sup> Alistair Boddy-Evans, "The Journalist, the Vulture, and the Child," *African History Guide*, (2006). <http://iconicphotos.wordpress.com/2009/08/12/vulture-stalking-a-child/>.

Carter became well-known for upholding his "journalistic principle" of being an observer and not getting involved -- he left after taking his photo and neither he, nor the New York Times, which first published the photo on 26 March 1993, knew what happened to this child. Kevin was criticized for spending over 20 minutes setting up the photo instead of helping the child. A few months later after collecting his Pulitzer, Carter committed suicide, the violence he'd encountered in his life as a journalist, especially in South Africa, becoming too much to live with.

The image is difficult to look at. That it was awarded such a prestigious award is even more troubling, particularly because there was no intervention of behalf of the child. The level of disengagement necessary to wait twenty minutes for the optimal picture is almost inconceivable. It seems to reinforce the sentiment that the refugee is a label and not human beings. Because the identity of the child was not known, it is often said that 'it could have been any child' which is a response that has become rather typical for overall disengagement and humanness.



Figure 5.6. Pulitzer-Prize winning photograph. Kevin Carter 1994

The image cannot be changed, but the discourse about the image can. The child depicted was not 'just any child'; she was female, African, Sudanese, starving, fetal in posture, and experiencing her short life in a way unimaginable to us. In the same vein, the vulture was not just any vulture, it was this vulture. There is no answer for the

questions that must be asked, the photographer died along with those answers. The discourse, however, will continue as long as the image is viewed.

## 5.6. The Teaching Tools: What Were We Teaching?

The topic of refugees is closely related to peace education, conflict resolution, women's rights and the philosophy of difference. Teaching about these issues is an area of refugee discourse that has not yet been mentioned. Teaching a formative part of the discourse and deserves special attention: the educational supportive themes.

A poster series produced by the UNHCR in 1998 as an educational series made available to teachers of elementary, middle school, and secondary school age children was reintroduced in 2008. These teaching tool posters gave new meaning to Martha Nussbaum's comments that "a perceptive outsider may sometimes see what a person immersed in an experience fails to see."<sup>935</sup> Evaluating these posters can reveal how invisible and unquestioned the perceptions of refugees were little more than a decade ago were. The tools used to teach about the inclusion of refugees actually taught the exact opposite.

This poster series presents difference a dividing line; difference is something that is sought out or spotted. Tolerance of difference or the celebration of difference is not the ultimate goal of education.<sup>936</sup> Learning is part of teaching; it is the critical re-examination of difference, a re-examination of our own systems of thinking about differences and what they mean for ourselves, for others, and the legacy that is left for

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<sup>935</sup> Nussbaum, *Cultivating Humanity: A Classical Defense of Reform in Liberal Education*, p. 111.

<sup>936</sup> R Hutchins, *The Higher Learning in America*, 3rd ed., (Chicago: University Of Chicago Press, 1976), p. 43.

future generations.<sup>937</sup> Education is not simply about the continued repetition of the same information of system or beliefs from one generation to another. Re-evaluation and re-interpretation is a process that ought to be the valued companion that accompanies a moral understanding of life as a lived experience.<sup>938</sup>

### **5.6A. Spot the Refugee Poster Series**

Margaret Walker has made use of several scholars in writing her book on Moral Understandings. One such author is Stanley Cavell. Walker quotes Cavell as he explains the problem of normalcy and the blindness by which we can be fooled.<sup>939</sup>

Part of the interest in recognizing how the body pictures the soul is that the block to my vision of the other is not the other's body but my incapacity or unwillingness to interpret or judge it correctly, to draw the right connection. I suffer a kind of blindness of a kind of illiteracy.

The significance of Stanley Cavell's observation is much the same as Thomas Payne's quoted earlier. The tendency to focus on the message intended often times blinds us to the fact that it is that very unwanted message that is re-enforced.

In 2008 the UNHCR website reissued a previous poster campaign of 1998 to mark the 50th Anniversary of the Universal Declaration of Human Rights together with a teacher's guide for using the posters in a classroom.<sup>940</sup> There are four posters in the campaign entitled: Spot the Refugee; What's wrong here?; What's the Difference?; and how does it

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<sup>937</sup> Nussbaum, *Not for Profit: Why Democracy Needs the Humanities*, p. 51.

<sup>938</sup> The development of these views on education between generations is indebted to the reading of Robert Maynard Hutchins. Hutchins, *The Higher Learning in America*.

<sup>939</sup> Walker quoting Stanley Cavell 1979 in, Walker, *Moral Understandings: A Feminist Study in Ethics*, p. 192.

<sup>940</sup> These posters are still available Web-12. <http://www.unhcr.org.au/pdfs/140603LegoA2Posters.pdf>. or Web-11.query "lego poster".

Feel? (Figure 5.7 and Figure 5.8) The interpretation of each of these posters depends on our own frame of reference and lived experiences.<sup>941</sup>

The unquestioned truths that had become normalized in the discursive lexicon of the 1990s prevent the interpretation of texts or images of these posters from what Stuart Hall might call the "ideal reader."<sup>942</sup> The 'ideal reader' is a position outside of the presuppositions that "bring together the imagination of the reader and the expectations of the text."<sup>943</sup> However, it is difficult to step outside of text or message that we have not disagreed with in the past.<sup>944</sup>

The *Spot the refugee* poster is an example of the way refugees are constructed in discourse. *Spot-the-refugee* is an obvious command. The command is printed in large bold letters so that it is quite compelling to attempt. Once someone begins to search the poster, they are acting from a position that already believes that a refugee can be visibly different.<sup>945</sup>

If, instead, one reads further, the text identifies the refugee as in the *Fourth row, second from the left; the one with the moustache*. The text further identifies the Leggo type figure as an *unsavoury character* who could just as well be a *neighborhood slob*. This is a very unpleasant rendering to start the pictorial discourse that has already

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<sup>941</sup> Hillary Janks speaks of the literacy implications of images and posters. Hilary Janks, *Literacy and Power*, (New York: Routledge, 2009).

<sup>942</sup> Stuart Hall, "Encoding/Decoding," in *Culture, Language, Media*, ed. Hall, (London: Hutchinson Press, 1980), p. 214; Stuart Hall, David Morley, et al, "The Formation of a Diasporic Intellectual: An Interview with Stuart Hall," in *Stuart Hall: Critical Dialogues in Cultural Studies*, (New York: Routledge, 1996).

<sup>943</sup> Hall, Morley, et al, "The Formation of a Diasporic Intellectual: An Interview with Stuart Hall," p. 492.

<sup>944</sup> Hall, Morley, et al, "The Formation of a Diasporic Intellectual: An Interview with Stuart Hall."

<sup>945</sup> UNHCR Poster, *Spot the Refugee*, (1998). <http://www.unhcr.org/4a5466e92.html>.

confirmed what so many other images and xenophobic representations have previously conditioned us to believe. The text does go on to explain that the refugee could *just as easily be a clean-cut fellow, just like you and me.*

The poster or the UNHCR, that is the narrator, quickly dispels the suggestion of there being a likeness of the refugee to *you and me* by adding an exception. The most disconcerting statement then follows: *They have nothing and nothing is all they will ever have.* The poster then goes on to include the reader and exclude the refugee: *unless we all help.*

First, it must be reminded that the posters are a re-issue from 1998. The message of the *Spot the difference* poster is not far from the sentiments that the Reverend Al Sharpton voiced in the Katrina discourse discussed earlier, that "refugees are wandering somewhere looking for charity."<sup>946</sup> The refugee in the poster "has nothing, and will never have anything unless we help." Refugees are represented as having no agency and no voice; the figures look out from the poster waiting to be 'spotted.' The message is hardly a mixed one because it presupposes that there is a difference that one can spot. . . a refugee can look like an *unsavoury character* or like the *neighborhood slob* . . . *refugees are like me EXCEPT* they are not.

There is a slight difference in each of the three remaining posters. The "*What is the difference?*" poster is likely the most objectionable. In this poster all of the images are identical and all but two represent refugees. The narrative calls for the child to read all the nasty names that can refer to refugees: *parasite, criminal, foreign trash, pig, troublemaker, vermin, slacker* and so forth. The last two characters (leggo people) are

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<sup>946</sup> Dominick, "Racism."

identified as an attempt to say that the refugee is like you and me, but it will contradict that later by reiterating the refrain: *except that refugees have nothing*.

