RE-CONCEPTUALISING REFUGEES

AS RELATIVE SURPLUS POPULATIONS

by

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Abstract

The topic of study in this thesis is the relationship between refugees and the Canadian political economy. The central argument of this thesis is that both the production of refugees around the world and their reception in Canada are best understood as core processes of contemporary global capitalism/imperialism. Borrowing from and employing a critical Marxist political economy orientation, the phenomenon of refugees as relative surplus populations within a global capitalist system is critically examined. Relevant research on migration and refugees provides a general but clear picture of recent scholarly research on international migration and refugee phenomenon. Alternative approaches and disciplines are compared and a suitable context within which this research may be placed is established. Key notions in both Malthusian and Marxist theory are developed. Theoretical conceptions are operationalized to the literature reviewed, allowing for the situating and discussion of relevant key concepts. A case application of the theoretical framework and arguments developed above is made focusing on the Canadian political economy generally, and in terms of its refugee protection system specifically. A summary review of the path taken is presented, highlighting major points, assumptions and findings made, concluding with suggestions for what actions need be taken to ameliorate the situation.

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Chapter I -Introduction

At a general level, the topic of study in this thesis is the relationship between refugees and the Canadian political economy. Refugees are all those persons displaced and/or persecuted, whether labelled as political, economic, social or environmental; more fittingly they may be termed as displaced surplus populations. The Canadian political economy is viewed within global capitalism.

The central argument of this thesis is that both the production of refugees around the world and their reception in Canada are best understood as core processes of contemporary global capitalism/imperialism. Neither refugees nor the global political economy are isolated from one another; instead the former is both a product of, and a central contemporary characteristic of, the latter. Employing a critical Marxist political economy orientation, the phenomenon of refugees within a global capitalist system is critically examined in this research.

Chapter Two entails a review of the relevant research on refugees in the capitalist world. Much research abounds, but very little is critical or analytical enough to be of great use. Nonetheless, from the sources that do exist, key themes are highlighted and a context is provided for the current research.

The next step, in Chapter Three, is a purely theoretical venture. It develops key notions in Marxist theory, identifying and discussing major assumptions, concepts, strengths and failings. Following this, Chapter Four involves an application of the Marxist theoretical orientation to a critical examination and

analysis of the approaches outlined in the literature review in chapter two. Key topics and issues include: refugees versus immigrants; political 'versus' economic origins; refugees as 'surplus populations'; 'global immiseration'; refugees as products of a socio-economic organization (capitalism) which treats labour power and human beings as disposable resources, necessary to profitable accumulation. Hence, an oversupply of labour power is viewed as a usual feature of contemporary capitalism, resulting in unwanted, undesirable, 'surplus populations' and 'reserve armies of labor' to be tapped into if necessary.

Chapter Five provides a case application of the main argument, wherein the Canadian political economy is focused upon regarding immigration and refugees. Specifically, the Canadian state's legislative record beginning from Confederation onward, including the various Immigration Act*s* and major amendments, culminating with Bill C-11, the proposed new Act, is reviewed and analyzed in light of the conceptual framework identified and developed in this research.

In Chapter Six the reader is given a summary review of the research, highlighting major points, assumptions and findings, and concluding with actions necessary to ameliorate/change the present predicament.

The refugee, in relation to other forms of migration, holds a unique position. This position is also a highly problematic one. Refugees are often viewed as distinct, usually political, migrant populations, different from the economic migrant or immigrant. In practice, however, there is often a similar, complex array of factors associated with all forms. In researching refugees we see a lack of critical research that questions basic assumptions surrounding the phenomenon.

Refugees become unfairly and non-objectively conceived of and defined as only arising from political persecution. Those who fail to meet strict definitions emphasizing political causes become labelled and treated as economic migrants. These dominant legal definitions and informal conceptions of refugees fail to grasp the 'reality' of the refugee's existence/predicament. In no way do such definitions work in their favour. Rather, it shall be argued, that such definitions serve only the interests of capitalists and the capital accumulation process globally.

The most obvious consequence of such state-level misconceptions and narrow definitions is that it is difficult to determine and acquire exact numbers and information related to refugees. For example, in 1996 the UNHCR (United Nations High Commissioner for Refugees) estimated that the number of refugees and displaced persons have never been higher, at 27million (United Nations, 1996). However, this number accounts for only those known to the United Nations and who meet its strict definition which emphasises personal and political persecution. If this number included the estimated 50-60 million persons facing forms of persecution that are not expressly political (on the surface), for example, economic persecution, so-called economic refugees, and as well persons facing other non-personal forms of persecution and hardship (for example, environmental degradation, civil war, generalized conflict, and so on, events often emerging from combined socio-economic and political causes and not solely political) the total figure number could conceivably amount to hundreds of millions of individuals.

Canada, as an advanced capitalist country and partner to key global institutions causing (or at least triggering) refugee flows, is actually a key player in the production of refugees. Furthermore, if one were to look at Canadian policies, in law and in practice, the demographics of those actually settled unveils a disturbing and unhinging picture against Canada; political, economic, racial, cultural and other forms of bias and discrimination are deeply entrenched in selection criteria and are common trends in the practice of selection and control of refugee populations.

It is believed that these sides to Canadian refugee policy, Canada's protectionary regime so to speak, in both legal and practical senses, can be best understood and characterized as part of the legitimation/accumulation crisis of the Canadian liberal democratic state. It is the argument here that in law, policy and practice, humanitarianism and compassion have taken a back seat. Priorities concerning refugees have been overshadowed by domestic economic and social objectives. There have been extensive research and study of both of these more dominant purposes to immigration, but few studies have focussed on how larger economic and social objectives have affected the refugees specifically, how they undermine Canada's stated objectives of humanitarianism and compassion, and how they relate to larger conceptions of refugees. Nor has there been much focus on the theme of economic discrimination in policy.

It has been well established that for 'regular' immigrants economic criteria and factors play a significant role. Racism and political biases have also been

demonstrated to exist. In the refugee and humanitarian cases, where stringent regular criteria are supposed to be relaxed and set aside, evidence of discrimination and bias have nonetheless been found to exist as well. Economic discrimination, alternatively, has been ignored or thought to be non-existent. Considered the exception to the rule, the refugee class has been viewed as solely a political group, isolated from economic affairs. This is unfortunately evident even in the work of many employing Marxist orientations; such studies have been focused almost exclusively on labour migration.

It is disturbing to be part of a society that actively participates in the (re)discrimination, stigmatization, criminalization and (re)persecution of individuals whose only crime is seeking, in the worst cases, life, freedom and protection, or in the best cases, an improved existence. Virtually all Canadians were once on the other end, the surplus population of undesirables, seeking new opportunities, freedom from overpopulation and underemployment. The indigenous populations we encountered would have probably liked to have seen our repatriation. We fear losing what we have (what we have stolen). This is understandable; but let us be forthright about it and not deceive ourselves. We must admit that who we take into this country as refugees is not done out of compassion, but in a manner which is either most profitable or in a way which is least expensive, politically and economically.

Given the life-threatening situation of many refugees' existence, explaining the rationale behind protecting them should not require justification. However,

some mentioning of the rationale underlying refugee protection and resettlement efforts is called for, as it is always safest not to make unquestioned assumptions. Whatever the form of protection granted to refugees, durable or temporary, partial or complete, all are essentially means to save lives by safeguarding refugees from persecution or inhumane treatment. Part of the rational is that there is an international responsibility (some call this 'burden sharing') to protect refugees and which falls mostly on the advanced capitalist countries to partially relieve significant pressure on other countries (often the poorest) that are already providing asylum to many of the world's refugees. Ultimately, it is the lives of refugees that provide the rationale for protection. All refugees must live with the realization that their pasts are gone and their futures are uncertain. By protecting refugees, displaced people are provided with the means and opportunity to find the security and freedom they lost or never had.

I find it difficult to ignore cries for help and pleas for compassion, particularly when those in positions most capable of providing protection and assistance appear intent only on causing them further persecution and harm. What better place to launch an attack on the current capitalist political economy than through the definitions themselves? Exposing the prejudiced, flawed and impartial underpinnings of such definitions and conceptions through a critical look at this group of the world's most 'immiserated' within the context of the world political economy is too tempting a pursuit from which to walk away.

Chapter 2 – Literature Review

The goals of this literature review are 1) to provide the reader with a general but clear picture of recent scholarly research in the area of international migration with specific attention to that of refugee migrations; 2) to compare respective approaches and disciplines that exist relative to the issue at hand; and 3) to establish a context within which the present research may be positioned, in terms of its relevance and importance.

The review is both 'contextual' and 'integrative'. Discussion is focussed on the review and presentation of both current and pressing themes and/or debates found in the literature. While an attempt is made to cover and review all approaches and orientations, primary attention and a more in-depth account will follow of those considered most promising. This latter part includes preliminary discussion and examination of some of the major debates and contemporary issues surrounding existing perspectives, particularly those related to theory and methods, but will in no way be conclusive or complete. More in-depth and a more comprehensive discussion of these issues will be offered in the following chapters.

The review begins with a brief discussion of some of the more common statistical and descriptive forms of research. It then moves on to a more detailed examination of research believed to be more promising and useful (for example, the areas of theory and policy), further identifying the more promising of these, and will conclude with some reflection on the state of contemporary refugee research, indicating where this work will fit.

Descriptive research taking demographic and statistical forms is conducted/produced primarily by international agencies and quasi-governmental bodies, but also from within the social science disciplines of anthropology, economics, sociology and demography. The United Nations (U.N.), particularly, through its many different divisions, produces a very substantial and valuable amount of work into actual refugee migrations. Notable are the United Nations High Commissioner for Refugees (UNHCR) and the Population Division of the United Nations Department of Economic and Social Affairs (P.D.D.E.S.A.).

Publications by the U.N. in large part represent mere reviews, compiling and detailing various features or characteristics to the phenomenon, sometimes including minor (of a 'surface-level' and more practical nature) discussion of related developments in policy and management. An example of this is its "Review and Appraisal of the World Population Plan of Action" reports that are produced every five years by the P.D.D.E.S.A. Its 1994 report, for example, focussed on 30-selected population issues related to international migration and refugees (United Nations, 1995). These reports are compiled in conjunction with a wide range of UN organizations, commissions, agencies as well as other bodies, including many non-governmental organizations (N.G.O.).

In addition to the more frequent and routine reports, appraisal, and plans, the UN publishes other informational materials such as pamphlets, posters, and books that attend to current or pressing affairs. The UNHCR's more recent *The*

State of the World's Refugees (United Nations, 1995) represents one of the less routine books produced by the U.N. While making reference to conditions such as armed conflict, political turmoil, and economic disruption in looking at causes and 'searching for solutions', the text does little more than highlight the immediate experience and situation of the refugee and the conditions that are most visible and obvious in their production.

The U.N. also produces some valuable compilations of information in tabulated form; data and information on migration (such as immigration and emigration policy, lower, maintain, raise and so on and immigration and emigration figures such as numbers admitted and remitted) by major area region and country related to migration are charted, serving sometimes as an invaluable source for reference. A recent example of this type of work is the publication *International Migration Policies 1995* (United Nations, 1996)(see also UNHCR, 1995).

Various factions of the U.N. that investigate and bring together the work of numerous migration and refugee scholars, experts, and government representatives also occasionally hold various kinds of symposia. Summary papers or articles of the proceedings are often produced. Castles' (1999) *International Migration and the Global Agenda: Reflections on the 1998 UN Technical Symposium*, for instance, is representative of such work. His summary and reflection on the U.N.'s 1998 technical symposium on the then current state of international migration and responses to it Castle's summarizes and contemporizes

what work is being done, its direction, content and future outlook, in addition to advancing insight into and understanding of the phenomenon.

