

## ORIGINAL MANUSCRIPT

# The current crisis of Europe: Refugees, colonialism, and the limits of cosmopolitanism

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## Abstract

'Cosmopolitan Europe', the normative commitment that is widely understood to undergird the project of the European Union, is under threat as never before. This is manifest perhaps most prominently in Europe's collective failure to respond to the refugee crisis. As people flee war and destruction, we, in Europe, debate whether now is the time to give up on our human rights commitments. France is under a state of emergency and the UK in the process of withdrawing from the European Union and its associated institutions (including the European Convention on Human Rights). Voices have been raised against the burdens, financial and social, placed upon us by those we see as Other, with few public voices calling for Europe to remember its traditions of hospitality and stated commitments to human rights. In this article, I discuss the growing distance between the claims and practices of European cosmopolitanism, its roots in our shared colonial past, and the implications for the future.

## 1 | INTRODUCTION

The crisis that faces us most starkly in the daily reports of the media is that of refugees fleeing war, persecution, and the devastating destruction of their homes and homelands. While the conflict in Syria continues to be the biggest driver of people moving, ongoing violence in Afghanistan, Libya, and Iraq, and serious abuses in Eritrea, are also causing people to flee their homes and seek refuge elsewhere. While many people would argue that any invocation of 'crisis' should refer to those fleeing such devastation, or to those trapped in it, the majority of media commentators and politicians across Europe usually refer to the crisis *facing Europe* as we are called upon to aid these people in fulfilment of our commitments made under international laws and treaties.

All EU countries are signatories to both the Universal Declaration of Human Rights and the European Convention of Human Rights. This means that we are obligated, by law if not by moral conscience and our oft-stated common values, to accept people claiming refuge when they are fleeing conditions of war, violence, and persecution. Indeed, the cosmopolitan liberal order that is said to define the European project is, in its own terms, founded on a commitment to human rights. If there is a crisis in Europe, it is a moral crisis associated with Europe's failure, in the main, to act in a manner consistent with what are claimed as European values (at the very least, these would include a commitment to human rights and upholding the rule of law, including international law). This has implications for the European project as a whole, and, perhaps, has served to undermine it through the facilitation of forms of exclusionary nationalism hostile to those values.

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In this article, I first set out the broad contours of the crisis facing refugees and the paucity of Europe's response. I then discuss the ways in which the social sciences are complicit in the perpetuation of the identified problems centred, as they are, around understandings of the legitimacy of exclusionary belonging. In particular, I address the distinction between citizen and migrant/refugee that is used standardly within the literature to determine who belongs (and has rights) and who doesn't (and perhaps shouldn't). I examine how this distinction has been constructed on the basis of understandings of national histories of states when those states were actually imperial states with broader constituencies. Political legitimacy in the present is usually predicated on the demonstration of historical belonging to the nation, yet, many European states were not historically nation-states, but empires.

Extending the concept of the state and its associated political community to be congruent with imperial boundaries would change the way in which those we label as 'migrant' or 'other' are treated. For example, Habermas associates the phenomenon of multiculturalism with what he calls 'postcolonial immigrant societies',<sup>1</sup> that is, with those 'others' who are seen to migrate to Europe. This, however, renders invisible the long-standing histories of empire and colonialism that already connect those migrants, or citizens, with Europe. It is the failure to address the colonial histories of Europe, I argue, that enables the dismissal of the postcolonial and multicultural present of Europe and the associated populations – whether they come as migrants or as people seeking refuge and asylum.<sup>2</sup> A properly cosmopolitan Europe, as I will go on to argue, would be one that understood that its historical constitution in colonialism cannot be rendered to the past simply by the denial of that past. Acknowledging and acting upon this, I argue, can open up different political possibilities in the present in terms of how we engage with refugees and migrants.

## 2 | WHICH AND WHOSE REFUGEE CRISIS?

Europe is the richest continent on the planet, yet it takes in the smallest proportion of the world's refugees. It is commonly accepted that developing countries host over 80% of the world's refugees, with Europe taking about 6%.<sup>3</sup> According to recent reports by the UNHCR, there are over 13.5 million Syrians requiring humanitarian assistance, of whom over six million are internally displaced within Syria, and about five million are refugees outside of Syria.<sup>4</sup> The majority of the Syrian refugee population is located in the region. As of February 2017, figures indicate that 2 million Syrians are registered by the UNHCR in Egypt, Iraq, Jordan and Lebanon, an additional 2.8 million registered by Turkey, as well as over 29,000 registered in North Africa.<sup>5</sup> In Lebanon, the refugee population constitutes over 20% – that is, one fifth – of the total population of the country – 1.2 million refugees with a national population of about 5 million.<sup>6</sup> When media discourse and some politicians present refugees as changing the shape, or the face, of Europe, it is interesting to think what precisely it is that they are meaning.<sup>7</sup> If any receiving country was facing a crisis, I would suggest it is Lebanon, a country that is much, much smaller and poorer than the transnational European Union and one that has taken in many more refugees than we will even consider.

For Europe, as a whole, 884,461 asylum applications by Syrians were made between April 2011 and October 2016.<sup>8</sup> Although Germany had the most asylum applications in 2015, Hungary was reported to have had the highest in proportion to its population (with about 1,800 applications per 100,000). Sweden received 1,667 asylum

<sup>1</sup>J. Habermas, *Europe: The Faltering Project* (Polity, 2009), 65.