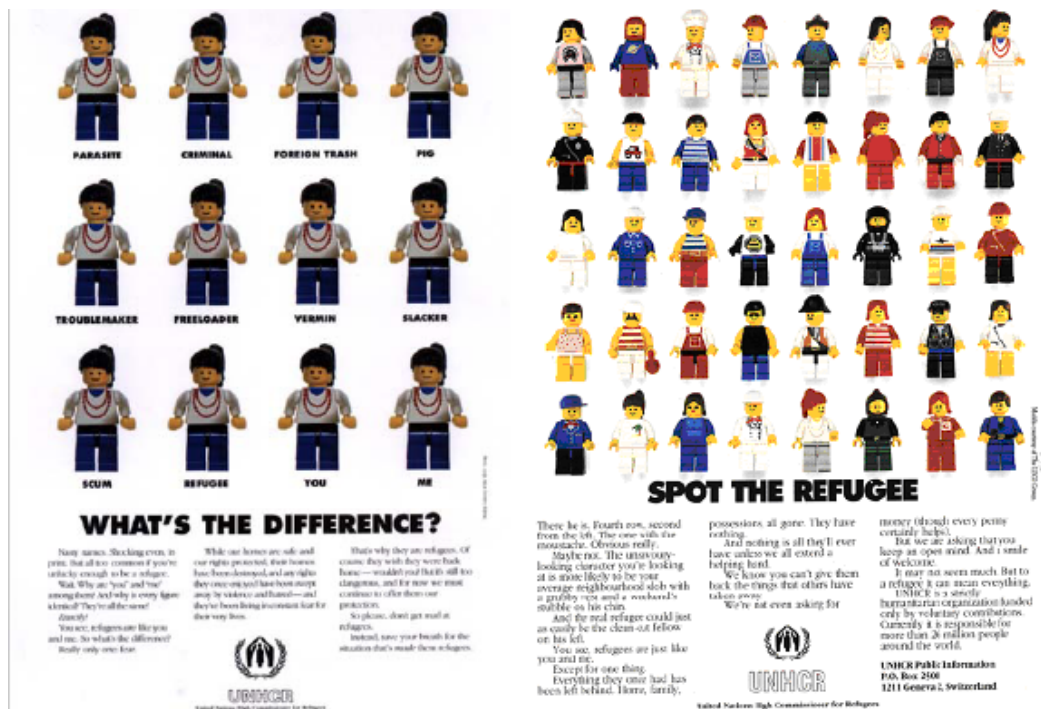


Figure 5.7. UNHCR teaching posters 1998, reissued 2008. Images used with permission from the UNHCR with acknowledgment to the Betterman Archive.

The text continues the hope that the reader will imagine what refugees might feel and how they (the reader) would feel if placed in a similar situation. For the first time the text introduces an historical context for persons becoming refugee. Concrete situations are narrated so as to engage the reader's imagination: "danger of living in fear." These are emotions that children of school age can identify with as well. (Remember these posters were designed for first and second level school children)

In the end the viewer of the poster is told how they ought to feel and directs attention away from the refugee and toward the larger social powers. *So don't get mad at refugees. Instead, save your breath for the situation that made them refugees.* This last statement may be the most meaningful of all the posters. The refugee is no longer the



Figure 5.8. UNHCR teaching posters 1998, reissued 2008.

'subject' nor is there a pre-occupation with the establishing the standard norm of 'you and me.' Attention is shifted to larger social issues and a call to act in response to those forces.

There are two other posters in this series. *What is wrong here?* poster does not allow the reader to pass over the difference between the refugee and the other figures. This poster depicts the refugee as having nothing to work with as well as reinforcing the fact that they 'have nothing and never will.' The fourth poster *How does it feel?* repeat the same inferences as the other three posters. In this fourth poster it might be important to note that all of the people (leggo people) have their backs to the isolated person (refugee). The feeling generated in the viewer is of a much more intense rejection. The others do not simply go on about their movements and ignore the refugee; there is a deliberate action of turning their backs on the refugee.



The overall effect of these posters is that the depictions fundamentally devalue the knowledge, skills, cultural values, or contributions that refugees may have to offer. The emphasis is placed on what refugees lack along with an unnecessary emphasis on material possession. Thomas Payne has often been quoted as saying:

A long habit of not thinking a thing wrong gives it the superficial appearance of being right -- Thomas Paine, *Common Sense*, 1776.

A transformation has already taken place in the mainstream dominant discourse on refugees. These posters were fairly typical of the discourse that was prominent in the 1990s years. The teachings of these posters were representative of the norm, and give some insight as to how the collective memory of refugees can be generational. Children in those first level school years are now the age of the religious leaders, senators, and congressional representatives that make decisions on nation-state directives and donations for refugee situations.

### 5.7. New Generation of Refugee Discourses

Technological advancements have been previously addressed in relation to communicative practices. Soon we will have a generation that will not be able to image talking to someone without seeing them. Along with all the technology comes a responsibility and risk. It is imperative to understand the ways that technology can be used to help, hinder, or harm persons and communities. There is an obligation to maintain a robust attentiveness to the technologies that passively teach. Robert Hutchins had very specific ideals for the appreciation and accommodation of the inherent diversity in different moral, intellectual and spiritual paradigms.<sup>947</sup>

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<sup>947</sup> Hutchins, *The Higher Learning in America*, p. 72.

[c]ivilization can be saved only by a moral, intellectual and spiritual revolution to match the scientific, technological and economic revolution in which we are living. If education contributes to that then it offers a real hope of salvation to suffering humanity everywhere. If it cannot, or will not ... then it is irrelevant, and its fate is immaterial.

The commitment to help cultivate integrated and diverse learning in the face of the new technologies is difficult but doable. The largest obstacle for teaching is that much of the new technologies allow for the discourse to be engaged in solitude. By that is meant, passive learning in front of a computer offers little human interaction beyond the screen activities. This next section will explain what is meant by the passive learning technologies which can help, hinder, or harm beyond the narrow concept of 'consumer of information.'

### **5.7A. Refugees United and the Live Dashboard**

The media can draw people together in a common effort or divide loyalties. The outcome of media technology is that it can extend the presence of a person into situations that might otherwise be inconceivable or impossible. The power of new technologies cannot be overlooked in any discourse on refugees.

The visual image is the new discursive arena. Any sense of time or distance has gradually been diminished or drastically altered. The entire evolution of a disaster or a political revolution is allotted a measurable amount of time and a succession of images before the next story pushes it to the side. Michael Ignatieff has commented on the "brief, intense gaze" with a "brutally short shelf life."<sup>948</sup> The internet has now shortened the shelf-life even further with topic specific news blogs and streaming images.

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<sup>948</sup> Michael Ignatieff, "Is Nothing Sacred? The Ethics of Television," in *The Warrior's Honor*, ed. Ignatieff, (New York: Henry Holt and Co., 1998), p. 11.

Media technologies produce information faster and disperse it nearly instantaneously. We filter in or out those words, images, or sounds that peak our interest and grab our attention. It is called *streaming* information and it flows from everywhere about everything simultaneously.<sup>949</sup> The time constraints and the lack of attention span of the consuming public means that information must be delivered quickly, clearly, and compellingly. Colorful and attention grabbing images succeed even if for just a moment. Michael Ignatieff has said, "The entire script content of the CBS nightly half-hour news would fit on three-quarters of the front page of the *New York Times*."<sup>950</sup>

The expansion of media access to network websites, news blogs, and *youtube* videos has increased exposure and choices of news sources, but has done little to decrease the compression of information.<sup>951</sup> Much of our knowledge of the world has been derived from this content compressed information for decades. This has rendered whole generations to rely on pictures for their information, often referred to as the 'visual culture.'<sup>952</sup>

What this all means is that the discourse for and about refugees has the potential to shatter present held perceptions. Refugees United opened a website that is partially up and running (yet not fully integrated). When fully functional the website (when fully rolled-out) will allow an individual (anywhere in the world) to engage an interactive map

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<sup>949</sup> Robinson, "The Policy-Media Interaction Model: Measuring Media Power During Humanitarian Crisis," p. 613.

<sup>950</sup> Ignatieff, "Is Nothing Sacred? The Ethics of Television," p. 26.

<sup>951</sup> Wright, "Moving Images: The Media Representation of Refugees," p. 59.

<sup>952</sup> "To fasten words again to visible things" a two day conference 18th-19<sup>th</sup> June 2011 by the American Studies Department of the University of East Anglia, UK

linking aid activities in any number of camps in Africa and South West Asia by a simple log-in on the Live Dashboard<sup>953</sup> The social network sites can connect people across the globe with information about refugees that is not filtered through the UNHCR, political rhetoric, or the self-interest of media departments.

Both the UNHCR and the media have an opportunity to make these websites known and easily accessible. New technologies with access to refugee populations present new ways for the UNHCR and the world to alter the perceptions of refugees that presently inform the dominant discourse.

As the impact of the visual discourse amplifies so too does the caution and awareness with which we must generate and sustain that discourse. Just as the historical discourse on refugees has had a negative impact on perceptions about refugees, so too can the present discourse have an impact on the future perceptions of refugees. What we do, say, and represent in images will have an even greater impact than ever before possible.