Kritz, Keely, & Tomasi (1981) provide a similar piece of research. The authors compiled a collection of papers presented at international conference on international migration held at Rockefeller Foundation Bellagio Study and Conference Centre, Italy. This compilation is an excellent source of the various views, approaches, theories and methodologies on the phenomenon of refugee migration. The authors argue that social, political and economic structures at both the national level and international level serve to shape international migration patterns and policies. They also trace and discuss the trend in migration and policy in six different geographic regions of Western Europe, North and South America and the Middle East. Research by other authors that is published in the compilation, such as Portes and Walton (1981), Richmond (1994), and Rogers (1992), focuses on adaptation and settlement issues, particularly those concerning labour. Zolberg (1981) takes an instrumental/political orientation, while Bohning (1994), and Salt (1987) document patterns in migration particular to various regions. Other types of work falling under this category of research include that by Zlotnik (1999). She describes the main trends in international migration between 1965 and 1996, documenting changes in its character and direction and provides for a quantitative basis to assess the validity of certain common tenets regarding the evolution of migration.

Jean (1992) delivers a study very much similar to those above, despite claims of superseding 'statistical and strategic' considerations and placing the focus on the 'human element' of refugee and displaced populations. The work is noteworthy, however, because it does avoid the more common blurring of the problem's real roots, avoids alarmist accounts, and suggests a wide and unbiased definition of refugee migrations. After looking at eight major regions producing refugees worldwide, focusing on hot spots therein, Jean concludes that contemporary causes producing refugee populations have changed. Cold war explanations are no longer satisfactory and individual states are becoming less important in the process. Rejected by Jean are the all too common 'blame the victim' theories that attribute refugees and displaced persons situations to their own inadequacies (for example, population pressures due to irresponsible reproductive practices). Jean suggests that these phenomenon are more often the result of natural disaster, war, tyranny, and conflict. In the end, however, Jean fails to trace even these to deeper sources. While some attention is paid to political factors, this is, for the most part, after the fact. For instance, in terms of the responses by the public and politicians to dealing with and not creating the phenomenon, the economic side of the coin is all but ignored completely. There are also numerous reports and papers published by governments, including here in Canada, created by the respective immigration departments of individual states. These provide invaluable statistical information as well as clarification of the current and past policy objectives and future intentions for immigration management.

Overall, the research in this area, particularly by the United Nations and other international bodies/agencies, provides an invaluable amount of statistical and empirical data, supporting the bulk of remaining studies into international and refugee migration. Nonetheless, research in this area produces primarily summary and descriptive information and data in relation to the phenomenon. What little reflection and discussion of policies and responses that is presented are largely uncritical conservatism, supportive of the status quo, keen on exacerbating current trends or, at most, voiding calls for reform. Further, while the literature may allow for greater recognition and awareness of the many causes, rationales and explanations underlying migratory movements, focusing on such factors as individual demographic and statistical relationships, provide for only surface-level analysis and, therefore, can only produce limited insight into the reality of the phenomenon.

State and policy-centred research serves to document, evaluate, analyse, critique, and propose reform for various policies, practices, institutions, and organizations (including non governmental) of an economic, social, and political nature, at both the national and international levels. This orientation, clearly the most preferred among contemporary migration researcher/writers, places primary and often excessive focus on political factors and processes.

Some of the key writers in this field arose in response to Marxism. Some, retaining the Marxist name, have put more focus on political factors in studying refugee and other forms of migration. Many adhering to this position reject what

they see as functionalist, more economic and class-centred explanations, those often associated with traditional, so-called structural or mechanical Marxist theory. In contrast, such theorists place far more attention on political factors, particularly key state officials and international organizations in both the creation and application of migration policy.

The role of the state in setting policy and responding to migration flows is perhaps the most common focus of researchers in this field. In his assessment of theory on global economy, Mitchell (1988) argues that analysis of international migration should begin with the policy-setting processes of the state. Basok (1996) as well uses the state and its policy setting process as a point of departure in her work. She argues that the state is exercising ever more control over the field of immigration policy and that the state is far from withering away, as postmodern writers have suggested. Other writers such as Miles (1986), have focused analysis on the role of the state in post war political economy of migrant labour in Western Europe, tying in factors of capital accumulation (labour needs) as well.

In Basok's article (1996), there is an exhaustive analysis of Canadian refugee policy in the context of globalization. Her investigation looks at the state's role, as it must respond to 'refugee crises', in the face of increasing pressures from capitalism and civil society. Basok provides a convincing argument, both thorough and complete, supported by a substantial amount of data and evidence, against the notion that the Canadian state's autonomy is being undermined 'across the board'. Rather, she suggests that there may be an increased and more powerful role for

the contemporary state as the central and determining entity in the field of refugee policy, a role that is characteristically more interventionist and restrictive.

Whittaker (1987) looks specifically at the refugee selection process used by the Canadian state during the post-war period, pointing out its political bias. His analysis led him to the conclusion that selection was highly political and based on the perceived existence of an external enemy, that is, communism. Hence, Whittaker argues, policy was formulated and administered in a way that kept external enemies external. An example of a more recent analysis of state selection process, from a political/ideological orientation is that of Velasquez (1996). She lookes at how United States foreign policy on asylum applications has been used with 'ideological selectivity' based on refugee's countries of origin, to embarrass or destabilize their governments. Haiti and Cuba, in particular, but also El Salvador, Guatemala and Nicaragua were used to demonstrate this selectivity.

Keely (1996) also puts forth a state-centred approach, a theory of refugee production and policy based on the 'dynamics of the nation-state'. Forced migration is produced by nation states and rooted within the instabilities of the nation state, according to Keely. He suggests that this is because nation states contain multicultural groups which sometime disagree about the structure of the state or the economy, often in relation to implosion due to lack of resources. He elaborates a theory of refugee production and policy formation rooted in geopolitical structure, in international refugee policy and practice, and the political

character of the state since the cold war. Beach and Green (1988) adopt a similar analysis.

Simmons and Keohane (1992) also look to the state in studying refugee flows. Their work focuses on the Canadian state and its immigration policy and concludes that the state is both a powerful and vulnerable entity, hence calling the state "janus faced". They argue that the state is involved in a hegemonic project where it must mediate and respond to numerous competing and incompatible economic, social and political factors, all in the quest for legitimacy. The authors appear comprehensive in their own review of research and approaches, considering 'productive forces' or 'staples' approaches, the 'state centred' and the 'pluralist' or 'political actors' explanations. Research into immigration policy formation is argued by the authors to fall broadly into two schools. In the first:

> [I]mmigration policy is seen to be shaped fundamentally by productive forces, particularly the dominant role of capital, with the state acting to facilitate the interests of elites as these change with economic opportunities and conditions. The 'staples' approach to Canadian political economy, for example, views immigration policy as an essential element in the response of Canadian elites to international capital and export markets. (Simmons and Keohane, 1992:424)

Authors who follow the staples interpretation include Corbett (1957), and Green and Green (1976). For them, immigration policy is seen as a reflection of the changing labour needs of the economy. Victor Satzewich (1991) also employs a 'staples' approach but draws attention to the role of cultural forces (racism) as well, in his analyses of the shaping of immigration policy providing for cheap

'coolie' labour in the building of the Canadian railway and also in providing white European settlers for expanding wheat production in the Canadian West.

The second major school, as described by Simmons and Keohane, emphasizes the role of the state, "...viewing it as a body with considerable scope for setting policy within any constraint imposed by productive forces" (quoted in Satzewich, 1991:425). Authors adopting this interpretation point to the centrality of powerful bureaucrats and influential ministers in leading policy. It includes such scholars as Hawkins (1989) and Whitaker (1987) who take a largely uncritical approach in their interpretation of refugee policy as the outcome of relations between departments and personalities within the state. However, some authors such as Malarek (1987) and Basok (1996) do attempt to include consideration of both dimensions, taking a far more critical approach, focusing on state actors and on analyses of structural forces bearing on policy.

Simmons and Keohane's typology of existing perspectives assumes, however, that the state and policy formation should be examined in understanding refugees. This is not sufficient for reasons already pointed out. All too often, state and policy focussed studies ignore or, at the very least, subordinate materialist ('staple') perspectives. In the end, then, Simmons and Keohane's work is much like others in the political realm; that is, it is excessively state-centred and masks or avoids altogether the actual fundamental origins of group conflict and the *apparent* political crises that produce refugee populations.

Work by Weiner (1995), also falling under the general heading of politically focussed research, rejects outrightly economic orientations, preferring instead to assume that refugee flows are the result of conflict between the interests of governments and migrants. Weiner understands the fundamental source of such conflicts as being located in the entry and exit policies of states. Weiner's attempt to look deeper for the underlying sources of these conflicting interests is preceded by the assumption that refugees and migrants actively create the situations in which they find themselves, that their rights and interests enjoy too much attention, and that the state's rights should be given greater consideration. While Weiner pays some attention to other factors apart from the state and policy, such as the globalization of capital, trade, communication, and transportation, it is brief, deemed secondary, and situated only in relation to political objectives and priorities of states.

Even less firmly grounded research includes that of Green and Green (1976). These authors perform a policy analysis in their examination of the effects of change in Canadian immigration (for example, the 1967 amendments that created a regulatory system, including the points system) and find that the policy changes made provide for some control over occupational composition, but its effect is limited by the high number of variable/characteristics it tries to control. Adelman *et. al.* (1994) provide what is mostly a summary of the making, implementation, settlement, economic and environmental impacts, and social impacts, of immigration and refugee policy of both Canada and Australia.

Work by Kubat (1993) is representative of comparative research. He provides data on the characteristics of migration and compares policies employed by 22 countries, finding that countries were experiencing similar problems and employing similar solutions. Also documented were the many similar consequences of international migration, such as, economic, social, demographic, and cultural. Rogers (1992) and Seward (1987) provide similar analyses. Freeman (1992) also employs a largely uncritical survey of the refugee phenomenon. Again, the focus rests solely on the politics of immigration, in this case specifically those within the major receiving states (for example, the United States, Canada, and Australia).

In classical economic, push-pull models of migration, the focus is primarily on the individual and immediate factors that relate to migratory decisions. People are viewed as instrumentally rational and responding to discernable pressures; they are said to maximize advantage or pleasure and minimize discomfort, the so-called "Benthamite principle" (Jackson, 1986). The primary assumptions and, hence, focus of the model, is on factors of push and pull, factors that either drive individuals away from their locale or attract them to another. Factors are most commonly premised to be economic in nature (very little of any attention is given to political considerations), such as a lack of natural resources, employment, poor wages, drought and famine, and population increase (Jackson, 1986).

The main ideas of this model can be traced back to the eighteenth century, found in the writings of E.G. Ravenstein. Generally, migration was explained by

the establishment of flows conditioned by a number of variables and assertions (for example, that development of technology and commerce leads invariably to an increase in migration and also that economic motives are paramount of all motives. At a most basic level, in conceptualising migrations, it assumes "...a set of factors associated with the area of origin and a set of factors associated with the area of destination, together with intervening variables which affect the actual balance of these interests" (Jackson, 1986:15).