<sup>2</sup>L. Mayblin, *Asylum after Empire: Colonial Legacies in the Politics of Asylum Seeking* (Routledge, 2017).

<sup>3</sup>UNHCR, *Figures at a Glance*. Retrieved from <http://www.unhcr.org/uk/figures-at-a-glance.html> (accessed 24 February 2017).

<sup>4</sup>UNHCR, *Syria Emergency*. Retrieved from <http://www.unhcr.org/uk/syria-emergency.html> (accessed 20 February 2017).

<sup>5</sup>Syrian Regional Refugee Response. Retrieved from <http://data.unhcr.org/syrianrefugees/regional.php> (accessed 20 February 2017).

<sup>6</sup>Amnesty 'Syria's Refugee Crisis in Numbers', 3 February 2016. Retrieved from <https://www.amnesty.org/en/latest/news/2016/02/syrias-refugee-crisis-in-numbers/> (accessed 20 February 2017).

<sup>7</sup>See, S.M. Holmes and H. Castañeda, 'Representing the "European Refugee Crisis" in Germany and Beyond: Deservingness and Difference, Life and Death' (2016) 43 *American Ethnologist*, 12–24.

<sup>8</sup>Syrian Regional Refugee Response, above, n. 5.

applications per 100,000 people and the corresponding figure for Germany was 587 and for the UK it was 60 applications per 100,000.<sup>9</sup> The proportion in percentages per local population range from 1.8% in Hungary to 0.06% in the UK, with the EU average being about 0.25%.<sup>10</sup> In other words, this 'crisis', as reported in the European press and furthered by many European politicians, is constituted by the arrival of peoples who, together, constitute fewer than 0.25% of the population of Europe. Further, the number of *successful* applications for asylum across the EU (and other industrialised countries outside of the region) accounts for fewer than 'two per cent of the registered Syrian refugee population [already] living in the five regional countries of Egypt, Jordan, Lebanon, Iraq, [and] Turkey'.<sup>11</sup>

The relentless hostility in the mainstream European media towards refugees and asylum seekers was briefly interrupted in September 2015 by the global circulation of images of the washed up body of the 3-year-old Syrian boy, Alan Kurdi.<sup>12</sup> For a short period, compassion gained the upper hand over resentment, grief over antipathy, and a number of European countries were moved into action. Germany temporarily suspended the Dublin regulations that required asylum seekers to claim refuge in the first country they entered, and the Balkan route was opened up, providing safer passage across central Europe. This was required as a consequence of Hungary having closed its borders with Serbia leading to a potential humanitarian disaster in the border region. Chancellor Merkel's statement, 'we can do this', became a rallying cry for action.<sup>13</sup> The official policies put in place in the aftermath of Alan Kurdi's death included the expansion of a relocation scheme that would enable EU countries to share in the resettlement of refugees currently stranded in Greece and Italy.<sup>14</sup> However, there was no general agreement on the scheme, with Hungary and other Eastern European (or, Visegrád) countries a key obstacle to the process, and, a year on, it was quietly abandoned.<sup>15</sup> Indeed, during this period there were even calls for Europe to reconsider its very commitments to human rights by limiting the application of the right to seek refuge by outsourcing its humanitarian obligations to Turkey and, more recently, to Libya<sup>16</sup> – countries not otherwise understood by the EU, or human rights groups, as bastions of human rights and democracy.<sup>17</sup>

Apart from Sweden and Germany (and for different reasons, Italy and Greece), most European countries have been trying to get out of their obligations, namely fair sharing of responsibility in terms of supporting refugees and asylum seekers, as set out in the Treaty on the Functioning of the European Union and the concurrent commitment to establish a Common European Asylum System.<sup>18</sup> The most extreme example perhaps being Poland which, in May 2016, flatly refused to take in a single refugee, or pay for them to be looked after elsewhere in the

<sup>9</sup>BBC 'Migrant Crisis', 4 March 2016. Retrieved from <http://www.bbc.com/news/world-europe-34131911> (accessed 8 March 2017).

<sup>10</sup>All figures from Eurostat, 'Asylum in the EU Member States', 4 March 2016. Retrieved from <http://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf/790eba01-381c-4163-bcd2-a54959b99ed6> (accessed 20 February 2017).

<sup>11</sup>N. Ostrand, 'The Syrian Refugee Crisis: A Comparison of Responses by Germany, Sweden, the United Kingdom, and the United States' (2015) 3 *Journal on Migration and Human Security*, 255–279.

<sup>12</sup>Holmes and Castañeda, above, n. 7.

<sup>13</sup>A. Kynsilehto, 'Mobilities, Politics, and Solidarities', (2017) 29 *Peace Review*, 48–54.

<sup>14</sup>P. Kingsley, 'The Death of Alan Kurdi: One Year On, Compassion Towards Refugees Fades', *The Guardian*, 2 September 2016. Retrieved from <https://www.theguardian.com/world/2016/sep/01/alan-kurdi-death-one-year-on-compassion-towards-refugees-fades> (accessed 20 February 2017); C. Cantat, 'Rethinking Mobilities: Solidarity and Migrant Struggles Beyond Narratives of Crisis', (2016) 2 *Intersections: East European Journal of Society and Politics*, 11–32.