### **5.7B. Video Games: Playing at Being a Refugee**

Teaching practices have come along way since the *Spot the Refugee* posters, but people are still educated in the same ways: informally (as part of daily life); non-formally (outside of formal schools, but within the organized mechanisms of community); and formally (per institutional systems). The new learning/teaching tool is the video game. The general principles of the television are repeated with internet environments with a broader range of selection and available venues. There are more video games to play that

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<sup>953</sup> Web-13. <http://live.refunite.org>.

create the virtual refugee camp than one can imagine. The question is whether playing a video game about refugee camps is more akin to the *Spot the Refugee* posters.

A few refugee games function on a desktop computer as simple maneuver games with a simple theme. The a-game-dot-com site<sup>954</sup> offers fourteen such games to play. The *Roblox: novogratia refugee camp* game site provides the player with a the virtual experience of escaping a refugee camp.<sup>955</sup> None of these particular games have a non-formal or formal teaching forum. One must again wonder what the message is if escape from a refugee camp is reduced to the level of a video game entertainment.<sup>956</sup>

There are more sophisticated desktop computer video games of refugees. One such game is called *Against All Odds: The Game Which Lets Your Experience What it is Like to be a Refugee*.<sup>957</sup> It is described by the UNHCR as a "new educational tool." This extraordinary video game is a simulation game designed to create a "better understanding of the scenarios faced by refugee."<sup>958</sup> It also has been award the Austrian Award for Interactive Computer Games in 2006. The scenarios do become a bit graphic so that an age warning is posted at the onset of the game. The description in the media is that the on-line game is aimed at turning school-children into persecuted refugees.<sup>959</sup>

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<sup>954</sup> Web-14. [www.agamecom.net/keyword/darfur-refugee-camp](http://www.agamecom.net/keyword/darfur-refugee-camp).

<sup>955</sup> *Roblox: Novogratia Refugee Camp*, [Interactive-Video Game] (rated scary), Devonkeogh, (2009). <http://www.roblox.com/Novogratia-Refugee-Camp-item?id=8705996>.

<sup>956</sup> Cline asks this question and offers no predictable answer. Mychilo Stephenson Cline, *Power, Madness, & Immortality: The Future of Virtual Reality*, (New York: University Village Press, 2005), p. 232.

<sup>957</sup> "Against All Odds: The Game Which Lets Your Experience What It Is Like to Be a Refugee," (UNHCR, 2006). <http://www.playagainstallodds.com> or [www.LastExitFlucht.org](http://www.LastExitFlucht.org).

<sup>958</sup> This information taken from the website. Web-15. [www.LastExitFlucht.org](http://www.LastExitFlucht.org).

<sup>959</sup> Web-16. <http://www.unhcr.org/cgi-bin/texis/vtx/newsitem?id=4731b5064>.

The trio of video games under the heading of *Darfur is Dying* was established as a result of three students who had travelled to Darfur.<sup>960</sup> Their strong commitment to informing and involving the public resulted in the posting of documentary type videos of their experience. They decided to make use of the platform of video gaming to further expand their audience. Three video games were constructed complete with links to background videos about genocide and links for taking action (e.g., send letter to President Obama). The attraction of one game is its resemblance to the Farmville games so popular on social websites. This site is the most valuable and meaningful of the sites lists reviewed (the MSF site comes in 2nd). The website boasts that the game is a "video game for change"; and the site accomplishes extremely well. Following is the on-line game description, which is in itself educational.<sup>961</sup>

*Darfur is Dying* is a viral video game for change that provides a window into the experience of the 2.5 million refugees in the Darfur region of Sudan.

Players must keep their refugee camp functioning in the face of possible attack by Janjaweed militias. Players can also learn more about the genocide in Darfur that has taken the lives of 400,000 people, and find ways to get involved to help stop this human rights and humanitarian crisis.

As a whole, this site effectively achieves a responsible level of social awareness. Players join other on-line players to form teams of three and maneuver through several levels in order to protect Darfurians and debilitate the Sudanese government infrastructure through non-violence. For example, one of the missions is to sneak into the Sudanese camp and

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<sup>960</sup> Established by the students of the Institute for Multi-media Literacy, School of Cinema-Television at University of Southern California in conjunction with human rights foundations. Web-17. [www.darfurisdying.com](http://www.darfurisdying.com).

<sup>961</sup> This quotation is taken directly from the website. Web-17.

drain the petrol from the trucks. The game is scored and can be posted as a challenge for other players either to play or donate to the Darfur mission.

The aspect of fund-raising through posting a score for others to challenge hints of a more traditional approach to fund-raising: the dollar for dollar challenge (e.g., a donation will be made for each point scored). Most websites receive a monetary remittance for each 'hit' the site receives. In the case of a few of these games, it is not clear of they receive advertiser 'kick-backs' or not.

Médecines San Frontières also devised a teaching game using virtual experience technology. *Refugee Camp in Your World*<sup>962</sup> allows the player to virtually experience being a MSF worker as opposed to being the refugee; choose to take the position of a virtual doctor, midwife, logistician, or nurse. Challenges include being confronted with a cholera or measles epidemic, or an influx of 10 thousand refugees into a camp. These are serious topics presented in a serious manner. The virtual MSF worker is confronted with issues that require informed responses about landmines and pandemics. Interestingly there is a player-count leader-board; 1,756 players had played the game as of February 2011.

Beyond the desktop computer games are the RPG (Role-Playing Game) Systems that function with remote-control gaming devices. One such RPG video game (there may be more) is more disturbing than the desktop games. *The Lost Odyssey: Gohtzan Refugee Camp* is an RPG game with the 3-D room-round feature that allows one 360degree

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<sup>962</sup> Médecins Sans Frontières, *Refugee Camp in Your World* [Interactive-Video Game], MSF, (2010). <http://www.msf.org.au/rciyw/>.

imaging.<sup>963</sup> It is a Japanese virtual reality platform. Points are collected as obstacles are overcome; the reward for completing all levels: immortality!

### 5.7C. Virtual Reality and the Possibilities for Refugees

Virtual reality is quickly becoming an important broadcast medium. It will be used for leisure and entertainment, business, and education. The importance of noting these games is that the discourse on refugees is finding new platforms never before imagined. There are several specific concerns related to the refugee discourse that present themselves in the virtual platform: concepts of duty and service, confidentiality and



Figure 5.9. Refugee video games.

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<sup>963</sup> *Lost Odyssey: Gohtzan Refugee Camp*, [RPG 3D-Video Game], Wikia Entertainment, (2010). [http://lostodyssey.wikia.com/wiki/Gohtzan\\_Refugee\\_Camp](http://lostodyssey.wikia.com/wiki/Gohtzan_Refugee_Camp).



privacy, imperatives to do no harm, passive learning, and the creation of relationships that have no physical or human component.

Both the lead agencies in refugee assistance, the UNHCR and the MSF, have identified these gaming platforms to approach the refugee discourse from a different angle, that of interactive and virtual reality. The developers of *Darfur is Dying* game site transformed their own experiences into a gaming platform that shares those experiences more completely and effectively than any power-point presentation would be able.

There is a direction of new educational platforms that have again been overlooked. Refugees are starved for education. The expansion of Skype technology and G3-G4 wireless has the potential to bring education to thousands who are worthy of an education and desire an education. Gaming may be the bridge that crosses the boundaries of language divides.

At the beginning of this project it was posited that part of the role of faith and theology is to "bridge the gap created by perceptions that separate people and the terms used to maintain that separation (e.g., labels, stereotypes, caricatures, etc.)."<sup>964</sup> New technologies offer two distinct trajectories: Retreat from the world or Bridge one's present world with newer world for information and motivation to act. Decades of dehumanizing images and the reduction of refugees to a label can either morph into joystick entertainment, or a revitalized motivation for solidarity among more diverse sectors of the population.

It is vital that we conceive of education outside the limits of the student numbers or classroom size. The classroom can now be one large screen wirelessly connected to a

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<sup>964</sup> Groody, "Crossing the Divide: Foundations of a Theology of Migration and Refugees," p. 644.

Skype-type web that can bring infinite choice of networks, games, documentaries, and video uploads to refugees and children anywhere in the world. There can be no mistake, everything has an alternative and everything thing is a learning tool. The education of refugees (particularly in camp settings) can be affordable and available.

Technology is, however, morally ambivalent. Ourselves as embodied beings can now become Avatars, virtually embodied. Collins and Evans take on the concept of "minimal embodiment" in their work on the development of expertise through virtual platforms.<sup>965</sup> Even before Collins and Evens, Hubert Dreyfus, in 1972, wrote about the human need for physical embodiment in the experience of inner and outer body awareness.<sup>966</sup> Herbert Dreyfus has continued to develop his thoughts over the past four decades and properly cautions against the supplanting human interaction with computerized interaction.<sup>967</sup>

Online interactions cannot and should not replace other, more familiar human activities and relationships, particularly in the contexts of teaching, learning, and interpersonal communication.