Work by Klein (1987) is quite representative of the classical economic or push pull perspective on migration. His *The Economics of Mass Migration in the Twentieth Century* provides a collection of papers that focus upon and discuss the pushes (better economic, political, religious, opportunities at destination) and pulls (harsh economic, political, religious, social, military environments of homeland). The work attempts to account for mass migrations of the past one hundred years and suggests that numbers will increase with advances occurring in technology and transportation (Klein, 1987).

Push pull models are limited by the fact that they can only answer a narrow, highly specific set of questions related to migratory movements, notably, those for which individual pushes and pulls are most salient. While these are important issues, it would be a great mistake to concentrate on and address merely them alone. This would ignore the degree to which the migrants themselves are embedded in a social fabric that serves to predetermine the choices, opportunities, and responses with which the migrant is presented in the first place (Klein, 1987).

This has led some observers to denounce classical and traditional theories that take on individual or micro-analytic approaches to represent merely "formal models of voluntary individual movement" as an individual reaction to "unevenly distributed opportunities" (Zolberg, 1981:3-4).

Hence, the 'Classical' economic focus is of limited use to migration researchers primarily because it makes no "significant distinction between domestic and international movements" (Zolberg, 1981:3-4) and furthermore, cannot account for the complexity of structures that are deeply tied to the migration process. It is precisely due to their 'functionalist', 'micro-analytic' orientations that these theories are limited and constrained as explanatory models of migration. They are unable to account for many important structural dimensions to the phenomenon such as political and racial factors.

As Bach (1987:11) has commented, "population movements are not social or economic phenomena". Movements are not separated nor unaffected by either structure or agency. Rather migration is intertwined and immersed within important social, political and economic dimensions that serve to influence and determine its timing, extent and character. Hence, an acceptable migration model must be sensitive to the varying and overlapping dimensions of the social, cultural, political, and economic landscape.

Emphasizing structural aspects, traditional Marxism and Marxist Political Economy often suggest that international migration is primarily the consequence of global inequalities in the distribution of wealth and power (Ballard, 1986)

highlight core-periphery divisions that exist amongst the organization of nation-states (Bach, 1987).

Existing Marxist orientations to international migration can, for the most part, be classified as economic perspectives. Far from true Marxism in their underlying assumptions and orientations, these 'pseudo-Marxist' positions often posit migration to be the simple and direct consequence of global inequalities in the distribution of wealth and power (Ballard, 1986). Such Marxist positions criticize the dominant economic approaches to migration research, the classical push-pull models, for being far too 'simplistic' and excessively oriented to individual behavior (Jackson, 1986:78). Alternatively, a real, classical Marxist perspective to international migration would insist that more attention and weight be given to the historical and material 'causes and effects' of migration.

Jackson (1986) distinguishes between classical and such a Marxist approach suggesting that the:

> first [is] defined by models derived from laissez faire economics, the social actor is the individual worker making a free choice in relation to the opportunities available in the labour market... [with an assumption] ...that the individual has a property in his own person... [focusing on] ...migration caused by individual (formally free) decision makers responding to market opportunities (p. 24).

The second, Marxist perspective assumes:

> the existence of a highly complex interdependent world economic system within which the exchange of labour forms a part. This system is stratified in terms of the relative power, wealth and technological advantage of the core economies over the periphery.

> ...[The] characteristics of the labour market as it appears to potential emigrants is conditioned by this stratification of opportunity and advantage. While not wholly determinate of the decision-making process, this view suggests that decisions are not taken in a free and neutral market at any given time but have to be understood as specific market conditions that arise from the broader relations and contradictions of world capitalism (p. 24).

Hence, while in the classical or traditional view focus and attention is paid primarily to such things as the immediate determinants and motivations for individuals to migrate (agency factors), the Marxist emphasis is directed toward external mechanisms and systems such as world markets, international economies and trade networks.

So far as it has been applied in the field of international migration, Marxism has served to reject individual, so called 'push' and 'pull', factors in favor of "...examination for the significance and dynamics of migration in the material and structural processes of capital accumulation and uneven development" (Miles & Satzewich, 1990:336). Furthermore, it has placed primary focus on explaining the migration of manual wage labour to core areas and nations, particularly Western Europe, from the periphery of the capitalist world economic system (Miles & Satzewich, 1990:334). Many have recognized this 'Marxism' as an important alternative that is 'corrective' to orthodox perspectives that concentrate largely upon individual migrants and related issues of adaptation, assimilation, and integration (Miles & Satzewich, 1990:334).

Thus, the application of some of Marx's ideas to migration has occurred, notably those of a structural-economic nature. This is most clearly demonstrated

by Castle and Kosack's (1973) work on post-1945 Western European migration. The following is a summary of work and main arguments by Castle and his many collaborators.

Initial stimulus to migration into post-1945 Western Europe is located in the interrelated processes of capital accumulation and uneven development that create reserve armies of labour within the world system. Pressure to emigrate is regarded as an expression of inequality among nation states and between the centre and the periphery of the world capitalist system. The tendency to import labour is regarded as a cyclical expression of the uneven expansion of capital accumulation among economic sectors, among nation states, and within the world economy (Miles & Satzewich, 1990:337).

Other researchers, such as Avery (1975), have used a Marxist framework to study European immigrant workers in Canada between 1896-1919, serving to challenge traditional interpretations of European immigration and experiences of immigrants and the effects of capitalism. Documenting the class and ethnic tension that developed between foreign workers and the Canadian business community, the notion that most settled the land becoming farmers, is rejected as most became unskilled industrial workers.

Buroway (1975) has also used a structural-economic framework, viewing migrants as a supplementary labour force characterized by institutional differentiation and physical separation of the processes of renewal and maintenance. The migrant is conceptualized as dually dependent upon employment

in one place and an alternative state and or economy in another, controlled geographically via legal and political mechanisms, made possible by the powerlessness of migrants in their place of employment, within the existing labour market, and under the legal and political systems where they are employed. This framework is applied to migrant farm workers in California and mine workers in South Africa. Differences were highlighted and analyzed in terms of broader features of the respective social structures. Implications of the theoretical scheme are discussed and extended to an interpretation of race relations. Others, employing primarily economic focused orientations, include: Bohning (1994), Corbett (1957), Green & Green (1976), Satzewich (1991) (1995).

In the opinion of this author, Satzewich's (1991, 1995) work represents some of the better Marxist research found in the area of migration/refugee research. His 1995 article, in particular, is substantial as it looks at both the economic and political dimensions. In his analysis, Satzewich examines how Canadian immigration controls have responded historically to the contradictory processes of capital accumulation and state formation. Satzewich's (1995:318) analysis regards refugees, displaced persons, or migrants specifically, as "structured by a dialectic of economic, political and ideological relations" that are often contradictory.

Satzewich (1995:320), by regarding migration "as a new form of postcolonial exploitation" and as both a cause and consequence of the capital accumulation process", represents one of few contemporary researchers who

employ a critical political economic orientation in the field of migration research. His work fails, however, to integrate and attend to the refugee form of migration, regardless of whether refugees represent an entirely separate category or not. Satzewich's work is to be commended for highlighting the deeper structural origins and political manifestations of the contradictions of the capital accumulation process. This allows for migrants to be more completely understood as displaced from the production process, as surplus, reserve, and floating armies/populations and the subsequent role these persons play in the process of nation state formation.

While the Marxist approach, as it is applied here, succeeds in "emphasiz[ing] the determining role of the interests of Western European capital in the development of labour migrations since 1945..." (Miles, 1986:62-63), the 'capital logic' used does not provide an exhaustive explanation of the broad and complex phenomenon of migration. The 'capital logic' dominating these Marxist models has also led to the ignoring of or inability to explain these forms of migration, precisely due to the fact that most of these frameworks have prioritised only the capital accumulation process as the central determinant of migration ignoring other equally important dimensions. Specifically, and of extreme relevance here, under the Marxian model, refugee migrations are regarded as novel events and not easily explainable. This is because migration is reduced to what Zolberg describes as a "unidimensional process of uneven economic exchange" between states of origin and destination (1981:4). By viewing migration in such a way, nothing else appears to be of any importance, as migration becomes merely

another form of exploitation; "a process into which every policy variation is made to fit" (Miles & Satzewich, 1990:339).

All too often research into in the field of migration is plagued by the overemphasis on some factors and a lack of attention to other equally important ones. However, some authors and approaches do make attempts to consider the multi-dimensional nature of migration.. Scholars such as Malarek (1987) and Basok (1996), for example, have focused on the state and influential state actors, as well as upon important structural forces, hence representing some of the few researchers exercising integrated, critical political economic orientations.

Accounting for a variety of diverse and related factors, which are commonly left and treated in isolation from one other, are such issues as: migration and race, and the function/relationship between the two; racial policies and practices; origins and determinants of migrations and their significance, for example, individual factors pushing and pulling migrants but also structural factors constraining and forcing them; the migrant/refugee experience; conditions and experiences in origin, destination, and intermediary countries; comparative studies of countries, or classes, of trends, facts, figures, and movements.

What is particularly distinct and notable is that these approaches and this genuinely comprehensive research analyses and conceptualises structure and agency, capital/economic factors and individual/political ones, simultaneously. Research using such an integrated approach operates multi-dimensionally and multi-facetly, serving to document, evaluate, analyse, critique, and examine

various policies, practices, institutions, and organizations of an economic, social, and political nature, at varying levels.

Foerstel's (1996b) edited book, *Creating Surplus Populations*, contains over twenty articles examining refugees and displaced persons from practically all orientations possible. The book is an invaluable source for identifying and beginning to understand the complexity underlying the phenomenon and hence to appreciate the multi-dimensional orientation necessary to any researcher set on undertaking study in the field.

Contributors to the book include Foerstel, who looks at how, historically, land and resources have been controlled through racism, nationalism, cultural imperialism, and the free market economy. Foerstel (1996a) argues that today all of these mechanisms of control are monopolized by a small handful of institutions, notably the World Bank and the International Monetary Fund (IMF), and through various political treatises and arrangements, such as Bretton Woods, the General Agreement on Tariffs and Trade (GATT), and the North American Free Trade Agreement (NAFTA).

Gutierrez (1996), another contributor to the collection, takes a similar economic and political orientation, focusing on the effects of U.S. corporate policies on Cuba specifically. Gutiernez argues that the U.S. imposed embargo on Cuba has resulted in increased numbers of persons leaving Cuba. Refugees are admitted to serve political interests and were often manipulated or encouraged to leave Cuba in the first place.

Goodman (1996), another contributor to Foerstel's book, examines the role of military power in the creation of refugees and how this, itself, is sprung from capitalist competition and the struggle for political/economic control of markets and resources. Cases examined included East Timor and Haiti. Similarly, Gervasi (1996) and Flounders (1996), also contributors to the collection, look at the Balkans and U.S. actions that attempt (and succeed) at gaining and exercising control of the region. Military force coupled with 'economic strangulation' was the means used to the same economic/political ends. Displaced persons and refugees are the ultimate losers in the end. Papandreou (1996), the last contributor to the work, took these analyses of the above researchers contained in Foerstel's collection a step further, arguing that the refugee (the 'economic refugee' to be more precise) represents a new underclass, created by (and for one might add) the profit nexus and globalization. As the welfare state continues to decline, privatization increases, the search for new markets and cheap labour accelerates, and inequality, part and parcel of the capitalist system, grows to levels yet unforeseen. In particular, migrant populations are necessary as a pool of cheap labour in core capitalist countries.

Jakubowski (1997), in her work on race and immigration, examines the interplay of all these factors. She provides a balanced analysis of both structural and agency factors involved in the relationship between race, immigration, capitalism and the state (ideology, economy, political). While the phenomenon of refugee migration is not specifically examined, she identifies many of the same

factors involved, such as the demands of market, population, international community, and economy, and suggests that these are all at play in the equation.