<sup>15</sup>This is not to suggest that the Visegrád countries were uniquely responsible for the failure of the EU's refugee policy, this has wider and deeper causes. See, Florian Trauner, 'Asylum Policy: The EU's 'Crises' and the Looming Policy Regime Failure', (2016) 38 *Journal of European Integration*, 311–325.

<sup>16</sup>K. Shaheen, 'Bodies of Dozens of People Wash Ashore in Western Libya', *The Guardian*, 21 February 2017. Retrieved from <https://www.theguardian.com/world/2017/feb/21/bodies-of-74-migrants-wash-ashore-libya-zawiya> (accessed 6 March 2017).

<sup>17</sup>K. McVeigh, 'Refugee Women and Children "beaten, raped and starved in Libyan hellholes"', *The Guardian*, 28 February 2017. Retrieved from <https://www.theguardian.com/world/2017/feb/28/refugee-women-and-children-beaten-rape-and-starved-in-libyan-hellholes> (accessed 6 March 2017).

<sup>18</sup>E. Karageorgiou, 'Solidarity and Sharing in the Common European Asylum System: The Case of Syrian Refugees', (2016) 17 *European Politics and Society*, 196–214; F. Trauner, 'Asylum Policy: The EU's "Crises" and the Looming Policy Regime Failure', (2016) 38 *Journal of European Integration*, 311–325.

European Union.<sup>19</sup> The UK has not been much better with the limited rhetoric there (of taking in 20,000 refugees over 3 years) being matched with even less action. A House of Commons briefing paper published in January 2016 stated that: 'The first group of resettled refugees arrived in the UK on 25 March 2014. Press reports suggested that this first group consisted of around 10 to 20 people.'<sup>20</sup> By September 2016, this figure had increased to over 4000 people<sup>21</sup> – still nowhere close to the 20,000 figure that the government has committed to supporting, nor is it anywhere in line with what countries like Germany and Sweden are doing.

While most European countries have been beset by political scaremongering about increased security threats posed by taking in refugees, the responses across the continent have been rather different. In the place of official programmes, local volunteer groups and civil society actors across Europe have stepped in to fill the gap left by policy failures. While there are such initiatives across all European countries, it is in Sweden and Germany that most attention has been focused. However, it should not be forgotten that at the frontline of this crisis are the everyday activities of many Greeks and Italians who assist those who get into difficulties while crossing the Mediterranean and then provide support for them as they wait there or seek to make their way further across Europe. As Rozakou argues in the context of Greece, by 2015, '*Allileggi*' (solidarity) had become part of the everyday vocabulary; it was evoked by state representatives and the Prime Minister himself, and it was reproduced in journalistic reports on local responses to the refugee crisis.<sup>22</sup> There have been significant efforts by citizens<sup>23</sup> to establish and support maritime rescue missions in the Mediterranean as well as significant solidarity work in looking after refugees when they arrive on Italian land.<sup>24</sup> Alongside this, the Portuguese government has also volunteered to resettle 10,000 refugees and there has been an increase in the number of civil society actors and non-governmental organisations supporting refugees.<sup>25</sup>

In Germany, alongside positive actions by many political parties, trade unions, and the media, 'millions of Germans went to train stations, shelters and other places where refugees were arriving' to welcome them to the country.<sup>26</sup> The scale of the response and its sustained nature has led to the development of a 'culture of welcome' that seeks not only to integrate refugees into the host society, but also focuses on, as Hamann and Karakayali argue, what German citizens can learn from the new arrivals in order, together, to forge a 'society of migration'. Similarly, in Sweden, there have been a number of initiatives to welcome refugees with participation across all levels of society, from government ministers to academics to civil society groups and citizen volunteers.<sup>27</sup> Much of the discourse here is on how to develop an environment that enables refugees to become full citizens. It seeks to provide a reception environment

<sup>19</sup>M. Broomfield, 'Poland Refuses to Take a Single Refugee Because of "Security" Fears', *The Independent*, 9 May 2016. Retrieved from <http://www.independent.co.uk/news/world/europe/poland-refuses-to-take-a-single-refugee-because-of-security-fears-a7020076.html> (accessed 20 February 2017); R. Havlová and K. Tamchynová, 'The Uncertain Role of the EU Countries in the Syrian Refugee Crisis', (2016) 18 *Insight Turkey*, 85–106.

<sup>20</sup>M. Gower and H. Cromarty, 'Syrian Refugees and the UK', *House of Commons Library Briefing Paper*, Number 06805, 25 January 2016. Retrieved from <http://www.rcpsych.ac.uk/pdf/Syrian%20Refugees%20and%20The%20UK.pdf> (accessed 20 February 2017), 6–7.

<sup>21</sup>T. McGuinness, 'The UK Response to the Syrian Refugee Crisis', *House of Commons Library Briefing Paper*, Number 06805, 15 February 2017. Retrieved from <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06805#fullreport> (accessed 20 February 2017).

<sup>22</sup>K. Rozakou, 'Socialities of Solidarity: Revisiting the Gift Taboo in Times of Crises', (2016) 24 *Social Anthropology*, 187.

<sup>23</sup>See M. Stierl, 'A Sea of Struggle – Activist Border Interventions in the Mediterranean Sea', (2016) 20 *Citizenship Studies*, 561–578; M. Stierl, 'A Fleet of Mediterranean Border Humanitarians', (2017) *Antipode*, doi: 10.1111/anti.12320.