Leon Kass defines humanness as related to the embodied human being and points to the embodiment as a gift of distinctiveness and the inherent dignity of the human being.<sup>968</sup>

[In the creation story] man's god-likeness comprises his capacity for speech and reason, his freedom in doing and making, and his powers of contemplation, judgment and care. To this can be added man's involvement with questions of good and bad . . . being a distinguishing mark of the divine.

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<sup>965</sup> H. Collins and R. Evans, *Rethinking Expertise*, (Chicago: University Of Chicago Press, 2007).

<sup>966</sup> Hubert L. Dreyfus, *What Computers Can't Do*, 1st ed., (Harper & Row, 1972).

<sup>967</sup> Hubert Dreyfus, *On the Internet*, (New York: Routledge, 2001), p. 94.

<sup>968</sup> Leon Kass, *The Beginning of Wisdom: Reading Genesis*, (New York: Free Press, 2003), p. 185.



Figure 5.10. Life is Cheap.<sup>969</sup>

Ways must be explored for bringing moral values into the new educational platforms. The development of discerning young people capable of exercising moral responsibility is achieved through discourse, in what ever form that may take. Discourse is what makes people visible to us; discourse is the tool for integrating technological and moral considerations. History has shown that valuing the human spirit did not end with the printing press or the television, but the blurring of realities poses a threat to human understanding.

New teaching-learning interfaces have always been received with mixed enthusiasm. During the Renaissance, humanists led the educational reforms that accompanied the rise of literacy and the new technology of the printing press. Others considered the printing press as a threat to Christianity and salvation.<sup>970</sup> The same is true for contemporary innovations; some see technological innovation as the only hope for society and others believe it to be our demise. Depending on the function, either perspective can come to fruition.

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<sup>969</sup> Web-14.

<sup>970</sup> Cline, *Power, Madness, & Immortality: The Future of Virtual Reality*, p. 75.

Mychilo Cline has studied virtual space. He believes the benefit and challenge of virtual reality is that it has the potential to regulate behavior more effectively and on a larger scale than in the real world for several reasons.<sup>971</sup>

First, the range of availability is expansive with few limitations other than lack of access to a computer. Second, learning or gaming takes place often in isolation. Third, action is taken within the on-line community that is extensively expansive and minimally accountable.

The virtual and web-based discourses must be taken seriously; games equate human well-being and happiness with a drop-down box of choices. Refugees are of diverse cultures and cannot be addressed as an indiscriminant whole within a drop-down or pop-up. They are people who belong to themselves and find full meaning in their relationships. A discourse and lifestyle not only embedded with Judeo-Christian traditions but also with the tangible human relationships are necessary. Geographical distance can not longer be an obstruction to sharing and understanding other people, cultures, and beliefs.

Humility that comes with being responsible to a higher God is a valuable defense to the emptiness of virtual reality. It is a discourse that can provide a powerful model that describes happiness in tangible terms, emphasizing the significance of negative life events on human flourishing, and the importance of one's own subjective assessment of life in relation with the lives of others.

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<sup>971</sup> Cline, *Power, Madness, & Immortality: The Future of Virtual Reality*, p. 105.

### GAMES SPECIFICALLY ABOUT REFUGEES

1. [Against All Odds](#). The game that lets you experience what it is like to be a refugee from [UNHCR](#).
2. [Darfur is Dying](#). Players must keep their refugee camp functioning in the face of possible attack by Janjaweed militias.
3. **Refugee Camp in Your World (MSF)** virtual experience of being a MSF worker as opposed to being the refugee.
4. **The Lost Odyssey: Gohtzan Refugee Camp** A Role Playing Japanese 3-D characters and game levels.

### HUMANITARIAN and REFUGEE GAMES

5. [Stop Disasters](#). disaster simulation from the [UN/ISDR](#).
6. [WFP Food Force](#) (download) 2005 Save and rebuild the island. More about the WFP than about the people it serves.
7. [3rd World Farmer](#). Puts you in the shoes of a family of farmers in one of the poorest areas of the world.
8. [Aviti: the Cost of Life](#). Your goal in this game is to help the Guinard family get an education and improve their lives.
9. [Disaster Watch](#). help villagers in Nicaragua survive floods, earthquakes and food shortages.(2006) Multiple levels and tasks By Globalgang.org  
Christianaid.org.uk
10. [Prisoners of War](#). Red Cross's tasks visit (POWs) protected by Geneva Conventions, and assist them.
11. [Peacemaker](#). Experience the joy of bringing peace to the Middle East or the agony of plunging the region into disaster.
12. [The Transaid Challenge](#). African health worker, delivering services & supplies from health centers to villages in need.
13. **Third World Farmer** game similar to Farmville. Tending of a farm is through purchases of seeds and other items

### GAMES for IMMIGRATION

14. **Immigration Nation**: iCivics meant to educate students on immigration categories & rights.

Figure 5.11. Interactive Games: Refugee and disaster themes.

## 5.8. Summary

This chapter set out to identify opportunities in the dominant discourse on refugees for reorienting the perception and the ultimately the outcome for refugees. In sum, the world has acquired a stereotyped impression of refugees through powerful and distorting discursive practices that ultimately neglect to engage the refugee in aid efforts. As such, the refugee has not been perceived as a valuable participant in the discourse about them. Leaving the refugee outside the discourse (missing, but not missed) negates the possibility of developing their own strategies for dealing with, responding to, and improving their own situations. Transforming the dominant discourse on refugees, then, is considered to be an important strategy for improving the quality of care for refugees.

Key considerations for altering the perception of refugees were emphasized by the relationship between the power of discourse to effect social change and the utility of Judeo-Christian values to achieve that end. An alternative discursive approach, grounded in the concepts of agency, reciprocity, solidarity, and hope have the potential to transform the perception of refugees from being a one-dimensional, passive recipient of aid to being the courageous survivors of adversity that they are. In application it would solicit the voiceless to join the discussions about them, to be recognized as valued participants in the aid efforts for them, and stimulate a redistribution of power by promoting inclusion, mutual expression, and reciprocal trust.

The insight of Karol Wojtyla served as a reference or model for the way discourse translates into action. The quotation called attention to the fact that what we know about something directs our understanding and respond.<sup>972</sup>

Human acts are taken with deliberation and according to the level of the agent's knowledge of reality, a knowledge that anticipates the value of the good in relation to the person.

This quotation embodies elements of agency (deliberation and level of knowledge), reciprocity (values in relation to others), solidarity (meaning the placed in appreciation of good in others), and hope (as an anticipation). The rubric of covenant was considered as a means to unify the values of agency, reciprocity, solidarity, and hope to express the value of each person's uniqueness, ability to reason, and capacity for compassion.

Covenant creates the anticipation of cooperation and the expectation of excellence in advancing the means for human flourishing both in the present and for life in the future.

Specific areas of discursive interfaces were chosen because of the opportunities each presented to impact discourses and perceptions of refugees on a grand scale. The following six so-called gatekeeper discursive domains were re-conceptualized through the lens of Judeo-Christian values.

Internal and Inter-Organizational Discourses  
Media-Aid-Communication Interface and Discourse  
Philanthropic Discourse  
Imagery and Graphics as Discourse  
Educational Discourses, and  
Technological Discursive Interface

Beginning with the refugee as a problem as opposed to the moral relevance of our acting

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<sup>972</sup> Schmitz quoting Karol Wojtyla in the Lublin Lectures of 1981. see Schmitz, *At the Center of Human Drama*, p. 53.

in relation to the most vulnerable people of the world, brings to the fore questions about what might be done to steer the 'refugee problem' in another direction. The dominant discourse, from the very outset, assumes that refugees and those who aid them represent two opposing entities which are fundamentally divided. The articulation of this relationship is expressed at the point that interface of refugees and those who aid them. The UNHCR, being the portal through which the greatest part of aid from all organizations is funneled, is the starting point.

### **5.8A. Inter-Organizational Discourses**

The first domain examined was the Inter-organizational discourse beginning with the mission statement of the UNHCR. Mission statements, if regarded as discourses with immutable mobility, can provide a common ground for a cohesive commitment for action. Absent from the UNHCR's statement were three main aspects of care: first, missing is an expression of why we should care for refugees. Second, it fails to acknowledge a relationship between actions taken by the UNHCR and the hoped-for-ends of refugee persons. Third, the commitment to participation lacks a regard for self-determination.