Miles and Satzewich (1990) similarly avoid the tendency that much research seems to focus only on particular factors and aspects of migration, ignoring many other equally important elements and circumstances. They suggest that the political economy of migration, in particular, has focused almost exclusively on explaining the migration of manual wage labour into Western Europe from the periphery of the capitalist world economic system ignoring additional migrations, including that of refugees. They see the fallacy in such simplistic, overly structural and restricted models, and suggest that the empirical scope of migration theory must be enlarged and the framework should become less deterministic with regard to determinants of migration flows; that is, it cannot prioritise only the capital accumulation process and must place more centrally the role of the state.

Broadly speaking, a literature on international and refugee migration abounds and reflects many different disciplines, employing a wide variety of perspectives. Orientations range from conservative, liberal, critical, interpretive, structural, and integrative, focusing on factors and areas from the political, economic, social, and organizational realm. The literature is also characterized by deep theoretical, methodological and ideological divisions. The fact that it is approached from multi-disciplinary and multi-dimensional perspectives reflects the underlying complexity and diverse nature of the refugee phenomenon. Without a

unified, abstract understanding of the interplay of these diverse factors involved (that is, political, social, economic, and so on.) it is impossible to comprehend the complexity and true character of the phenomenon. Migration studied from a grounded theoretical orientation provides this insight and instruction.

Rather than viewing this division and fragmentation as a weakness, it could be argued that such a divergence in orientations offers a significant opportunity to integrate and combine the extended intellectual and conceptual potential of the respective approaches, disciplines, and methodologies with the purpose of achieving a far broader and much more comprehensive understanding of refugee migrations as they occupy a wide set of complex and diverse dimensions. What is needed is to work with the fragmentation and division that exists, drawing on a model which encompasses the broad spectrum of ideas stemming from the disciplines and approaches, making it flexible and multifaceted enough to handle the diversity of the refugee phenomenon, being not purely instrumental and interpretive nor overly functional and structural, but integrative of the significant strengths of all orientations.

This literature review suggests that one must avoid the tendency to focus only on particular aspects of migration, to recognize the interplay of many factors involved, with the aim to provide a balanced account and analyses of both structural and agency factors involved in the relationship, such as race, immigration, capitalism and the state. As well there is a need to consider the relationship between labour and capital, between the global market, political

institutions and local nation states and communities. These are *all* at play in the equation. Given what has been said to this point, concerning the nature of migration and the state of present literature and research, it is clear that the complex, multi-dimensional character of refugee migration requires an approach and theory that are sufficiently grounded, yet substantially encompassing and sufficiently articulative, retaining a practical usefulness.

The next chapter will develop an integrative orientation, viewing individuals, the state, the economy, and policy as important factors and dealing with refugee migrations specifically but, as well, with other important factors and entities such as the global economy and important political institutions as they are also of crucial importance. Much of the literature is weak because it is limited to one or two orientations and modes of analysis, or focuses exclusively on merely one or two factors. This, in turn, reduces refugees and international migration to these few factors. Certainly, it can be gathered from looking at the literature, that factors producing refugees are not as clear and simple as many leaders, policy makers, and legal definitions assume.

An alternative and more compelling argument is proposed in the next chapter where it is posited that refugee flows are one more form of what Karl Marx called 'surplus population', produced and exploited by the capitalist accumulation process. Refugees are viewed as mere products of a global economic system that subordinates human need to the demand for accumulation of profit and wealth. To this end, political, economic, and environmental refugees; forced,

displaced, and illegal migrants; surplus and excess workers are all cases of surplus populations.

Chapter III – Conceptualizing Refugees

Our focus will now shift from a review and discussion of refugee literature generally to that of theory specifically. Attention will center on two of the more dominant theories of population that may be used to conceptualise refugees, the first based on the writings of Thomas Malthus (1766-1834), specifically several editions of his famous *Essay* (1798; 1803; and 1826); the other theory based on the ideas of Karl Marx (1818-1883), and Frederick Engels (1820-1895), drawn predominantly, but not exclusively, from the former's first volume of *Capital* (1867) and the latter's *Outlines of a Critique of Political Economy* (1844) *and Conditions of the Working Class in England* (1845).

This section will lay out the tools necessary for conceptualising refugees as a relative surplus population, serving as an extension of the literature review in developing concepts central to understanding the refugee phenomenon from a critical Marxist viewpoint, leading to a statement of the central thesis to this work and as well to an overview of the methodology that has in turn been chosen to support it.

Hence, the primary importance of this chapter will be to clarify the concepts necessary for both the understanding of refugees as relative surplus populations and for the re-interpretation of the literature on refugees. The main purpose is to highlight the inherent and relentless shortcomings of dominant conceptions, and thereby serve to support the main thesis of this research that

conceptualises refugees as relative surplus populations produced only as a consequence of the existing global political economy.

Thomas (Robert) Malthus (1766-1834) is one of the earliest and best-known classical political economists. His writings on population served greatly to influence Darwin's theory of natural selection and to this day it remains highly debated, underpinning much of the rationale that supports the world political economy (for discussion see Foster, 2000; and Ross, 1998).

His first work entitled *An Essay on the Principle of Population as it Effects the Future Improvements of Society; with Remarks on the Speculations of Mr. Godwin, M. Condorcet and Other Writers*, written in 1798, forms the basis of all his writing on the matter of population and would go through six editions before his death (many others have since followed). The editions which follow the first, beginning in 1803, are referred to as the *Second Essay* since Malthus's argument and focus altered somewhat. However, his central hypothesis and premises remained unchanged.

As the title suggests, the *Essay* was an attempt by Malthus to jump into a debate by other political economists of the day on the question of the future improvement of society. Essentially, the debate could be traced back to an idea first expressed in Robert Wallace's (1761) *Various Prospects of Mankind, Nature and Providence*, where Wallace proposed that an arithmetic principle existed in relation to human populations which, if unchecked, meant that human populations increased exponentially. The result of this, argued Wallace, was that "an egalitarian government will result in an overpopulated earth" and that it was

"impossible to produce the necessary food to feed population". Consequently, it would be "preferable to let 'human vices' control population" (Foster, 2000:89).

Opposed to Malthus' thesis was William Godwin (1756-1836), who argued in *Enquiry Concerning Political Justice and its Influence on Morals and Happiness* (1793), that population could remain in equilibrium in a less repressive society with the aid of various community measures. Godwin believed that through the regulation of such matters as wealth, wages, and of "natural methods taken by people", such as abstaining from having children and through abortions, population levels could be maintained at reasonable levels (Foster, 2000:90). At most, Godwin suggested that if population were to exceed the means of subsistence (that which nature can provide), such overpopulation would be a very distant possibility, one not foreseeable any time soon or at least which could not be predicted at the present time (In Foster, 2000:90). Taking a similar position as Godwin, Marquis de Condorcet (1743-1794) in *Sketch for a Historical Picture of the Progress of the Human Mind* (1794) highlighted the apparent limitless potential of human knowledge, science and technology (Foster, 2000:91).

The fundamental argument in Malthus's *Essay* was that, if unchecked, population would rise exponentially (1,2,4,8...) as opposed to food supply (means of subsistence) which at most could increase only arithmetically (1,2,3,4...). The obvious and consequent result is that natural checks on population exist and are unavoidable. This 'principle of population' thereby prevented the attainment of a

future improved or egalitarian society. Poverty, famine and suffering were considered natural and necessary conditions of human existence.

Malthus agreed with Wallace, but he took a far more extreme stance in order to counter Godwin and Condorcet, suggesting that it was necessary that constant checks and measures be taken or attended to in order to control population levels, because of the inherent tendency for population to exceed the productive potential of the earth (Malthus, 1798:28). Such checks included those associated with vice and misery, "taking such forms as promiscuity before marriage, which limited fecundity (a common assumption in Malthus's time), sickness, plagues and ultimately, if all other checks fell short, the dreaded scourge of famine" (In Foster, 2000:92).

Malthus's Second *Essay* admitted, to some degree, that various forms of moral restraints on reproduction were possible. The main purpose of the essay also shifted from "proving" the existence of the "population principle" and its consequences to a more specific attack on England's Poor Laws (charity and social welfare). In the Second *Essay* he argues that the poor had no right to aid, that charity and assistance to the impoverished only worsened the population problem.

Malthus (1798:26) opposed the Poor Laws as they "tend to depress the general condition of the poor" by increasing "population without increasing the food for its support". Furthermore, Malthus argued that the poor possessed no natural right to aid and that charity itself "fostered social evils" (In Marx, 1974:408-9). In discussing the Poor Laws, Malthus (1803:531-2) commented that:

> A man who is born into a world already possessed, if he cannot get subsistence from his parents on whom he has a just demand, and if the society do not want his labour, has no claim of right to the smallest portion of food, and, in fact has no business to be where he is. At nature's mighty feast there is no vacant cover for him. She tells him to be gone, and will quickly execute her own orders, if he does not work upon the compassion of some of her guests. If these guests make room for him, other intruders immediately appear demanding the same favour. ... The guests learn too late their error, in counteracting those strict orders to all intruders, issued by the great mistress of the feast who wishing that all guests should have plenty, and knowing that she could not provide for unlimited numbers, humanely refused to admit fresh comers when her table was already full.

To follow Malthus's logic, societal leaders had two choices: to maintain the equilibrium between population levels and the means of subsistence or to allow the latter to decrease. Maintaining equilibrium necessarily meant that the old Poor Laws had to be abandoned; the peasantry had to be dispossessed, removed them from the land and made into a proletariat (Foster, 2000:100).

Malthus's population theory and the "population principle" upon which it is founded, despite their acclaimed simple logical basis, are incorrect and unfounded. For instance, the evidence provided by Malthus to support the claimed geometric ratio is based on the example of the United States, where he asserted that population there would "double itself every twenty-five years" (Malthus, 1798:7). This one example is used as proof that human population covering the entire planet will increase geometrically. For the case of the arithmetic ratio there is even less evidence provided. Actually, Malthus only states that there are limits to production, providing no proof at all (Meeks, 1954:13). Rather than providing actual hard scientific proof for his claims, Malthus forwards his theory of

population and attack on Poor Laws based on righteous and religious grounds; arguing from "final causes in his recourse to divine providence" (In Foster, 2000:88 and 30).

In fact, Malthus's population theory contributes little to an actual understanding of the issue of population growth relative to means of subsistence. In one section of the essay he actually admits that: "...the principal argument of this Essay only goes to prove the necessity of a class of proprietors, and a class of labourers" (Malthus, 1798:91). Rather than helping to solve or better understand the matter, Malthusian theory of population simply justified capitalism and its class structure. If anything, his solutions worsened the problem (or at least its symptoms) and, as a consequence, many Malthusian social reformers of the time were deeply discredited.

Also, consequent to Malthus's population theory was the furthering of the ideological bases for the "Iron law of wages", and the "wages fund doctrine", the idea that raising wages and increasing the acceptable level of subsistence would only lead to population increase, to a point at which competition for wages reversed such gains down to the original subsistence level (Meeks, 1954:54). Hence, improving the general conditions of the working class, primarily through the raising of wages, was deemed not only pointless but also impossible in the end (Foster, 2000:101).