<sup>24</sup>See Kynsilehto, above, n. 13.

<sup>25</sup>P.M. Costa and L. Sousa, 'Portugal's Openness to Refugees Makes Demographic and Economic Sense', *Refugees Deeply*, 10 February 2017. Retrieved from <http://hdl.handle.net/10400.2/6154> (accessed 6 March 2017).

<sup>26</sup>U. Hamann and S. Karakayali, 'Practicing *Willkommenskultur*: Migration and Solidarity in Germany', (2016) 2 *Intersections: East European Journal of Society and Politics*, 75.

<sup>27</sup>See, e.g., Arena Idé, 'Welcoming Refugees: Local European Experiences', report from the conference held in Norrköping, 25–27 January 2017. Retrieved from <http://www.arenaide.se/welref17/> (accessed 21 February 2017).

that acknowledges the challenges of migration and acts proactively together with migrants towards their resettlement. Contrast this with the UK government's official policy of 'creating a hostile environment for migrants' in order to discourage movement<sup>28</sup> and it becomes clearer why a common asylum policy has been so difficult to agree and implement across the European Union.

It is no wonder, then, that Pope Francis,<sup>29</sup> on receiving the Charlemagne Prize in May 2016 for his work on behalf of European solidarity, was compelled to ask: 'What has happened to you, the Europe of humanism, the champion of human rights, democracy and freedom?' What, indeed, has happened to us? Even as we question the association of Europe historically with the championing of human rights, democracy, and freedom, we can acknowledge the humanity of the Pope's call for us to recognise those others as also human and as also having a place in Europe. We can take his call to build bridges, rather than walls, and to engage in dialogue with those we call other as we seek to rebuild Europe through recognition of its multicultural identity and heritage. Many social scientists and jurists, including myself, are rather surprised by the fact that one of the leading voices on these matters turns out to be the Pope. In contrast, it is interesting to note how few of Europe's mainstream (secular) public intellectuals have spoken out about the crisis for refugees or the accompanying increase in hostility towards migrants and those presented as multicultural others.

Jürgen Habermas, for example, is widely regarded as Europe's leading public intellectual and as someone who has made it his life's work to define the normative and political projects of Europe.<sup>30</sup> His silence on the crisis facing Europe, in terms of its failure to live up to its normative and legal obligations towards refugees, is resounding. Even in a recent interview, sparked by Brexit and the EU crisis more broadly, his focus is primarily on the financial crisis rather than on the beleaguered situation that refugees confront in Europe.<sup>31</sup> Habermas' few public pronouncements on the subject do not go much further than to suggest that asylum is a human right.<sup>32</sup> There is very little consideration of the implications of Europe failing to live up to the very values it claims defines its institutional and civilisational project.

Indeed, Helga Nowotny's<sup>33</sup> call to harness the 'hope of social science' in addressing the political challenges currently facing Europe identifies not Europe's failure to address the crisis for refugees, but rather points to the European project being under threat 'by a massive influx of refugees and asylum-seekers' who are 'taxing European institutions, and straining social cohesion.' It seems rather peculiar that the former head of the European Research Council would believe that asylum seekers, who constitute 0.25% of the total population in Europe, are responsible for the failure of European institutions. Indeed, as Peo Hansen<sup>34</sup> has argued, the brief, expansive response to the 'refugee crisis' in Germany and Sweden in late 2015, which he calls 'refugee Keynesianism', actually led to an increase in public spending and socio-economic growth that benefitted refugees and citizens alike. This analysis, however, is rarely taken up.

<sup>28</sup>JCWI (Joint Council for the Welfare of Immigrants), 'What's Next for the Hostile Environment: The Immigration Act 2016 and the Queen's Speech' (2016). Retrieved from <https://www.jcwi.org.uk/blog/2016/05/23/what%E2%80%99s-next-hostile-environment-immigration-act-2016-and-queen%E2%80%99s-speech> (accessed 21 February 2017).

<sup>29</sup>Pope Francis, 'Conferral of the Charlemagne Prize: Address Of His Holiness Pope Francis', May 2016. Retrieved from [http://w2.vatican.va/content/francesco/en/speeches/2016/may/documents/papa-francesco\\_20160506\\_premio-carlo-magno.html](http://w2.vatican.va/content/francesco/en/speeches/2016/may/documents/papa-francesco_20160506_premio-carlo-magno.html) (accessed 20 February 2017).

<sup>30</sup>See G.K. Bhambra, 'Whither Europe? Postcolonial versus Neocolonial Cosmopolitanism', (2016) 18 *Interventions: Journal of Postcolonial Studies*, 187–202.

<sup>31</sup>J. Habermas, 'Core Europe to the Rescue: A Conversation with Jürgen Habermas about Brexit and the EU crisis', *Social Europe*, 12 July 2016. Retrieved from <https://www.socialeurope.eu/2016/07/core-europe-to-the-rescue/> (accessed 6 March 2017).

<sup>32</sup>See DW, 'Jürgen Habermas: "Asylum is a Human Right"', DW, 30 September 2015. Retrieved from <http://www.dw.com/en/j%C3%BCrgen-habermas-asylum-is-a-human-right/a-18751118> (accessed 6 March 2017); N. Riemer, 'How to Justify a Crisis', *Jacobin*, 10 May 2015. Retrieved from <https://www.jacobinmag.com/2015/10/refugee-crisis-europe-zizek-habermas-singer-greece-syria-academia/> (accessed 6 March 2017).