The act of caring for others begins with respect. A priority must be expressed for life, particularly, the life of a vulnerable human being. The concept of agency in Catholic social teaching begins with the expression of the dignity of each person as having been created *Imago Dei*. Agency in this sense is intimately bound with the concept of the right to self-determination. Participation invites the normative expressions of this moral agency. Indeed, participation and engagement of refugees in the decision-making processes would solicit discussions, negotiations, and co-operations for the purpose of



evaluating the needs and risks identified by the population served. It also means the development of a creative plan or model in anticipation of such participation.

Conclusion: The mission statement is potentially an invaluable tool for formulating and implementing an organization's strategy. The current study has suggested some of the rationales that need to be more emphasized in order to provide performance benefits for those it serves. A mission of service as opposed to mandate would be a response to the dignity and respect for the moral agency of the refugee, create opportunities for reciprocal involvement in the care for refugees, would create a more cohesive and goal directed guide for solidarity at the broadest level of action and subsidiarity at more specific territories of action. A shared goal creates hope in the present for a desired outcome for generations to come.

Normative: a) Participation and engagement of refugees in the decision-making processes would solicit discussions, negotiations, and co-operations for the purpose of evaluating the needs and risks identified by the population served. b) It also means the development of a creative plan or model in anticipation of such participation.

### **5.8B. Technology and Refugee Voice**

Technology has the potential to change the discourse on refugees. Major investments have been made by Commercial communication corporations (e.g., Skype) in partnership with the UNHCR that open new avenues for human inter-action and relations. The investment in technology has an impact on human lives which much be protected. Perceiving the refugee as more than one dimensional would bring attention to the fact that being a refugee is just as much about those left behind or lost in the move as it is about the refugee in the camp. Respect for the dignity of persons recognizes the historical, relational, and interdependence of the refugee as opposed to being an undifferentiated mass.

Covenant expresses the central themes of the lived experiences of life as a shared experience: persons need to matter in the present so that interaction with loved ones and others matter as well (agency, Imago Dei); relationships both internal and external

(reciprocity); stewardship over the communicative technologies requires identifications of risk and harms for refugees (solidarity); and most important the lived experience in the dimension of time as the longing for information about friends and family (hope).

Opening of technologies for refugees requires investment in confidentiality and risk prevention protocols. Consent and confidentiality must be protected values. From an ethical perspective, the primary question does not concern the strengthening of transnational activities by refugees and refugee organizations through policies and programs, but rather evaluating the risks or harms for refugees of information transmission. The confidentiality of refugees must be paramount and securely protected; after all, these are people who fled due to a "well-founded fear of persecution."

Conclusion: Against a backdrop of increasing globalization, and the rapid pace of technological innovation, the primary task leadership seeks is to examine the challenges and risks of deliberate large-scale changes. New technologies have the very real potential to increase the vulnerability for harm that already exists for refugees. Ethics calls for attention to the risks for refugees that any new technologies pose. Active participation of refugees in the exercise of new technologies is an expression of the human ability to comprehend and deliberate (Imago Dei), creating opportunities for access to family and friend while in the Diaspora (reciprocity), valuing the needs of both refugees as well agency workers to be in communication with family (solidarity), being able to track and find those left behind (hope).

Normative: a) Detailed reviews of all system capabilities for identification, retention of information, and tracking capabilities are mandatory prior to any changes or implementation of communication tools. b) Have in-place protections for confidentiality and against confiscation of properties that may place a greater risk on those in a less powerful position. c) Prepare a proactive plan for protecting confidentiality in the event of the information hijacking.

### **5.8C. Solidarity: The Refugee Voice in the KANERE Publication**

The protection of refugees now and for future generations demands that the contributions of refugees be recognized, supported, and integrated into the systems already available.

Assistance can be provided by a collective solidarity system that remains attuned to differences in cultures and identities, levels of resources and development, and ability to engage with discourses of the familiar and the foreign. The refugee's "level of knowledge of reality" must be recognized for the valuable as refugee's level of competence to represent his or her own views or experiences, as opposed to the stereotypical perception of the refugee as a passive recipient with nothing to offer.

The Kakuma Reflector Newsletter is an example of the passion and need of persons to express their own interested in their own voice. Support of expressions by refugees in any manner of skills must be no be obstructed. Respect for persons regards manipulation an affront on moral agency; support for skills and expressiveness by making available tools and materials is a form of reciprocity; assistance and co-operation of a plan for to identify skills/desires as an integrated element of routine practices (solidarity); recording experiences in print, stories, or crafts provides a legacy for future generations (hope).

Conclusion: Foucauldian concepts of power and subjectivity identify knowledge as power. Solicitude can become the basis for interaction with valuing the refugees' 'knowledge of reality' (self-experiential) and level of competence to represent his or her own views within that experience. Limiting communication of information to refugee is a chief method for minimizing the potentiality of refugees to criticize or complain and a barrier to refugee's ability to exercise their rights.

Normative: a) Solidarity can be expressed either in active support of the refugee as voice or in pursuit of avenues for that expression to take place. b) Passive participation or culpability could also be identified as not acting to obstruct the means for self-expression. c) The concept of subsidiarity can make small local contributions generate larger concentric circles of engagement.

### **5.8D. New Philanthropy**

Mauss expressed gift theory as based on the mutual recognition by givers and recipients of each others identity in that gifts reveal both the identity of the giver and his or her perception of the recipients' identity. New corporate approaches to 'gift-giving' mean new terms added to the philanthropic lexicon. The reality is that new discourses introduce different perspectives that will soon blur the meaning of terms such as charitable contributions, corporate investment, and community involvement. It is a practice that has been evolving as the internet has increased the ability for individuals to investigate, rate, and choose which charities they believe provide the best match for their own priorities in social responsibility. The challenge here is to respond to the new business model of philanthropy with a discourse that visualizes the larger picture and avoids the tunnel vision of disinterested and disengaged calculations of worth and worthiness. It would require accountability for the quality of gift (as opposed to the quantity). An ethic of generosity and care cannot be calculated in terms of a balanced reciprocity.

Conclusion: a) A moral concern of the profit-value business model is that other contributions, equally crucial, are at risk of getting lost in the competition for profitable philanthropic 'investments.' b) Small contributions, not of a monetary nature (e.g., volunteering to pass meals to the elderly) may fall into the category of 'employment' as corporations seek to carry out their community based programs. c) Corporate philanthropy may find such activities as 'value-sharing' within the definition of consumer-based interests, or bottom-line revenues.

The Judeo-Christian tradition provides the conceptual resources for recognizing the value to be found in large and small efforts of philanthropic giving. The language of care and irreducible worth of persons enriches the discourse and expresses the value of the human lived experience (e.g., suffering, need, desire) over a discourse of economic equilibrium. Terms of stewardship, discernment of cause verses profit, and participation in hope for a better outcome cannot be

lost. Failing to do so perpetuates the subjugation of vulnerable others to the interests of the powerful. Lost will be the language of mercy, of compassion, and dignity.

Normative: a) Active pursuit of non-corporate responses to human needs. b) Ethical consideration is that these other types of contributions involve the human ability to step outside of the 'shared value' model and approach local or global issues from the moral imagination, empathetically or sympathetically attempting to comprehend the lived experience of others.

### **5.8E. Depicting Refugees**

The idea of the refugee as a problem is difficult to escape, even for refugee advocates.

"The problem of refugees has grown not only in size but in complexity, to the point where it truly is a global problem," said Albert Peters, head of UNHCR's New York Office and posted in an open letter on the UNHCR web site.<sup>973</sup> In David Hollenbach's book on *Refugee Rights*, a contributor speaks of "perception sees the refugee problem as a problem of charity."<sup>974</sup> This presents a very real struggle that must be acknowledged.

As a 'problem,' the refugee is defined, assessed, and visually represented by what they seemingly lack: a home, a name, a nationality, a voice, and the ability to contribute anything of significance. Particularly objectionable are those representational practices (e.g., words, metaphors, images) that condition our "morally significant perceptions of and interactions with" those other people.<sup>975</sup>

Conclusion: The narrative tradition of both Jewish and Christian ideology conveys hospitality as a verbal command to the stranger. b) It is an expression of concrete manifestations of covenant love. c) The command to care for those in compromised social positions is

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<sup>973</sup> Patrick Webb. [www.unhcr.org/Peters](http://www.unhcr.org/Peters).

<sup>974</sup> Agbonkhianmeghe Orobator, "Key Ethical Issues in the Practices and Policies of Refugee-Serving NGOs and Churches," in *Refugee Rights: Ethics, Advocacy, and Africa*, ed. Hollenbach, (Washington D.C.: Georgetown University Press, 2008), p. 229.

<sup>975</sup> Walker, *Moral Understandings: A Feminist Study in Ethics*.

analogous to God's promise to listen and respond to our needs (reciprocation), d) it motivates and inspires the collective to rally around those who find themselves in difficult positions (solidarity)

Normative: a) Become actively involved in effort to end the perpetuation of refugees as being the 'target' of our aid, or a shared burden for society. b) Use the public discourse to inform, not to dehumanize.