Reconceptualizing the population/means of subsistence matter in the way in which Malthus did contributed greatly to the widespread acceptance and adherence to his ideas by the ruling classes, despite its severe shortcomings. This

is because it appeared to prove that society was not "perfectible", that reforms were unnecessary, pointless and were actually harmful, and that really effective "palliatives" such as abortion, and a New Poor Law, that would punish the poor even more were the only possible means of removing the "wants of lower classes" and the evils "so deeply seated within them" (Malthus, 1798:30).

As a whole, his ideas provided a justification for the existence of misery and poverty among the lower classes and "reiterated failures in efforts of higher classes to relieve them" (Malthus, 1826:2). Hence, it is not because of Malthus's analysis or science that his ideas received (and still receive) so much attention and acceptance, but because of the issue itself that he described (pauperism was a real and pressing problem) and the anti-humane conclusions that he proclaimed (Meeks, 1954:24). As Marx was to say, explaining human misery as an "eternal law of nature" diverted "attention from the part played in the creation of this misery by class exploitation in general and by particular systems of class exploitation such as capitalism" (Marx, 1867:529, footnote 1). Furthermore, "eternal laws" are not easily done away with: "If it is nature and not human society which is responsible for the misery, all one can do, at the very best, is to mitigate the effects of this "eternal law" and suffer the remainder with a good grace" (Meeks, 1954:25).

The ultimate consequences of Malthusian ideas are epitomized in the Reforms of the English Poor Laws, which would occur in the year of his death, 1834. According to Marx (1844:194-5) the English Parliament "went beyond a formal reform of the administration of the old poor law" finding:

> the main source of the *acute* state of English pauperism in the *Poor Law* itself. The legal method of combating social distress, charity, promotes social distress. As regards pauperism *in general*, it is looked upon as an *eternal law of nature*, according to the theory of Malthus: "Since population is constantly tending to overtake the means of subsistence, charity is folly, a public encouragement of poverty. The State can therefore do nothing but leave the poor to their fate, at the most making death easy for them." (italics in original)

The new poor law, based on Malthusian ideas, reconceived what it meant to be poor or without work:

> [P]auperism is *poverty which the workers have brought on themselves*, and that it should therefore be regarded not as a calamity to be prevented but rather as a crime to be suppressed and punished. ... Thus arose the system of workhouses—i.e., poor houses, the internal organization of which *deters* the poor from seeking a refuge from death by starvation. (Marx, 1844:195, italics in original)

In this way, charity becomes revenge; the very poverty that was once "attributed to a deficiency of charity was now ascribed to the superabundance of charity" (Marx, 1974:408-9).

Poverty, or joblessness, according to Malthus, was now a crime under the title of "superfluity", for which punishment should be starvation. Perhaps to Malthus's dismay, the Poor Law Commissioners (those who eventually reformed the old Poor Law) were less extreme in their accord; death for the superfluous by means of starvation was just too harsh a sentence. In an extract from "Information from the Poor Law Commissioners, Published by Authority, London, 1833", pauperism and the crime of poverty was described as follows:

> [W]e grant you poor a right to exist, but only to exist; the right to multiply you have not, nor the right to exist as befits human beings. You are a pest, and if we cannot get rid of you as we do of other

> pests, you shall feel, at least, that you are a pest, and you shall at least be held in check, kept from bringing into the world other 'surplus', either directly or through inducing in others laziness and want of employment. Live you shall, but live as an awful warning to all those who might have inducements to become 'superfluous'. (Engels, 1845:572)

Rather than spend a great deal of effort critiquing Malthus's argument piece by piece, Marx opted to formulate an entirely new and more adequate theory of population, one which was specific to capitalism. Nonetheless, both Marx and his closest colleague Frederick Engels spent a great amount of time, in describing and developing their own population theory, commentating on the defects of Malthusian population theory.

Despite all of the deficiencies Marx and Engels found with Malthus's argument, Marx did recognize and credit Malthus for at least admitting to the disharmony and conflict that existed between classes under capitalism (Meeks, 1954:22). However, rather than attempting to mediate or understand these fully, Malthus "clings to them with parsonic satisfaction, amplifies them and blazons them forth with no interest in disguising the contradictions of bourgeoisie production; on the contrary, he is interested in emphasising them" (Marx, 1861-3b:248).

Marx, in a letter to Schweitzer, January 24, 1865, characterized Malthus's *Essay* as a 'sensational pamphlet' with plagiarism from beginning to end (Marx and Engels, 1942:170). Commenting on the *Essay*, Marx noted that it was

> nothing more than a schoolboyish, superficial plagiary of De Foe, Sir James Steuart, Townsend, Franklin, Wallace, etc., and does not conatin a single sentence thought out by himself. The great

> sensation this pamphlet caused, was due solely to party interest. (Marx, 1867:611, footnote 3)

According to Marx, all of Malthus's main claims were plagiarized or at least substantially anticipated by earlier writers (Meeks, 1954:22), and served the interests of the ruling classes as a whole; his work ultimately being more about asserting and reasserting what he wanted to prove as opposed to any science (Meeks, 1954:23).

His arithmetic/geometric ratio (actually Wallace's) would receive the most of what attention Marx and Engels's gave to his writing (it, too, would be argued to be stolen to some degree). Malthus viewed the law as one that applied to the natural, animal world; alternatively, Marx and Engels viewed such law as economic, that is both historically specific and transitory. They viewed law described by Malthus as relating only to the modern bourgeoisie and capitalist economic order in place at time. Malthus mistakenly took law as eternal and permanent in character. Hence, Malthusian law is ahistorical and rejected any notion of rapid, continual progress (Engels, 1865:136-7).

Regardless of this fundamental flaw in Malthus, Marx and Engels went on to prove the deficiency of his 'population principle'. Malthus's assumption that food production and population growth were impossible to keep in equilibrium is based on the idea that food production could increase, at most, at an arithmetical rate. This claim, however, is based on nothing (Foster, 2000:93-4). Marx and Engels, having no evidence from Malthus to contest, merely his assertion, proved that it was possible for food to be produced at more than an arithmetical rate, even at a geometrical rate.

Engels, in particular, pointed to the unforeseen potential of modern science as evidence that an arithmetical rate of subsistence was questionable, if not entirely erroneous. "Allison's Principle of Population" (1840) was provided as exemplary of the extreme prospects science held in relation to productive capabilities of man and earth (Engels, 1844:436). Allison's work, according to Engels, demonstrated the tremendous productive power of the soil, which science had occasioned, allowing for a single labourer to produce far more than he himself could ever consume. Engels highlighted one major fact in particular that Malthus had ignored, that "science advances in proportion to the body of knowledge bequeathed to it by the previous generation; that under even the most normal conditions it also grows in geometrical progression (Engels, 1844:440). The clear disproportion that did exist between food supply and population was attributed to the fact that too little was being produced; not because it was impossible to produce, but because there was little incentive to do so. Engels reasoned that this was because limits of production are determined "not by the number of hungry bellies" but rather by the "number of purses able to buy and pay" (Engels, 1865:137). Malthus was right, according to Engels:

> [I]n asserting that there is always a "surplus population"; that there are always too many people in the world; he is wrong only when he asserts that there are more people on hand than can be maintained from the available means of subsistence. (Engels, 1845:380)

Hence, the 'surplus' or 'overpopulation', poverty and vice that existed were in relation to means employment, to labour demand, not in relation to means of subsistence. Engels would describe this population as an "unemployed reserve

army of unemployed workers" that existed specifically and determinately in relation to industry and the market (Engels, 1845:384).

In the place of an ahistorical Malthusian population theory, Marx and Engels developed a theory specific to the historical case of modern capitalist society. Thus began the task of making sense of apparent 'overpopulation' relative to means of subsistence by describing "the laws of the expansion and contraction of the "industrial reserve army" and the different forms which "relative surplus population" assumes in modern society" (Meeks, 1954:28).

Marx agreed with Malthus and other political economists of the day that surplus populations were a necessary condition of modern industry. Unlike Malthus and the others, Marx blamed industry and not nature or the individuals themselves for their being "superfluous". Marx (1867:629) argued that capitalist production could not

> content itself with the quantity of disposable labour power which the natural increase of population yields. It requires for its free play an industrial reserve army independent of these natural limits.

Capitalist production required that there

> be the possibility of throwing great masses of men suddenly on the decisive points without injury to the scale of production in other spheres. Overpopulation supplies these masses. (Marx, 1867:627)

To meet this demand, argued Marx, capitalism produced, on an ongoing basis, a relative surplus population.

In producing this relative surplus population the most important factor is the composition of capital and the changes it undergoes in the course of the accumulation process (Marx, 1867:623-4). In *Capital*, Vol. I, Marx describes

quite concisely, the process under which capital's composition is changed, quantitatively of course, but also qualitatively, as the accumulation is carried out. He notes that as accumulation occurs the value of the means of production (constant capital) rises relatively to the sum of total wages (variable capital), stating there is "a progressive qualitative change" in capital's "composition, under a constant increase of its constant at the expense of its variable constituent" (Marx, 1867:623). This is an extremely important point, as labour demand is determined by capital's variable constituent and not by capital overall.

As the variable element to capital falls so too does labour demand. Indeed, the decrease in demand actually accelerates as capital increases overall. So, declared Marx (1867:624):

> [I]t is capitalistic accumulation itself that constantly produces, and produces in the direct ratio of its own energy and extent a relatively redundant population of labourers, i.e., a population of greater extent than suffices for the average needs of the self-expression of capital, and therefore a surplus-population.

For these reasons, Marx claims that surplus populations are relative to capitalistic productive demand, increasing and decreasing as needed and that population will exceed the productive output of the means of subsistence. Engels agreed, stating that this condition of a surplus population is both relative to and necessary for capitalist industrial production, as a permanent reserve army of labour is necessary for the management of capital to increase and decrease production at will, at times of high prosperity and demand (Engels, 1845:384).

Marx further discussed the relative surplus population produced under capitalism. In his development of a new historically specific, social scientific law

on population specific to capitalism, he broke it down into five main forms. Two of these were said to be merely periodic, short term and recurring due to changing phases of the industrial cycle. These consist of the *acute* and the *chronic* forms, which Marx does not discuss in any real depth. The remaining three, existing as constant forms, consist of the *floating*, the *latent*, and the *stagnant* (Marx, 1867:635).

The first of the constant forms, the *floating* 'surplus' population, is described as characteristically found in centres of modern industry, with workers being repelled and then attracted to factories, mines and the manufactures, the number "employed increasing on the whole, although in a constantly decreasing proportion to the scale of production" (Marx, 1867:635).

The second form, the *latent* 'surplus' population, consists of workers used up at young ages and then thrown out of work. This form illustrates most clearly a basic contradiction of capitalist production: while there is a constant need for numbers of workers there are numerous out of work. It is primarily young boys and migrants from family farms who, eventually, fill the latent form, once they have surpassed their prime.

The *stagnant* type of the 'surplus' population forms a part of the active labour army, but with extremely irregular employment. These individuals are "characterised by maximum working time, and minimum of wages" and serve as more of a source of disposable labour power than any other group. Supply of persons to this category come from the "supernumerary forces of modern industry and agriculture, and specially from those decaying branches of industry where

handicraft is yielding to manufacture, manufacture to machinery" (Marx, 1867:637). This *stagnant* form of the 'surplus' population/reserve army of labour consists of the worst off who dwell, according to Marx (1867:638), in a "sphere of pauperism":

> The lowest sediment of the relative surplus-population finally dwells in the sphere of pauperism. Exclusive of vagabonds, criminals, prostitutes, in a word, the "dangerous" classes, this layer of society consists of three categories. First, those able to work. One need only glance superficially at the statistics of English pauperism to find that the quantity of paupers increases with every crisis, and diminishes with every revival of trade. Second, orphans and pauper children. These are candidates for the industrial reserve army, and are, in times of great prosperity...