<sup>33</sup>H. Nowotny, 'Harnessing the Hope of Social Science', *Project Syndicate*, 31 January 2017. Retrieved from <https://www.project-syndicate.org/commentary/social-science-inequality-globalization-populism-by-helga-nowotny-2017-01> (accessed 8 March 2017).

<sup>34</sup>P. Hansen, 'Refugee Keynesianism? EU Migration Crises in Times of Fiscal Austerity', in S. Jonsson and J. Willen (eds.), *Austere Histories in European Societies: Social Exclusion and the Contest of Colonial Memories* (Routledge, 2017).

The failure to acknowledge the immensity of the situation facing refugees is also demonstrated in an op-ed published in *Reporterre* by Bruno Latour<sup>35</sup> in which he identified climate change as the key issue currently facing Europe and ideas of European civilisation. Writing in the aftermath of the Paris attacks in November 2015 and the ensuing state of emergency in France, Latour acknowledged, in a sentence, the terrible situation faced by refugees – both in term of ‘the wholesale destruction of their country’ by terrorists and ‘the way we have reacted to the matter’ – but argued that the main priority facing Europe was the need to address climate change.

This generalised silence, or displacement, by most mainstream public intellectuals, on the moral crisis facing Europe is not, I suggest, an individual lapse, but is systematically produced in the failure to think through the multicultural histories of Europe as part of the cosmopolitan vision they otherwise promote. Before discussing this in more detail, it is necessary to point out that I am not suggesting that ‘Europe’ as a whole has been silent in the face of this crisis. There has been a significant amount of activity, as detailed above, by some governments across Europe, many local populations, civil society actors and non-governmental organisations to address the situation. My concern here is with the way in which scholars of Europe and the European project, for the most part, have failed to grasp the extent to which the current crisis is a crisis of Europe as opposed simply to a ‘crisis in Europe’.<sup>36</sup> Further, my argument is that this is produced by the seeming inability to acknowledge the connected sociologies of empire and colonialism at the heart of Europe and European conceptions of citizenship and belonging. As I will go on to suggest, questions of migration and citizenship are usually organised within national frames rather than, more appropriately, within the frames of imperialism and empire. In the rest of this article, I question how taking seriously the broader histories of empire and colonialism would enable us to rethink these central concepts and provide more effective solutions to the crises we are currently facing.

### 3 | THE LONG CONCEPTUAL SHADOW OF EMPIRE: CITIZENS, MIGRANTS, REFUGEES

The refugee crisis has sparked any number of debates within public policy circles, activist groups, the media, as well as within communities of scholars working, for the most part, in the areas of migration and refugee studies. The debates have ranged from arguing about specific policy proposals to alleviate the conditions for refugees within host countries to more geopolitical arguments for ‘no borders’. There has also been much discussion about the distinction between refugees and (economic) migrants and the implications of the language we use within the media and policy debates when discussing such distinctions. Across the range of viewpoints and the scale of the debates, the one thing that appears to be missing is a historical contextualisation, not just of the current crisis, but of the configuration of the world within which the crisis is manifest.<sup>37</sup> This may appear at first glance an arcane issue to be concerned with in the light of the more immediate concern of people’s very existence being at stake, but I argue that the concepts that we use in political debates matter.

The shape of the concepts we use within the social sciences – that is, the ways in which they are configured in relation to the highlighting of particular histories and the silencing of others – matter. They matter because, in the way in which concepts are constructed and deployed, people are recognised as being in, or out, of place and their movements facilitated (as citizens) or constrained (as refugees or migrants) as a consequence. In effect, my overall argument is about the ways in which our everyday understandings of citizens, on the one hand, and refugees and migrants, on the other, are shaped by inadequate histories. Further, I suggest that a better understanding of history

<sup>35</sup>B. Latour, ‘The Other State of Urgency [Emergency]’, *Reporterre*, 2015. Retrieved from <http://www.bruno-latour.fr/node/652> (accessed 8 March 2017).

<sup>36</sup>For exceptions, see Hansen, above, n. 33; P. Hansen and S. Jonsson, *Eurafrica: The Untold History of European Integration and Colonialism* (Bloomsbury Academic, 2014).

<sup>37</sup>For a recent exception, see Mayblin, above, n. 2.

would enable us to think differently about the urgent questions of citizenship in the present that are the broader frame within which all such questions about citizens and refugees and migrants play out. In particular, I want to address the ways in which questions of citizenship within the majority of debates have usually been organised within national frames, when locating them within the broader histories of empire would be a more adequate way of engaging with such questions.