### **5.8F. Teaching Tools and Learning Videos**

Teaching is not just about the topic of study, but the means for that study as well. Posters from the Spot the Refugee Campaign were instrumental in illustrating our tendency to accept the familiar with an unquestioning truth. The overall effect of these posters is that the depictions fundamentally devalue the knowledge, skills, cultural values, or contributions that refugees may have to offer. The emphasis is placed on what refugees lack along with an unnecessary emphasis on material possession. Beyond the posters is the presentation and engagement of the public in the interactive video. There is little to say other than the discourse of imagery is so powerful that when combined with virtual reality and participation begins to shape the setting for moral judgment, for interest, and for empathy or lack of it. It is a platform that is not yet familiar to many of us and yet too familiar to a great number of other persons.

The salience of the video game as a learning or teach tool is that the scenarios are chosen, the options for action are often pre-established by the rules of the game, and the outcome is within a predictable range of events (depending on the choices and skill of the player). Real life does not always follow the rules of what is fair or good. Many of life's scenarios are not chosen nor is it possible to manipulate other people and events for our entertainment. It might be noted that while death the protagonist is also the predicable end in real life, the path and the circumstances are unknown. Virtual games often have

'immortality' as the highest level prize. Depending on one's faith belief, immortality is also the end prize (so to speak). It is the reward for a " life well-lived or (job well done) by a faithful servant of the Lord" where the highest score does not always win.

What we do with virtual reality will be an expression of our values and real relationships with other human beings. Currently there are no formal systems of education in many parts of the world. Virtual reality can bring education that stimulates the minds and imaginations of hundreds of thousands of children and adults. An investment in co-operative efforts such as the Skype-UNHCR collaborative can (wireless and portable) can bring so much to so many. In conjunction with any conclusion or normative considerations, there is the imperative for vigilance.

Conclusion: The Judeo-Christian tradition is the extension of a long standing discourse that must not be lost in the web of new innovations and ways to communicate. It is a discourse that seeks new ways to enhance moral agency (Imago Dei). Technology has the capability of transporting and connecting people in ways never before imagined. Reciprocity strives to bring the isolated people into the company of distant strangers. Like God who hears us and responds, solidarity will also hear those who have not been heard before and respond at the highest level of our capabilities.

Normative: If there is to be hope for the voice of refugees to be heard or their passion to be felt by others, then plans to develop the partnerships and co-operatives that unite virtual, portable, and wireless technology must continue to be valued as a means to educate and communicate with refugees and other communities.

### **5.8G. Vigilance**

The type of moral agency that allows individuals to refrain from behaving inhumanely (e.g., torture, manipulation, etc) is an "inhibitive moral agency." Virtual reality has a very real potential to subdue this sense of inhibitive moral agency as a result of virtual life experiences that occur with no embodied consequences. Our discourse must indicate

the total agency of the person and be vigilant in keeping the relationships intact that develop the moral perception necessary to honor life as it is lived and experienced.

## 5.9 CONCLUDING STATEMENT

What we choose to do for and about refugees emerge from our present awareness (knowledge) as a process of deliberation predisposed and reinforced by the circulating and authoritative dominant discourse that has defined refugees and their relationship with larger society. Discourse is a tool of expression and the means through which social relationships and structures are produced and reproduced.<sup>976</sup> Any attempts to affect the dominant discourse on refugees therefore must begin with the re-evaluating what has gone before. Judeo-Christian traditions of agency, reciprocity, solidarity, and hope remind us that we are embodied beings bound to those who have come before us and those generations that will come after us. Anchoring our discourse is vital for the discourses that concern the lives of the world's most vulnerable persons.

The words we choose in dialogue about others, distant or near, can bring either hope or complacency, mercy or empty justice, and compassion or apathy.

For Life and Death are in the power of the tongue. (Proverbs 18: 21)  
We are called on to choose life.

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<sup>976</sup> Heaton, "The Gaze and Visibility of the Carer," p. 774.



# Chapter 6

## JUST SURVIVING

### Introduction

This chapter is meant to recap the investigation that took an approach upstream of most refugee advocate and rights advocates. The inquest focused on the contemporary dominant discourse on refugees and how that discourse has established unquestioned truths that impact the moral perception of refugees and consequently the actions taken on behalf of refugees. Each of the five chapters focused on different aspects of the discourse and the refugee discourse in particular. The goal of this chapter is to highlight significant details that were examined as presented in each chapter theme. In sum, it will be shown that the world has acquired a stereotyped impression of refugees through powerful and distorting discursive practices that proceed from assumptions and preconceived notions about refugees and the programs designed to assist them. Ultimately, aid programs are based on the presumption that they exist as helpers, rescuers of the helpless, and unilaterally transfer goods to passive recipients.

### 6.1. Recap Chapter 1: Discursive Construction of the Refugee

This project began with the discursive exchanges that occurred during the turbulent period created by hurricane Katrina in the United States. Public perceptions about the

way the US government responded or ought to have responded to the needs of the persons of New Orleans were forever transformed. The images left an indelible impression on the public and the word *refugee* was thrust into the spotlight of the banter. The inextricable link was made between the plight of the New Orleansians and the plight of refugees namely, that there was no link. The media was shown to have a major contributing force in the development and sustainment of the refugee identity in their use of metaphors, political cartoon images, buzz words, and socially meaningful graphics to communicate a particular meaning of refugees for their audience. Refugees exist in a geographically distant space, they are needy people that will drain the economic resources of stable communities, and they bring with them a type of contagious poverty. Americans overwhelmingly agreed that referring to New Orleansians as refugees was disgraceful, racist, and an insult to the people who were suffering a great deal of devastation.

The international discourses about refugees were those discourses that defined the refugee and the responsibilities of the international community in the care for refugees. In doing so, the definition of who-is and who-is-not a refugee challenged the notion of refugee that had been assumed from biblical times. Many of those one considered to have been refugees may not fall under the present discourse. One such example is that of Adam and Eve who left the Garden of Eden "due to a well-founded fear" and were unable to return "due to a well-founded fear of harm." The definition of refugee falls into question because Adam and Eve had been banished after breaking the law; banishment was punishment for criminal behavior. Under such a definition, they would not qualify

for refugeehood because a refugee can not be a person guilty of criminal behavior who flees to avoid retribution.

This first chapter also followed the historical social developments brought about by the large movements of refugees. The Peloponnesian War forced people to flee as well as with the fall of Rome by the Visigoths in 410 A.D. Augustine, Bishop of Hippo, was influenced by this fall of the Roman and the refugees that found asylum in North Africa to write the book *City of God*.<sup>977</sup> Continued unrest, wars, and religious conflicts continue through recorded time. Even the French Revolution brought documents of rights for man that carry significance to this day.

The design was to arouse sensitivity to those aspects of colloquial language that have contributed to, created, and perpetuate a particular understanding of what it means to be a refugee. This chapter showed that the dominant discourse about refugees is brutal; it falls short of recognizing person's labeled *refugee* as whole competent participants in their own survival and that our beliefs about reality play a role in our decisions and actions.

The tribulations of the refugee have been documented as far back as Biblical scriptures. Having 'escaped with your life' used to be considered laudable and good. The present concept of *refugee* has been reshaped by the history and traditions that have formed generations of presuppositions. It is within these layers of tradition, political history, and discursive representations that our information about refugees and motivations for actions on behalf of refugees have taken place. Proceeding from such false or negative assumptions has its consequences in our lack of attunement to the

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<sup>977</sup> Augustine, *City of God*.

refugee's situation and ultimately for our decision-making and moral reasoning about our obligations in response to their situation

## 6.2. Recap Chapter 2: Problematizing the Discourse on Refugees

This chapter shifted the examination of the dominant discourse on refugees from identifying what the broad societal level discourse is (the focus of chapter one) to how the discourse acted to shape and manage the institutional field. That is, how the dominant discourse on refugees creates a perception that operates as a form of power in shaping the normative framework within which humanitarian aid functions and outside of which how the acquiescence to such a framework has had morally problematic repercussions for those whom humanitarian aid is designed to assist. The approach was a synthesis of postmodern perspectives on discourse in general and the historical and social context of refugee discourses in the particular to demonstrate how objects of knowledge are created, unquestioned truths are sustained, and mechanisms of power are translated into the production of practices that fail to produce positive outcomes for refugees. The works of postmodern theorist Michel Foucault were engaged as tools for deconstructing the relations, conditions, and contexts from which the refugee discourse emerged. The goal was to evoke critical awareness of the shaping of epistemologies by ourselves and others as discourse users.