To conclude this section, a brief restating of Marx's law on population, specific to capitalism, what he called "the absolute general law of capitalist accumulation", is useful.

> The greater the social wealth, the functioning of capital, the extent and energy of its growth, and therefore, also the absolute mass of the proletariat and the productiveness of its labour, the greater is the industrial reserve-army. The same causes which develop the expansive power of capital, develop also the labour-power at its disposal. The relative mass of the industrial reserve-army, the greater is the mass of a consolidated surplus-population, whose misery is in inverse ratio to its torment of labour. The more extensive the lazarus-layers of the working class and the industrial reserve army the more is official pauperism. (Marx, 1867:638)

This thesis proposes that current conceptions of the refugee are erroneous. Such conceptions are misconstrued, very often consciously, and based on flawed (and obscene) Malthusian logic. In its place the population theory of Karl Marx and Frederick Engels will be applied and operationalized to the phenomenon of 'refugee' populations.

In the existing literature refugees are viewed and treated as surplus populations, relative to and arising from lack of means of subsistence; they and 'mother' nature are blamed for their situation. A more realistic and valid explanation exists, one based on the writings and theory of Marx and Engels. Such an understanding can be achieved only by looking critically at the global political economy, conceptualizing refugees as surplus populations relative only to means of employment and not relative to nature. Ultimately the crucial 'overpopulation' that exists is relative to the capitalist, competitive economic system itself, based on an exploitive system of private property. While this is the ultimate source of 'refugee' populations -- persons most often driven out due to forced displacement, the misuse or unjust acquisition/appropriation of resources, or the violence, conflict, and persecution arising out of these acts -- this is all too often denied, ignored or conveniently overlooked.

Refugee migrations are a phenomenon studied by many different disciplines using a diverse range of perspectives. The field is characterized by much theoretical, methodological and ideological fragmentation. Sources of information are abundant and take on a wide array of formats, the most common of which are academic journals, scholarly books, and government publications.

I argue that most, if not all, of the traditional methodologies in refugee research are confronted by numerous problems discussed above and that the use and utility of these methodologies is highly questionable, at least for the time being, until adequate and realistic, both impartial and truly reflective, definitions of the phenomenon are established.

The problematic facing researchers studying refugees can be broken into three interrelated forms. First are issues surrounding their definition and categorization, also referred to as nomenclature. Second are obstacles of time and space, everything from geography to economic constraints. The third issue is the operation of politics. Following a brief discussion of the two most often ignored of these problems, that of definition and of politics, a detailing of the methodology chosen for this thesis study will be presented.

Historically conceptions and definitions of the refugee have varied and undergone significant changes. Refugees have been and continue to be classified in a number of different ways, for example, as asylum seekers, displaced persons, expellees, returnees, exiles, mandate refugees, convention refugees, political refugees, economic refugees, environmental refugees, defacto refugees, special cases, humanitarian cases, or designated classes. There is often no clear line, practically speaking, between the refugee and other migrants and definitional problems abound even surrounding both their practical and theoretical conception. Genuine versus bogus bases of persecution and grounds for asylum are highly debated amongst scholars, citizens, and policy makers in many different countries. All too often legal and practical conceptions are rooted in political bias arising from economic pressures.

The distinction between the political refugee and the economic migrant is particularly complicated because "...armed conflict, political chaos, and the like inevitably go hand and hand with economic failure; countries affected by warring violence often suffer from poor economic growth, social welfare, and high inflation

and mounting problems of unemployment" (United Nations,1997:109). Persecution and discrimination may itself be linked to a refugee's impoverished state.

The contemporary distinction between the political ant the economic refugee (note that the latter is more often referred to as a migrant and not refugee) stems from the 1980s. The distinction was made to justify the exclusion of the majority of persons flowing into western industrialized nations at the time, as very few could show that their claim had a political aspect to it. However, the distinction merely reflects an imposed dichotomy and the controversial nature to the issue (Suhrke, 1998:284).

Therefore, the difficulty in distinguishing economic migrants and refugees can be attributed to the fact that they have numerous and interconnected root causes. Contemporary conceptions used by the international community and within academia are all suspect, in that they claim that refugees equate to 'all involuntary forms of migration' or that political oppression is easily and necessarily separable from other forms.

Hence, political distress may arise from economic conditions and vice versa; environmental conditions may also precipitate political distress. A strictly political definition, therefore, is problematic; it is not only illogical, but also discriminatory and impractical. Fortunately, at least in academia, the distinction is beginning to break down as the interconnectedness of ultimate causes of refugee movements is recognized and acknowledged.

Refugees flee for many, often-coinciding reasons, including economic desperation, political persecution, ethnic conflict, the effects of war, and abuses of

human rights. However, the international community, Canada included, has no consideration for the plight of non-political, so-called 'bogus' refugees. The non-political refugee has no standing in international law and is not admitted as such by any country.

Undeniably, their situation is caused by the impact of many of the economic policies of Western nations. These countries do not consider economic reasons genuine enough. Fleeing persecution of any form other than political, often caused by the stagnation and impoverishment caused by the West, is not thought of as comparable to 'genuine' political forms of persecution. To these governments and individuals, a slow painful death is not cause for concern.

In many ways, statistics are foundational to much contemporary research on refugees, conducted within the disciplines of anthropology, economics, sociology and demography, and also by many non-academic bodies such as national and international governments and especially the United Nations. However, as Crisp (1999) has observed, researchers have neglected to look seriously at key issues surrounding refugee statistics, particularly in terms of their source and accuracy.

Crisp (1999) and Slattery (1986) are two exceptions to the silence surrounding of refugee statistics; Crisp has taken on issues surrounding the use of refugee statistics specifically, whereas Slattery has discussed the use of statistics and government data more generally. Both authors highlight important, sometimes formidable, problems and obstacles, which confront scholars intent on studying refugees, particularly when such researchers are using statistical measures.

The method employed in this thesis to support this research consists of a review of literature on refugees and international migration, identifying the dominant Malthusian logic throughout, using key concepts described and discussed here, which have been drawn mostly from Marx's *Capital* and Engels *Outlines* and *Condition of the Working Class*, in order to demonstrate that the phenomenon of refugees is mis-conceptualised in the manner noted. This will be accomplished through the use of citations that discredit the logic of the literature itself, showing Malthus's pervasive presence and Marx's absence, thereby achieving a far more critical conceptualization of the phenomenon using the basic Marxist concepts developed above. Also included, at a less theoretical and more practical level, will be a case application of the theoretical framework developed which applies and tests it by reviewing and discussing the Canadian state's legislative record on refugees.

The large scope and complexity of the issue, as well as various temporal, spatial and fiscal constraints (some of which arise from the mere scope and complexity) make secondary data appear most useful and productive. Data sources used for this study were secondary sources, written in English, available in the Vaughn Library at Acadia University or at the Harriet Irving Library at the University of New Brunswick (this includes all of their databases and document delivery services), or on the World Wide Web. Such sources consisted of, but were not limited to, government studies and peer reviewed publications. Primary focus was on literature dealing with the contemporary global situation of refugees and which approached the subject phenomenon from a critical, political economic

orientation. Attention was focused on current and pressing themes and debates within the field.

Chapter IV - Refugees as Relative Surplus Populations

The main task here is to operationalize the ideas of both Malthus and Marx within the literature, allowing for the situating and discussion of the relevant key concepts within the literature. In doing so, I show that Malthus's flawed theory of population dominates the literature while a critical and comprehensive Marxist perspective is nowhere to be found. Thus, the chapter redefines what it means to be a refugee by re-interpreting the literature on the phenomenon, highlighting its Malthusian basis with the intention to discredit and expose the misconceptions, errors, or plain ignorance inherent therein, the thesis offers a critically interpreted classical Marxist theory of population in its place. In short, I argue that current conceptions of the refugee are erroneous. They are very often intentionally misconstrued to serve less than honourable purposes and are often based on flawed (and at times vulgar) Malthusian logic. In place of this, I propose that the population theory and ideas of Karl Marx and Frederic Engels be applied to the case of 'refugee' populations.

On the surface, the literature appears to be deeply segmented, focusing on numerous different causes with the more common of these being political instability, environmental degradation, and economic collapse. In actuality, these explanations are all ultimately the same in their argument and underlying assumptions. Surplus populations are viewed as relative to and arising from a lack of means of subsistence, and their situation is rationalized as the inevitable consequence of an overpopulated earth that escapes the reach of the human race's control. The extent and prevalence of this hidden Malthusianism in the literature

is at the expense of deeper and more critical understandings.

Contemporary explanations of refugee flows which attribute their cause to environmental factors are not the most common but do most closely reflect basic Malthusian logic. Periodically published materials by the United Nations and its office of the High Commissioner for Refugees (for example, *The State of the World's Refugees*; *Review and Appraisal of the World Population Plan of Action*; *International Migration Policies* and *World Population Monitoring*) are but a few of the existing sources that exemplify the environmentally-based argument and its Malthusian basis. The UNHCR, while not solely attributing their incidence to environmental causes, takes a highly environmental stance in explaining the phenomenon of refugees.

Essentially, environmental conceptions and those of Malthusianism are arguing the same thing in relation to refugees and surplus populations. Environmental cause explanations also follow Malthusian principles in the prescribed cure for the problem of surplus populations. If one were to fundamentally hold the environmental cause stance perspective to be true compassionate and humanitarian measures at helping such populations, such as aid relief, relocation, development programs, and so on, in the end, are not only taken in vain, but actually make the situation worse. Technological or humanly-made fixes are useless to the natural inevitable condition of surplus populations and the 'population principle'. The emphasis organizations such as the United Nations put on compassionate and humanitarian measures could reflect a denial of their Malthusian roots, to satisfy and appease politically, and an effort to give credence

to their arguments of a political causes to refugee production.

Although not Malthusian on the surface, most political explanations of the refugee phenomenon are fundamentally Malthusian, while others are just as paltry by the mere fact that they do not address the roots of the political forces and mechanisms which they describe and focus all of their attention.

Myron Weiner's *The Global Migration Crisis: Challenge to States and to Human Rights* adopts a political interpretation conceptualising the problem as a political one between migrants and governments and focusing on how the problem of global migration as a whole is defined. In assuming that the phenomenon of refugee migrations arises from many separate and non-linked origins the approach does not consider the root of any of the 'political' conflict described and takes the outlook that a single global explanation or solution is unlikely beyond providing for a general political surveillance.

Lenora Foerstel (1996b) also provides an analysis of the political dimension to the phenomenon but goes a step further by also focusing on the political mechanisms by which refugees are produced in the attempt of groups and individuals to control land and resources. According to Foerstel (1996:17),

> Racism, nationalism, cultural imperialism, and the free market economy, now under the umbrella of the General Agreement on Tariffs and Trade (GATT), are ideologies and practices historically used by the United States and European powers to invade and control the land and resources of other nations (1996:9). ... Using the myth of economic aid under the umbrella of the World Bank and the IMF, Western nations have brought the Third World and former Eastern Block countries under their control. When local protest and armed rebellions occur, countless people are killed or turned into refugees.