The issue here is that the historical frame within which most debates on these topics play out is presentist in orientation. That is, the extent to which history is engaged with, is done so on the basis of accepting our current understandings as correct. For example, discussions of who is a citizen and has rights (or should have rights) – in contrast to migrants who do not, or should not – occur in the context of understandings of citizenship and rights that are seen to be forged in and by the nation-state. Bridget Anderson,<sup>38</sup> for example, in a recent book, argues against the dangerous politics of immigration control as evidenced in the history of the United Kingdom. She discusses the ways in which controls on mobility occurred initially in the context of limiting the movement of the poor locally and then were applied in a variety of forms organised around race throughout the different outposts of the British Empire. However, by making the primary characteristic of migrants, the issue of mobility, and drawing the connecting line between vagrants and migrants, Anderson, I suggest, makes a category mistake that blurs into the politics of the present. Prior to 1948, the populations of Britain and its empire were regarded as subjects of the crown and there were few official limitations on the movement of subjects, as subjects, within the parameters of Empire. The legal formulation of 'migrants', as distinct from citizens, occurs much later and is established not simply in terms of issues of *mobility*, but rather the colour of those who moved. I will go on to discuss this further in the following section.

The erasure of the context of empire from discussions of the emergence of citizenship is common within social scientific accounts. Brubaker's<sup>39</sup> ideal-typical constructions of understandings of citizenship, for example, revolve around a consideration of its emergence in France and Germany. France is presented by Brubaker as the originary modern nation-state, where conceptions of nationhood and citizenship cohere around political unity, rather than shared culture. The unification of Germany a century later in 1871, on the other hand, gives rise to a form of political unity that is understood as derivative of ethnic and cultural unity. In each case, the political context of empire is elided in its relation to the construction of the national political community. In Germany's case, this is because the German empire was a relatively brief and ultimately failed project, defeated in the two world wars.<sup>40</sup> In the case of France, empire is elided because of the apparent universalism of the republican claim undergirding conceptions of citizenship.<sup>41</sup> Even where empire is mentioned by Brubaker, it is the nation-state that is seen as the key determinant of citizenship. In this way, the idea of historical belonging to the nation is presumed to provide for political and other rights in the present. Yet, the majority of European states were not nation-states at the point at which understandings of citizenship were forged – rather, they were imperial states and often included imperial subjects in their definitions of citizenship.<sup>42</sup> As such, to accept current definitions of who is a citizen and who a migrant as the basis for starting discussions of policy has the danger of simply perpetuating the problematic politics of the present, rather than effectively resolving them.

<sup>38</sup>B. Anderson, *Us and Them: The Dangerous Politics of Immigration Control* (Oxford University Press, 2013).

<sup>39</sup>W.R. Brubaker, 'Introduction', in W.R. Brubaker (ed.), *Immigration and the Politics of Citizenship in Europe and North America* (University Press of America, 1989); W.R. Brubaker, 'Immigration, Citizenship, and the Nation-State in France and Germany: A Comparative Historical Analysis', (1990) 5 *International Sociology*, 379–407.

<sup>40</sup>See G. Steinmetz, *The Devil's Handwriting: Precoloniality and the German Colonial State in Qingdao, Samoa, and Southwest Africa* (University of Chicago Press, 2007).

<sup>41</sup>See T. Stovall, 'Race and the Making of the Nation: Blacks in Modern France', in M.A. Gomez (ed.), *Diasporic Africa: A Reader* (New York University Press, 2006).

<sup>42</sup>See G.K. Bhambra, "'Our Island Story': The Dangerous Politics of Belonging in Austere Times', in S. Jonsson and J. Willen (eds.), *Austere Histories in European Societies: Social Exclusion and the Contest of Colonial Memories* (Routledge, 2017).



In contrast, I argue for the need to understand the contemporary political category of 'the migrant', and relatedly, 'the refugee', to have been historically produced out of the processes of decolonisation associated with earlier forms of European colonialism. While the nature of colonial entanglements of European states are complicated and different across those states, in other work I have pointed to the necessity of learning across cases and through examining the connections between them.<sup>43</sup> As such, while in the following section I focus on the history of the British Empire and, in particular, the period of decolonisation, to clarify the arguments around citizenship and migration, I suggest that these would be applicable across understandings of the European Union. This is so both in terms of its constituent countries and the common political project of union. Indeed, it is the latter that brings countries without an avowedly colonial past, such as the Visegrád countries, into the postcolonial frame.

## 4 | THE BRITISH CASE

Debates on British citizenship emerged in the metropole in the 1940s and it was not until 1981 that there was a legal statute specifying British citizenship as a category distinct from the earlier forms that had created a common status *across the populations of the UK and its colonies*. Disentangling a particular form of British citizenship from these earlier modes involved taking rights away from some putative citizens on the basis of race and colonial status and turning them into migrants in the process.<sup>44</sup>

The British Empire had resisted categorising its subjects on the basis of race even as it configured politics through a systematic racialised hierarchy of subjecthood. The global unity of Empire, by the early twentieth century, had come to depend on the illusion of interdependence of its constituent parts. The increasing moves towards political independence of the settler colonies, together with the growing independence movement within India, meant that Britain had to reconfigure its understandings of empire if it was to retain a semblance of its earlier global power. This was done through the renaming of Empire as Commonwealth in the post-war period and the incorporation of earlier colonies and dominion countries now as 'equal' members within this newly constituted federation. The British Nationality Act of 1948, which came into being as a consequence of Indian independence and the move towards full independence by the dominion countries, conferred British citizenship not only on the population of Britain, but also on the populations of her colonies and all Commonwealth countries, that is, former colonies and dominions.<sup>45</sup> It provided all British subjects with the right to enter, live, and work in Britain. As darker subjects, then citizens, of empire and Commonwealth began to make use of these opportunities, a moral panic ensued in Britain over 'coloured immigration'.<sup>46</sup>