Foucault's theoretical insight was in identifying discourse as actively constituting or constructing objects of knowledge. The genealogy of the refugee discourse and the refugee as a category of person emerged from a long history of discourses that linked the social value of a person with productiveness/ contribution and citizenship/ identity. The meanings that are attributed to things, events, or people are arrived at by the language

used in this social dialogue, interchange, interaction, and sanctioned positioning. Foucault's examination of seventeenth and eighteenth century practices identified subjectification and dehumanization practices that can be identified in the refugee discourse as well: physically isolating persons from the immediate social community, psychological distancing persons (perceiving them as without identity other than the label given), diminishing others as inferior, setting human value on social contribution, and focusing on means-end efficiency (routinization) as consequences of discursively created power and perception. It is a discourse that shapes, not only thinking and acting, but attenuates the perception and sensitivity to the internal reflections that others experience as they experience living and hardship. The discourse is inattentive to the hopes and possibilities that give life meaning, particularly for refugees and others with diminished autonomy.

### 6.3. Recap Chapter 3: The Discursive Domain of Giving

Building on the groundwork of the previous chapters, this chapter sought to problematize the present discourse of donors and donating in the context of food-aid to refugees. The theme was that aid to refugees is a huge undertaking with a discourse and dynamic of giving and being given to that takes place within a dominant discourse that proceeds from a deep-seated notion of the refugee as a *problem* and a *burden* which expresses ambivalence about obligations to this category of person and exploits the asymmetrical power between aid-agency and refugee. It is a discourse that renders invisible or delimits the realm within which the gifts to aid refugees are understood and outside of which other observable features, problems, or qualities are not readily questioned.

Mauss' anthropologic model identifies three basic obligations of gift-giving/exchange (the obligation to give, to receive, and to repay) which served as the structure for this examination. A Foucauldian frame of reference on discourse theory continued to provide the conceptual foundation for problematizing the axiomatic assumptions that both mold and undermine the benevolent spirit of donating/giving to aid refugees, with the aid/gift being limited to nutritional support (foodstuffs).

The challenge was to maintain the prime focus on the dominant discourse on refugees as it presently acts, circulates, and influences the type and quality of aid to refugees. Mauss' theory of gift-exchange was helpful in understanding the social significance of accepting a gift or rejecting the gift. Food assistance operates analogously to the exchange of a gift. The diminished value of refugees is reflected in the assumption that *any aid (food) is better than no aid (food)* and that by receiving aid one is *better off than before*.<sup>978</sup> The outcome of such assumptions results in *cast-off* food (typically genetically modified foods) or *feed-lot* type food (referring to the pellets that are much like dog food). Local conceptions of what is acceptable as food must be recognized and respected in the implementation of policies that serve diverse refugee populations.

A chain of transactions link donors at one extreme with the refugee at the other with a third party to distances the refugee from the donor. The third party exchange that distances the refugee by more than just location is still the greatest delimiter that perpetuates the perception of remoteness, foreignness, and the voiceless-ness of the refugee. Distancing amplifies and further perpetuates refugees to be conceptualized as a *problem* and a *burden* for nations and international agencies.

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<sup>978</sup> Mikolajuk, "Thanks, but No Thanks: The Other Face of International Humanitarian Aid," p. 33.

The same discourse that reduces refugees to an unidentifiable mass of bodies also contributes to an aid discourse where refugees become bodies to be managed (at a distance from Western shores), fed, housed, counted, and a problem that requires a solution.

#### 6.4. Recap Chapter 4: The Missing Discourse

This chapter's focus was to render the refugee visible as a moral agent even in his or her silence, by establishing a context in which the person(s) as refugee(s) can be recognized as an historical actor that subjectively experiences their world; a world in which relationships are influenced by a univocal and hegemonic discourse. The approach was twofold. First, this chapter linked the concept of silence with the unheard interlocutor. Drawing from works by Spivak, Freire, Charles Taylor, and others demonstrated the power of discourse to effect the perception of the refugee in such a way that it precludes his or her voice, subjectivity, and personhood. By analyzing the mechanisms by which the refugee is rendered voiceless it was shown that the depiction of voicelessness is contrary to the silence of a moral agent. This first section also affirmed the subjectivity of the lived experience by chronicling the stages of passage that are necessary for being granted the legal status of refugee. The stages represent the sequential social transformation from a person-citizen, worker, family member, and community member to a person in a new community of refugees and aid workers without the protection of country, the comfort of home, longtime social bonds.

The second approach was by way of investigating the refugee identity (self and other) within Goffman's concepts of stigma and total institution. Stigma and/or negative labeling are effective means for considering how the refugee's identity, self-definition,

and subject positions are constructed and constrained by presupposed role expectations, shared categories of persons, and institutional order. These roles, that are assigned and accepted within the total institution, have an historical antecedent based on a fundamental inequality between benefactors (i.e., problem-solvers) and beneficiaries (i.e., problem) that hinders a mutually respectful discourse.

There are two unappreciated and under emphasized actualities that had been called to attention. Firstly, persons known to us as refugees can *only be among those who survive the journey*. Secondly, the person who becomes a refugee begins the journey before ever leaving home. Ultimately the refugee experience embodies fear, sacrifice, and separation from all that is familiar, life as it was lived, and life as it was hoped to be lived.

The final analysis showed that the absence of voice renders the refugee indiscernible. More convicting is that the absence of the refugee voice is not missed. The missing and not missed voice effectively obviates the refugee as a moral agent and reduces the refugee to match the collective silent image held as an unquestioned truth. Refugee populations are not composed of thousands of victims with the same experiences, fears, hopes, and needs; nor do they exist in a vacuum with no past history, occupations, or hoped-for ends; in other words, limbo.

The upshot is that the refugee remains the object rather than the subject of humanitarian intervention. The refugee is locked into the role of recipient/needful beneficiary with little opportunity to affect their hoped-for-outcomes. Leaving the refugee outside the discourse (missing, but not missed) negates the possibility of developing their own strategies for dealing with, responding to, and improving the



situation. The call is for mutual involvement of refugees, aid agents, donor governments, and their constituents which requires a discourse that allows for speaking positions, listening positions, and positions for joint responses and hope. Unlike the unilateral transfer of resources, the thread running through a more inclusive discourse must be that of hope.

## 6.5. Recap Chapter 5: The Most They Can Hope for Is the Least We Can Do

This chapter set out to identify opportunities in the dominant discourse on refugees for reorienting the perception and the ultimately the outcome for refugees. Specific areas of discursive interfaces were chosen because of the opportunities each presented to impact discourses and perceptions of refugees on a grand scale.

Key considerations for altering the perception of refugees were emphasized by the relationship between the power of discourse to effect social change and the utility of Judeo-Christian values to achieve that end. The concepts founded in agency, reciprocity, solidarity, and hope find full expression in covenant thinking. Covenant expresses the central themes of the lived experiences of life as a shared experience: persons need to matter in the present so that interaction with loved ones and others matter as well (agency, *Imago Dei*); relationships both internal and external (reciprocity); stewardship over the communicative technologies requires identifications of risk and harms for refugees (solidarity); and most important the lived experience in the dimension of time as the longing for information about friends and family (hope).

An alternative discursive approach, grounded in these concepts of agency, reciprocity, solidarity, and hope have the potential to transform the perception of refugees from being a one-dimensional, passive recipient of aid to being the courageous survivors

of adversity that they are. Domains for the application of a renewed discursive focus can be found in:

- the development of mission statements
- the use of new communications technologies
- the solicitation of funds
- the opening of areas for refugees to voice their experiences
- within the new ways of experiences in cyberspace

In application it would solicit the voiceless to join the discussions about them, to be recognized as valued participants in the aid efforts for them, and stimulate a redistribution of power by promoting inclusion, mutual expression, and reciprocal trust.

## 6.6. Further Research in the Care of Refugees in the Healthcare System

The care of refugees within the healthcare system differs significantly from the healthcare approaches that address immigrant cultures and social adjusting. There is a need to identify domains of the refugee discourse that require future research within the healthcare ethics domain. That is, what impact does the hostile and distorted view of refugees have on the care for refugees that seek asylum in the West? What barriers to care does the negative dominant discourse on refugees create once a refugee seeks asylum in a Western country? Little research has been done on the effect that a hostile and negative dominant discourse may have on the healthcare and treatment of refugees once they arrive in the USA. It is only proper and fitting, then, that this project seeks to identify new areas for investigation of the dominant discourse on refugees.