Ward Churchill (1996) provides a very similar analysis of the political side to the incidence of refugees and surplus populations in his writing on the effective displacement, relocation, and liquidation of Native North Americans in the quest for the acquisition of their land and resources, although he fails to investigate the cultural and economic roots of it. Quoting Churchill's (1996:21) work, at the base of the "making of the American Indian diaspora" were

> ...major causative factors...derived from a series of official policies implemented over more than two centuries by the federal government of the United States. These have ranged from forced removal during the 1830's, to concentration and compulsory assimilation during the 1880's, to coerced relocation beginning in the late 1940's. Interspersed through it all have been periods of outright liquidation and dissolution, continuing to the present moment.

Again, however, the focus is primarily and overly on the policies and their effects rather than the circumstances precipitating and the factors underlying them. Such approaches are certainly useful in that they make it clear how political mechanisms and measures can effectively create refugee and surplus populations but such structures merely represent the political architecture of a much larger conceptual framework.

Others producing similarly accurate but misdirected interpretations, in this author's opinion, include Goodman (1996) who looks at the political manifestation

of the "role of power in East Timor and Haiti", acknowledging that there was an economic side to the roots of much of the conflict and violence precipitated by capitalism and competition, but failing to provide any analysis of it.

Basok (1996) also provides a highly political focus on the influence of the nation state in controlling refugee populations. Viewing the state as having an increasing amount of power in the realm of migration, Basok argues that the state is not undermined by the world economy politically, culturally and communicatively, nor does it succumb to challenges by civil society.

Similar to Basok's framework, Keely (1996:1046) offers a very detailed theory of refugee production based on the dynamics of the nation-state arguing that there is a political basis for refugee production rooted in the geopolitical structure of the origins of the nation state. Keely proposes that refugees are produced through the political instability of nation states arising from three main causes: multicultural conflict, revolution, and state implosion. Resulting from any of these, argues Keely, "[w]eak states can implode, leading to social chaos" (p. 1052). Hence, Keely's political conceptual framework holds that refugee production is located in the political origins of the nation state, where the current structure is claimed to be instable and where statelessness is a common result.

Simmons and Keohane (1992) also give the state and the political dimension a central role in their analysis focusing on the policy responses of governments. The economic side, what they refer to as materialist and productive forces, is also included but is given a secondary role. As they see it, the state must be given a

central role in determining immigration policy, as the central entity to be focused upon. The authors see the state as janus faced in character, as powerful but also vulnerable. The state must take into consideration economic, social and political factors to maintain its legitimacy, involved in a so-called hegemonic project, controlling opposing groups interests (such as, capital and labour) in attempt to appease all. The state is not viewed as all powerful but is nonetheless seen as the central factor and determinant of what makes a population such as refugees, surplus. The authors claim to take a middle road between productive-forces models and completely state-centred ones, though they seriously sown-play the role of productive forces, substantially weakening their analysis.

Freeman (1992) provides an analysis very similar to Simmons and Keohane above, viewing receiving states as central to the process. Such states are in a state of conflict due to opposing goals and are forced to balance opposing interests, economic versus humanitarian rationales, and public opinion.

Refugees are viewed under political frameworks as merely a natural fact of life for human social organizations to which political institutions can only reactively respond in an indirect way. Again we see highly political approaches that underestimate and abate all non-political, especially economic, factors. To reiterate, such an analysis is to some extent useful in that it details the operation of the political element, that is, how the state responds to different pressures, but in the end it is at most only half the picture, ignoring perhaps the most important and even fundamental part thereof, the role of economic organization.

Admittedly the perspectives acknowledge that some influence of economics is present within the equation, some going so far to say equally so, but this is mere token service, seeing it as unnecessary to investigate this further. Such an approach is content enough with understanding the surface level, the political product and manifestation of what is arguably an economic ally-driven enterprise.

Political interpretations are essentially Malthusian in their conception of the refugee phenomenon, firstly because they treat economic and productive forces as fixed and natural, and secondly, less clearly, because they tend to adopt a more individualistic element in the production of refugee populations, but only in the after effect; that is, that humans can only respond to them because they are naturally occurring due to societies political operation. As Malthus failed to explain his natural law of population, so too do political explanations fail to clearly root their claim that surplus refugee populations are produced through political forces in any substantive basis.

While environmental and natural causes are not directly indicated by politically oriented conceptions, the political sources mentioned, the political realities and mechanisms described, are themselves not closely examined. Major questions remain. Such conditions can only be assumed to be natural and inevitable as the interpretations fail to clearly state otherwise. The alternative is that they emerge from non-natural human organization and affairs, principally the capitalist economic system.

Hence, most, if not all, of the political interpretations of the phenomenon presented above can be classified as Malthusian in one way or another. In particular, Churchill can be so classified because he fails to delve in any degree of depth, merely describing the policies themselves and their consequent effects, but failing to look into the factors or the impetus behind such policies. From where do these policies emerge? Are they the result of a lack of means of subsistence (land and resources) or are they the result of capitalist economic organization and the imposition of private property laws, its spread to new territories and societies where people and land are forced under its control and its specific laws?

Goodman fails to explore the visibly political struggles in much depth either. By examining the political operation of the 'superpowers' in the process, deeper economic processes are overlooked. Freeman also fails to provide a solid, rounded interpretation, as the state is the sole focus. Simmons and Keohane similarly offer a one-sided interpretation which, in the end, is little more than a descriptive account of how the entity of the state operates. Many, admittedly offer accounts that appreciate the fact that the state and the political dimension in general is merely responsive and reflective of the demands of the larger society, acknowledging an economic role, but failing to offer an analysis of it.

Simmons and Keohane's approach also treads in Malthusian waters by not questioning the more practical and fundamental reasons behind the phenomenon of refugees and surplus populations and by accepting the conditions, reasons, and definitions that are imposed by the dominate discourse in the field. The authors

offer no insight into what refugees (or any other surplus population) actually are, the role they play in wider societal processes, or why population movements occur.

Political understandings may be useful in adding insight into the political dimension of the process of refugee 'production', but they require development of the foundations (or at least co-producing factors) giving rise to such a political mechanism. Failing to do so leaves room for the inequalities that exist to be assumed, inevitable, as in Malthusian notions, which posit that the incidence of these flows is natural and inevitable, not the consequence of the human organization of social and economic affairs.

Most economic analyses of the refugee phenomenon can also be viewed as essentially Malthusian in nature in many respects as well. Some treat persons as completely and eternally subject to natural, unchangeable, trans-historical and trans-societal laws. Non-economic factors including political structure or those that are historically specific or generalized are often ignored. Other economic models exist that claim to be, and to some degree are, more critical, many mistakenly calling themselves Marxist, but in the end, they fail to escape the same pitfalls of the others and are little more than disguised Malthusianism themselves.

Classical economic models assume, and hence focus upon, factors which push and pull; factors that either drive individuals away from their locale or attract them to another. These factors are premised to be predominantly economic in nature with very little of any attention given to other considerations. Economic models are like Malthusian theories of population in that they fail to consider the existence of historically and societally specific laws in looking at population

movements. Both theories are essentially 'functionalist' and 'micro-analytic' orientations that view the individual migrant as passively responsive to predetermined and eternal circumstances. It is due to this limitation that these theories are constrained as explanatory models of migration.

Contrary to both economic and Malthusian theories, migration is not purely an economic, political or environmental phenomenon; it is not unaffected by either side of the structure/agency duality. Migration is intertwined and immersed within important social, political and economic dimensions that serve to influence and determine its timing, extent, and character (Bach, 1987). Hence, an acceptable migration model must be sensitive to the varying and overlapping dimensions of the social, cultural, political, and economic.

Emphasizing structural-economic aspects as well, so called Marxist theories of migration suggest international migration is primarily the consequence of global inequalities in the distribution of wealth and power (Ballard, 1986) and highlight core-periphery divisions that exist amongst the organization of nation-states (Bach, 1987). Despite the contributions that some working from within the Marxist approach have made, the appearance of a real shift from classical economic approaches or distinction from more earthy Malthusian approaches are purely superficial.

While these Marxist positions criticize classical economic approaches to migration research for being far too 'simplistic' and excessively oriented to individual behavior insisting that more attention and weight should be given to the

historical material 'causes and effects' of migration, in the end what they offer as an approach fails to escape the Malthusian grasp.

Some so-called Marxist economic analyses escape the fixed natural law mentality, seeing refugee and surplus populations in relation to the specific economic organization of the contemporary global environment. Many border on one-sided political analyses, or the opposite, excessively emphasize the economic, and rarely specifically attend to the migratory movements of the refugee or surplus population form.

In the end, classifying many of them as essentially Malthusian is not a great exaggeration as the existence of an arithmetic and geometric ratio (a natural, fixed and ahistorical population principle) is either assumed correct or goes unquestioned. The Malthusian notion of population as controlled by natural laws finds its way into many Marxist analyses simply as a result of it going unquestioned by writers, tainted by dominant definitions that are based on a Malthusian conception and law of population. Even the better Marxist research that can be found is limited by inherent Malthusian bias and by misinterpretation or lack of reading of Marx's own theoretical writings on population. Satzewich's work would fall under this category.

Stronger and more Marxist than other works, Satzewich conceptualises migration as "structured by a dialectic of economic, political and ideological relations" (1995:319). Satzewich sees migration in a somewhat Marxist way; one precipitated, organized and responded to through human devices, that is, originating often in the processes of capital accumulation and subject to the

constraints of human political institutional frameworks. The author does not, however, specifically address the dominance of the materialist side here, nor does he clearly dispute Malthusian understandings that dominate modern theory and definitions, the antithesis of which is the classical Marxian theory of population and conceptualization of the refugee/surplus form.

There certainly are economic analyses that go beyond the blatant, Malthusian perspectives, as the Marxist orientations described illustrate, but underlying even these, traces of misguided and mistaken Malthusian ideas can be found.

As well, like other perspectives, the phenomenon of the refugee is ignored or, for most part, given less substantial or central focus than it in fact deserves. If the Marxist approaches truly were Marxist, this would necessarily be the case, as Marx himself claimed the importance of such populations were. Marx lends insight to this in the following excerpt from *Capital Vol. I*, wherein he states that relative surplus populations are necessary to the capital accumulation process, they are key to its existence and also its demise.

> But if a surplus labouring population is a necessary product of accumulation or of the development of wealth on a capitalist basis, this surplus-population becomes, conversely, the *lever of capitalistic accumulation*, nay, a condition of existence of the capitalist mode of production. ...the production of a relative surplus-population — i.e., surplus with regard to the average needs of the self-expansion of capital — *is a necessary condition of modern industry*. (Marx, 1867:626-8; italics added)

The concept of surplus, reserve populations serves as an interesting and highly important concept in any Marxist analysis. However, the Marxist analysis

that exists only applies it to regular migration. Refugee populations are ignored in class analysis, for the most part. They are treated as atypical and novel phenomena or as strictly political entities (adopting without question dominant definitions), entirely separate from class or economic relations.

In the same manner in which contemporary Marxist approaches unintentionally adopt ahistorical and anti-Marxist Malthusian laws and conceptions of population, they fail to observe that the political expression of the refugee phenomenon emerges from basic class relations and economic organization. Refugees conceptualised as relative surplus populations, as Marx conceived such classes, corrects the contemporary Marxist position, in which classical Marxist analysis is left out.

Despite its Malthusian flaws and failure to appreciate the relevance applicability of Marxian ideas, some of the more critical Marxist work on population theory, most notably the work of Satzewich, is a step forward in that it highlights the fact that there are deeper structural origins to the refugee migrant and that the political manifestations observed are merely the outgrowth of this, that is, the contradictions inherent to the capital accumulation process. As was noted earlier in this thesis, this is important as it allows for migrants to be understood more completely as displaced from the production process, as surplus, reserve, and floating populations.