Until the post-war period, the direction of travel had predominantly been from the imperial metropole to the dominions and colonies, rather than from those territories to the metropole. As such, there had not been a perceived need to control immigration. It was only with the movement of darker subjects of empire to the metropole from the post-war period onwards that Britain began to establish comprehensive immigration controls similar to those established earlier by its white settler colonies. As Canada, Australia, and New Zealand had begun to gain greater political autonomy in the early twentieth century, they had initiated processes of curtailing the movement of darker subjects of empire to the territories over which they claimed political jurisdiction. That is, they maintained whites-only policies on immigration, favouring white British, or white European-descended (including US) immigration, until well into the post-Second World War period.<sup>47</sup> Britain, having conferred a common citizenship to the populations of

<sup>43</sup>G.K. Bhambra, *Connected Sociologies* (Bloomsbury Academic, 2014); G.K. Bhambra and J. Narayan (eds.), *European Cosmopolitanism: Colonial Histories and Postcolonial Societies* (Routledge, 2017).

<sup>44</sup>R. Karatani, *Defining British Citizenship: Empire, Commonwealth and Modern Britain* (Frank Cass, 2003).

<sup>45</sup>See G.K. Bhambra, 'Locating Brexit in the Pragmatics of Race, Citizenship and Empire', in W. Outhwaite (ed.), *Brexit: Sociological Responses* (Anthem Press, 2017).

<sup>46</sup>R. Hansen, *Citizenship and Immigration in Post-war Britain: The Institutional Origins of a Multicultural Nation* (Oxford University Press, 2000).

<sup>47</sup>S. Brawley, "'No 'White Policy' in NZ": Fact and Fiction in New Zealand's Asian Immigration Record, 1946–78', (1993) 27 *The New Zealand Journal of History*, 16–36.



the metropole and its colonies, could not revoke citizenship and so had to find another way of limiting the movement of particular populations into the country. This was done through the establishment of the Commonwealth Immigration Acts of 1962, 1968, and 1971. These limited the rights of some citizens to enter Britain and, in this way, immigration control came to be used to define who was and who was not a citizen. As Karatani<sup>48</sup> argues, these Acts made citizens into immigrants and did so by reconfiguring citizenship on the basis of racial exclusion.<sup>49</sup>

As I have set out above, until the post-war period, the primary direction of movement had been from Britain to the settler colonies and more broadly within Empire. As those within Empire began to find their way to the imperial centre, Britain began a process of curtailment of movement. As such, it should be clear, the issue was never simply mobility, but rather the colour of those who moved and the direction in which they moved. This argument is further strengthened when we examine the fact that the period of concern about 'New Commonwealth' migration (that is, from India, the West Indies, and other darker nations) was the period of extensive labour shortages in Britain. In order to address the shortage, Britain set up the European Voluntary Workers Programme, which brought in 200,000 European workers from refugee and displaced persons camps from Germany, Italy, and parts of Eastern Europe.<sup>50</sup> This period of post-war European migration is claimed by Deakin as 'the most intensive this country has ever experienced'<sup>51</sup> and far exceeds the numbers of people entering Britain from the New Commonwealth. As Hampshire points out, 'as many European migrant workers arrived in Britain [in less than three years] as would arrive from the colonies and the New Commonwealth over the course of a decade'.<sup>52</sup>

Compared with the scale and intensity of European migration to Britain, then, it is remarkable that the majority of the academic literature on post-war migration to Britain refers almost solely to the movement of darker subjects and citizens. They are labelled as migrants and as responsible for the creation of what has come to be called multicultural societies – Habermas' 'postcolonial immigrant societies' – with the implication being that this was something imposed upon the host society without their considered consent. There is little to no mention of the paler migrants and 'aliens' within parliamentary discussion or media reporting at the time. The concerns expressed were only about the pressures put upon housing, employment, and schools by the darker citizens. The issue here, quite clearly, is not a concern with the mobility of paler, European migrants, but with the movement of darker citizens. As such, the line of mobility is not best drawn from vagrants to migrants, but is an explicitly racialised line that emerges in the context of decolonisation and the movement of darker citizens to the metropole. The construction of darker citizens as *aliens* over the 1960s was based on a visceral understanding of difference predicated on race rather than in relation to any legal basis.

## 5 | BEYOND BRITANNIA

The distinct categories of citizen and migrant emerge in the context of a presentation of the history and politics of Britain as a national history independent of empire. That is, Britain is presented as a nation that has, that *possesses*, an empire and is not regarded as an imperial political entity. As I have argued above, this enables the emergence of the category of the 'migrant' as referring to populations that would, historically, have been part of the body politic, that is, as subjects or citizens. While I have focused here on Britain and the British Empire, the central thrust of the argument would stand also for other European imperial states. The linguistic manoeuvre of separation, which posits a qualitative difference between the nation and the larger empire of which it was a leading part, serves many functions, but it is also elided when it is expedient to do so, and especially in the sphere of human rights.

<sup>48</sup>Karatani, above, n. 43.

<sup>49</sup>See also J. Hampshire, *Citizenship and Belonging: Immigration and the Politics of Demographic Governance in Postwar Britain* (Palgrave, 2005).