### **6.6A. Public Discourse Affects Public Dialogue**

Public perceptions about the way the US government responded or ought to have responded to the needs of the persons of New Orleans were forever transformed. The images left an indelible impression on the public. The word *refugee* was thrust into the spotlight of the banter. The inextricable link was made between New Orleans and worthy citizenship. An increase in the number of refugees and other populations that seek asylum make the issues at the healthcare-patient interface even more pertinent. Arriving refugees are fully aware of the hostile discourses that circulate. After all, refugees were not always refugees. People that find themselves as refugees may have held similar negative views about refugees at one time. What they are faced with is entering into a harsh discourse that has been established over layers of images and political arguments that may make treating refugees difficult. Two particular discursive domains are addressed with the aim of continuing the discussion about refugees that factor into an ethics of care.

### **6.6B. Struggling to be the Refugee Patient**

An experience common to most refugees is that a major portion of discourses are about trust and distrust. Some refugees find difficulty in being trusted and are always having to prove that they are worthy of asylum.<sup>979</sup> Others find it difficult to trust others, particularly of the medical community, because of past violations.

Western medicine and medical clinics are somewhat new territory for refugees. People who have escaped fearful situations, many times torture, find themselves in a strange country, waiting in a large room with other strangers for someone to come to their

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<sup>979</sup> Daniel and Knudsen, eds., *Mistrusting Refugees*, p, 43.

aid. The extensive loss of relationships and community in the past may be key factors that challenge trust in the present. Efforts to understand the circumstances that have brought the refugee to a certain place in the healthcare system may not be adequate.

It is fairly well known by healthcare professionals that consent has different parameters depending on the cultural context of the patient. Some cultures define consent in terms of familial privileges where the head of household hold the privilege to consent for other members of the family. Therefore, the principle of autonomy and confidentiality must be viewed from the patient's cultural background. Coercion and manipulation invalidate the free decision-making process.

Then again, what may not appear as coercion to medical personnel, may feel like coercion to the refugee as a patient. A patient may consent to treatment or an exam out of fear or an attempt to be compliant. Consent to treatment may be given so as not to anger the healthcare worker or appear to be defiant to the system. Most healthcare professionals are aware of these scenarios and appropriately prepare for them.

The investigative process of this project takes a different approach. How does the collective view of refugees contribute to the healthcare professional's interpretation of consent?

- a) If refugees are viewed as outsiders, aliens, and a threat to the economic welfare of communities, the time and patience needed to determine true consent may be lost or misinterpreted.
- b) Expectations of the refugee as a passive recipient of aid may interfere with seeking out the consent that comes from providing information and allowing for deliberation.
- c) The power of authority that the nurse, receptionist, or physician may have as being an educated member of the system may not be the authority interpreted by the refugee-patient. That is, the healthcare profession is also as a member of the larger community; a community that has voiced harsh opinions about refugees.

The power of the circulating discourse must always be kept at the fore grown consideration.

### **6.6C. Confidentiality From a Different Perspective.**

Similar issues exist with confidentiality. In order to be a refugee one must be in fear of persecution. Being a refugee is just as much about those people that have been left behind as it is about the refugee who has been granted safe asylum. Confidentiality is an issue that may have grave consequences for a refugee patient. Information that may suggest HIV/AIDs or other diseases may not be disclosed for fear of loosing asylum status. Others may have memories too painful to relieve and may be kept in secret as well.

The dominant discourse may have the healthcare professional looking for diseases that may not be their. Many refugee patients have a traumatic experience that figures prominently as an essential aspect of his/her life history. The trauma story can be a secret (such as a rape trauma), trauma witnessed, or the fear that loved ones were traumatized. Concealing this information from others may be the only means of privacy that the refugee person has left. The trauma story is the imprint of history on the patient's memory — a personal narrative in the mind that is revisited each time there is an encounter with authority or as routine medical questions are asked.

The medical professional must reconcile the assumptions that are made from being part of a dominant discourse that considers that the refugee may be 'bogus,' concealing something, or to be a threat to economic welfare or social stability.

- The discourse requires seeing ourselves as a threat to the refugee rather than the other way around.

- Acknowledging that the refugee has a right to privacy and non-exposure means safeguarding secrets by allowing them to remain secrets.

The consideration of respect for the person physically as well as spiritually can convey the dignity deserved by every human being. Care for persons that are refugees as well as patients is caring for persons in both domains. The professional-patient relationship with the refugee requires special considerations for the patient as part of a family, a community, and a culture. Marshall, et al. name three elements that are essential in successfully resolving moral problems in cross-cultural patient care:<sup>980</sup>

- An ability to communicate effectively with patient and their families
- Sufficient understanding of the patient's cultural background
- Identification of culturally relevant value conflicts.

Sensitivity and appropriate intervention may have to do with being aware of our own perception and expectations of what it means to be a refugee.

## 6.7. Summary Statement

This closing section seeks to bring the discourse on refugees full circle. This project began with the discursive exchanges that occurred during the turbulent period of hurricane Katrina in the United States. The discourse identified collective beliefs about what it means to be a refugee that can have a major impact on the way refugees are considered within western healthcare systems. This project has not been about advocating for open borders or an overhaul of the asylum system. Those are issues, even though always worthy of evaluation, are downstream from the discourse itself. Rather,

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<sup>980</sup> P.A. Marshall, B.A. Koenig, et al, "Ethical Issues in Immigrant Health Care and Clinical Research," in *Handbook of Immigrant Health*, ed. Loue, (New York: Plenum, 1998), p. 204.

central to this dissertation is the question of how is it that beneficent social institutions designed to aid refugees fall so short of their noble objectives and do so in a way that leaves refugees, more vulnerable, not only to the circumstances of loss and flight, but to a system they depend upon for their very survival.

While terms such as refugee and asylum seeker portray these groups as people seeking refuge from threat, the underlying discourse remains embedded with value laden images of refugees that will not easily be replaced. All in all, the world has acquired a fairly stereotyped impression of refugees. Aid institutions and the way they function are a product of the negative dominant discourse and the problem-solving/paternalist discourse of the international aid community. As a result, the assumptions and program plans reflect these qualities:

1. It is assumed that all refugees are helpless and require intervention.
2. Refugees are treated as statistics and numbers; as recipients for objects and items. They receive what is available not what is needed.
3. He who pays the piper calls the tune. Donors are *calling-the-tune* and defining contingencies on the gift so the agencies serving refugees see themselves as being more accountable to donors than to beneficiaries.
4. Refugees are seen as a corporeal mass; any one refugee is the same as the next; and one pattern fits all. It is an inflexible system that has no means of meeting specific needs.
5. Third-party management adds to the geographic distance with a discursive distancing of refugees and an even wider cultural gap.
6. Decision-making not organized for local participation; decisions made in Geneva far removed from the places where refugees reside.
7. No historical reference is valued and there is reluctance for a participatory approach. Aid agencies control all the resources and the distribution of resources.

These seven axiomatic assumptions leave no room for the refugee to be an active participant. Refugees are discursively marginalized and are important only as much as they burden the international community. The desire is that they will all return to their homeland.<sup>981</sup> A discourse committed to the person-refugee as a moral agent with a valued place within the discourse is vital to producing systems of accountability by the measure of humanitarian need and monitoring practices for the allocation of resources. Such a discourse can produce standards of *good practice* that would engage in and sustain dialogue with the recipients of these services rather than coerce them into compliance to donor contingencies.

As the numbers of refugees grow along with the complexity of global situations states and donors become more detached and distracted from the historical events and the context in which they occur. Fixing the refugee identity in a homogenous fashion creates the perception that any person labeled as a refugee might well be interchangeable with any other refugee. Aid institutions and their mode of operations are an external expression of the collectively unquestioned beliefs embedded in the discourse that created the subject of the knowledge (i.e., the refugee) and thus bears upon many aspects of the structure of aid to refugees and human well-being.

The main thrust of the dominant discourse on refugees is that it can be exploitive, dehumanizing, and manipulative without an awareness of our being inside the discourse. The dominant discourse, from the very outset, assumes that refugees and those who aid them (international agencies, nation-states, and donors) represent two opposing entities

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<sup>981</sup> Harrell-Bond, "Can Humanitarian Work."; Malkki, "Speechless Emissaries."; Hyndman, *Managing Displacement*; Soguk, *States and Strangers*.



which are fundamentally divided. Discourse can either provide a bridge over the divide or prohibit opportunities to appreciate the subjectivity of the refugee as a moral agent experiencing and expressing the reality of their life, a requisite for compassion and trust. Leaving the refugee outside the discourse (missing, but not missed) negates the possibility of evoking their own strategies for dealing with, responding to, and improving the situation.

The call is for mutual involvement of refugees, aid agents, donor governments and their constituents which requires a discourse that allows for speaking positions, listening positions, and positions for joint responses and hope. Since the responsibility to assist is ours to undertake and not theirs to claim, the response must be proportionate to their vulnerability and not our discretion or choice. Unlike the unilateral transfer of resources, the thread running through a more inclusive discourse must be that of hope.

For Life and Death are in the power of the tongue. (Proverbs 18: 21)

We are called on to choose life.

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