<sup>50</sup>See *ibid.*; H.G. Maslen, 'The British Government and the European Voluntary Worker Programmes: The Post-War Refugee Crisis, Contract Labour and Political Asylum, 1945–1965'. PhD thesis, University of Edinburgh, 2011.

<sup>51</sup>N. Deakin, *Colour Citizenship and British Society* (Panther Books, 1970), at 23.

<sup>52</sup>Hampshire, above, n. 48, at 61.

The establishment of the United Nations in the post-war period, for example, arose explicitly as being an international body made up of nation-states. Three of the five permanent members – China, the United States, and the Soviet Union – were in agreement about the problematic nature of empire and sympathetic, at least initially, to the plight of colonised peoples. As Wilder<sup>53</sup> argues, however, Britain lobbied for France (another colonial power) to be given a seat on the Security Council in order to act as a counterweight to such arguments. In the early days of the United Nations, both Britain and France prevented the UN from acting in relation to peoples living in colonies they controlled by arguing that these territories were an integral part of their national states. Wilder suggests that the UN had a strict policy of not interfering in the internal and domestic affairs of states and that both Britain and France used this policy to block action by the UN on behalf of peoples arguing for independence from colonial rule. At this point, those people living within their colonies were presented politically as constituting 'one people' – members of the larger polity with claims comparable to those of metropolitan citizens.

Interestingly, however far the idea of 'one people' was taken, there was nonetheless perceived to be a racial divide that could not be transcended. This was demonstrated by the Commonwealth Immigration Acts brought forth by the British government in the 1960s, as discussed above, and also by the actions of the French government and the newly constituted European Economic Community (EEC). When the EEC was set up, Algeria was formally a part of this new entity, as a consequence of being regarded as part of the body politic of France. Algeria was equal in all respects to the other states except for two issues. The first, as Hansen and Jonsson<sup>54</sup> argue, was that Algerians were not allowed to move freely between all the EEC states (as was the case for all other citizens of the EEC), and second they were not to be paid wages or social insurance at the same rate as all other citizens. So, even though Algeria, as a consequence of 'being France' was politically an integral part of the EEC, Algerian-French citizens were discriminated against socially and economically on the basis of race. As such, the European project can be seen to have been a racialised project from the very outset and mobility was once again delimited by race.

The boundaries of the political community, and the associated rights of citizenship, are usually imagined to be congruent with the territorial boundaries of the state as understood in national terms. The idea of the political community as a *national* political order has been central to European self-understanding and to standard social scientific accounts as discussed above. Yet, most European states were imperial states as much as they were national states – and often prior to or alongside becoming national states – and so the political community of the state was much wider and more stratified than is usually acknowledged. In this context, they were multicultural political communities organised in relations of domination and subordination. Following decolonisation, European states have purified their histories as national histories and imagined their political communities as composed of 'kith and kin', sharing some of their sovereignty with other nation-states that have similar values and commitments to democracy and the rule of law. In this context, however, there is a refusal to share obligations to those who were previously dominated within their broader imperial political communities. The latter are now represented as 'different', neither sharing values nor the particularities that make up the different national cultures.

This is the politics of selective memory that is currently playing out in Europe. In this way, Europe claims rights that belong to its national citizens, but need not be shared with others. In a situation of the general advantages of Europe, such advantages no longer deserve to be called rights; rights that are not extended to others are privileges. In this way, imperial inclusion based on hierarchical and racialised domination is reproduced as national – joint European – exclusion, reflecting earlier forms of domination and similarly racialised. Refusing to take into account our broader connected histories has many implications including misidentifying the extent of the populations that were recognised as citizens and could be argued to continue to have rights into the present. As Mayblin<sup>55</sup> has forcefully argued, the central assumption underpinning much European scholarship on refugees is that restrictive asylum

<sup>53</sup>G. Wilder, *Freedom Time: Negritude, Decolonization, and the Future of the World* (Duke University Press, 2015).

<sup>54</sup>Hansen and Jonsson, above, n. 35.

<sup>55</sup>L. Mayblin, 'Colonialism, Decolonisation, and the Right to be Human: Britain and the 1951 Geneva Convention on the Status of Refugees', (2014) 27 *Journal of Historical Sociology*, 423–441; L. Mayblin, *Asylum after Empire*, above, n. 2.

policies were introduced in the 1990s because countries were overwhelmed by so many 'unprecedented' asylum applications. However, as she demonstrates, this is both historically inaccurate, and fails to acknowledge the fact that the vast majority of these 'new' asylum seekers came from countries with colonial relationships to Europe. Further, many believed they would be safe in Europe because of the propaganda of empire and European self-assertion as the homeland of rights and justice in the post-war/postcolonial period.

Most normative accounts of cosmopolitan Europe ignore the colonial and imperial histories that constitute the broader context of the European project. This, in turn, provides the basis for narrow and parochial understandings of our responsibilities in the present. Taking this history seriously, and transforming its associated concepts of citizenship and rights, would provide the opportunity to develop a more inclusive and just, postcolonial cosmopolitan project in Europe, one that dealt with asylum seekers and refugees on the basis of fulfilling its human rights commitments and extending them. On this basis, Europe might become the Europe of humanism, the champion of human rights, democracy and freedom that the Pope attributed to it. In doing so, it would need to discover that it had not always been so and that it was perilously close in the present to making that future unrealisable not just for those wishing to be part of it, but for its own self-acknowledged citizens.

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