In the end, however, the so called 'Marxists' offer interpretations that are only slightly better than Malthusian ones as they all fail to question the basic 'population principle' by ignoring factors of class relations and economic

organization and accept dominant political conceptions of the refugee. Such perspectives do very little to understand and move towards the amelioration of the world's most immiserated classes, their continued discrimination and persecution, the new global underclass, the bottom layer of the world's proletariat, a form of relative surplus population of global capitalism, the refugee.

The influence and prevalence of Malthusian ideas extend beyond simply the literature on refugees. Malthusianism has found its way into general public conceptions and global policy on refugees. Consideration and acceptance of general economic explanations or factors have consequently been either downplayed or ignored outright. Critical political economic explanations focusing on class analysis that question the dominant and long-held Malthusian principle of population (for example, Marxist Population theory) have been absolutely ignored.

Representing a major anomaly to the situation described above, Eric Ross (1997) *The Malthus Factor* takes a much more critical and objective position on current conceptions of refugees. The position held here parallels that of Ross's in terms of both prevalence and effects of Malthusian ideas. Ross's most notable claim is that the greatest achievement of Malthusianism has been to provide an enduring argument for the prevention of social and economic change. By doing so, says Ross, Malthusianism has obscured, in both academic and popular thinking, the real roots of poverty, inequality and environmental deterioration, distracting attention from the fact that it is not people's reproductive habits that are the principal source of most of the misuse or waste of the world's resources, but the contradictions and motives of capitalist development (Ross, 1997).

His work, therefore, is relevant for the purposes here as he notes in his book just how deeply the effects of Malthusian ideas have gone, beyond simply the academic literature, to support the system of capitalism as a whole. Ross argues that refugees have been conceptualised in such a way as to not threaten the status quo and are used as some of the chief scapegoats when looking at problems globally (Ross, 1997).

The Malthusian basis of the literature described above, therefore, fails by inaccurately understanding the phenomenon of refugees through its outright and non-critical acceptance of Malthusian principles. In doing so, it fails to offer a solid theory and also a desperately needed solution.

Following from and in consideration of all that has been observed so far in this thesis it is held that refugees need to be re-conceptualised using the framework created by Marx and Engels as described in the previous chapter, that is, refugees as relative surplus populations created out of and for the benefit of the capitalist competitive global political economy. In comparison to other existing models and frameworks, with very little adjustment, a Marxist theory of population provides the most accurate and complete conceptual understandings of the phenomenon of refugees.

The remainder of this chapter will expand the earlier summary of Marx and Engel's theory of population, paying primary attention to relative surplus populations taking the refugee form, using key quotes and points of opposition to that of Malthusian theory and, by proxy, to that of dominant conceptions. The main purpose in doing so is to assess the applicability of a Marxian framework to

the conceptualization of refugees in general and in the context of the contemporary global political economy specifically.

For the most part, Marx and Engels accurately conceptualize the phenomenon of relative surplus population in their theory of population. By no means would a major shift to a completely middle ground between Marxism and Malthusian theory be in order. Malthusian theory is practically entirely wrong. It is only right in its description of the existing situation; its explanations for the processes and factors producing it, however, are off the mark entirely. There is no so-called "deficiency" in means of subsistence. The abundant resource potential of the earth, and the 'inevitable' redundancy of some human populations in society, is a fictitiously created myth designed to further political aims to benefit few.

Conversely, Marx's basic premises are correct; it is the economic organization of human social formations that is the chief determinant and producer of surplus populations. Surplus refugee populations are a necessary condition of modern industry, but unlike Malthus and the others, Marx and Engels interpreted such populations as historically specific to it. Industrial class relations and the capitalist competitive economic system that characterizes these relations, are at the root of a population being superfluous, not natural laws the belief that they are 'defective', immoral classes as Malthus and others would suggest. In Marx's own words:

> Not enough is being produced, that is the root of the whole matter. But why is not enough being produced? Not because limits of production have been reached – even for today and by present-day means. No, but because the limits of production are determined not by the number of hungry bellies, but rather by the number of purchasers with full purses. Bourgeois society has no desire, and can have no desire, to produce more. Those impecunious bellies, the labour which cannot be utilised with profit and is thus incapable of purchasing, fall prey to the mortality figures. Let us assume that there is a sudden boom in industry such as is constantly occurring, to enable this labour to be employed with profit, then the labour will acquire the money with which to purchase, and the means of subsistence have as yet always been found. It is the endless *circulus vitiosus* in which the whole political economy revolves. One takes bourgeois conditions in their entirety as one's premise, and then probes that each separate part is a necessary part thereof – ergo, an 'eternal law'. (Engel's letter dated the 29th March 1865 to Albert Lange; Marx and Engels, 1975:137-138)

Surplus refugee populations are not a natural phenomenon based on some eternal law; rather, they are the result of human socio-economic organization, they are relatively surplus to means of production and employment.

The refugee under the capitalist economic system must be regarded strictly in terms of its labour relationship in the capital accumulation process. Here the refugee as a class becomes little more than a commodity for capital to be produced, bought, sold and subject to the same market forces as others commodities would. One of several "counteracting influences" related to the tendency for the rate of profit to fall under capitalist organization (Marx 1894:235), refugees and other surplus populations are produced when the demand for labour is low (Engels, 1845:378-81).

Clearly though, in the course of capital accumulation, there are at times an

increased demand for labour-power. Marx describes this tendency as part of the "general law of capitalist accumulation" and specifically attributable to changes in its composition that capital undergoes in the process of accumulation, wherein its variable component (labour) is drastically altered but its constant component (means of production) remains unchanged. The result, in the end, is an ever-increasing production of labourers (Marx, 1867:607-609).

This general law specific to capitalist production, that is, the relative diminution of capital's variable component and growth of its constant component, results inevitably in the production of a relative surplus and redundant population (Marx, 1867:616-618; 621-622). Hence, refugees are produced alongside other forms of surplus population directly as a result of the unavoidable situation in capitalist production where "the quantity of disposable labour power which the natural increase of population yields" fails to provide for that which is necessary. The capitalist production process "requires for its free play an industrial reserve army independent of these natural limits" (Marx, 1867:629). Capitalist production requires that there "be the possibility of throwing great masses of men suddenly on the decisive points without injury to the scale of production in other spheres. Overpopulation supplies these masses" (1867:627). To meet this demand capitalism produced, on an ongoing basis, a relative surplus population to which refugees compose a part, sometimes floating, sometimes latent but more commonly in the stagnant form.

Of course there are many conditions and factors that appear to produce and effectively create refugees beyond merely the economic, but many of these are the

outgrowths of what at base are the effects of capitalist economic organization and its effects. Margarita Papandreou's work has already illustrated this fact. Looking at why, how, and what conditions create refugee flows, considering such factors as famine, conflict, underdevelopment, poverty, that drive refugees from their homelands, the root of all of these is the global free market (Papandreou, 1996). Putting profit before people, the capitalist market is only free to large corporations or wealthy individuals without connections to specific localities that can shift capital around the world at will, while private individuals and classes of persons such as refugees are kept localized and heavily restricted in their movement.

Furthermore, the economic policies and reform packages of the World Trade Organization, the International Monetary Fund, and the World Bank supposedly designed to assist the chief refugee producing countries of the "third world", end up creating surplus populations and refugees as they further capitalist progress in draining the capital and resources of these peoples, siphoning them off to the world powers and global corporations (Chossudovsky, 1996).

According to Chossudovsky (1996), such capitalist policies also have the effect of resulting in or merely exacerbating so-called environmental catastrophes such as famines and desertification (p. 107). Hence, in contrast to dominant conceptions that view refugees themselves as producing such situations, they, themselves are victims of them. Citing the case of Somalia, Chossudovsky has shown that the real causes of famine and the production of refugees are not in political or environmental factors but, rather, in economic policies and reformative interventions.

Citing the Rwanda case, for example, Chossudovsky clearly illustrates that the ethnic tension and persecution observed, that many separate from economic factors and claim as unavoidable and natural, in reality, are often "preceded by the flare up of a deep-seated economic crisis" (1996:111):

> This deterioration of the economic environment which immediately followed the collapse of the international coffee market and the imposition of sweeping macro-economic reforms by the Bretton Woods institutions exacerbated simmering ethnic tensions and accelerated the process of political collapse. (p. 111)

There is yet further evidence of the applicability and logical usefulness of the Marxist conceptual framework in studying refugees in the work of Nick Papandreou (1996). Under such a framework, it is capitalism that is chiefly to blame for the dire situations refugee populations face. Because there is an endless search for increasing markets, profits, and cheap labour within capitalism, achieved through the global opening of markets, privatisation of industries, dwindling of the welfare state, the impoverishment, and relative redundancy of some populations occurs, these conditions result in increased emigration and the emergence of ever increasing refugee populations (Papandreou, 1996).

Fundamentally, then, both so-called "economic migrants" and "political refugees" are produced by contradictions in the global accumulation of capital. These contradictions are either directly economic, as in the tendency to increase the ratio of constant to variable capital, or they are manifest in the political crises that, themselves, result from the concrete effects of capital accumulation. The "refugee", then, is a form of the relative surplus population analysed by Marx.

Locating the root of the surplus population in the contradictions of capitalism is the foundation for a more complete theory of population but, as noted above, a complete theory must then incorporate other components, such as the political, the ideological, and the duality of agency and structure. It is beyond the scope of this thesis to develop such a complete, dialectical theory. What is most useful in the present is to analyse, as in a concrete case, the way the Canadian state has responded to the relative surplus over time.

The main focus of the next chapter is to review the development of Canadian immigration policy, in particular as it relates to conceptualisations of the "refugee". The fundamental point is that the supposed "humanitarian" basis of Canadian policy is, at its root, the manner in which the national entry of the global relative surplus population is managed.

Chapter V - Case Application

This chapter applies the central argument of the thesis, that refugees are best understood as relative surplus populations within global capitalism/imperialism, by briefly reviewing the Canadian state's legislative record regarding immigration and refugees and, more specifically, by focusing upon the most recent legislation and new Immigration Act currently before Senate, Bill C-11. The current Canadian political economy is then analyzed in light of the conceptual shift this thesis propounds.

Canadian immigration legislation can be traced back to the period before Confederation in 1867 where it was governed by the colonization schemes of both France and England (Kubat, 1993:25). The earliest legislation, for example, the Quebec City Passenger Act, was designed to protect immigrants from predatory shipping firms and to reduce conditions conducive to the spread of communicable diseases. Immigration officers were assigned the duty of ensuring that the regulations were followed. The first of these officers appeared in 1820 (Green, 1976:14).

With the passing of the British North American Act (BNA) of 1867, under Section 95, immigration was made the joint responsibility of both federal and provincial governments. Canada would pass its first Immigration Act in 1869. From this point onward immigration would be far more regulated. During this period the main objectives of immigration policy related to the settlement of the West. Administration of the legislation by immigration officers was primarily directed towards helping newly arrived immigrants find employment, locate their

relatives, and arrange for transportation. It was at this time that overseas recruitment was first begun (Devoretz, 1995:36).

Little more than a decade later, the emphasis began to shift, towards a much more restrictive policy. Amendments between 1879 and 1880, for instance were directed at keeping out 'indigents.' This was accomplished, in part, by putting responsibility on the shipping firms to ensure passengers had some financial means to become established upon arrival. This policy of defining who was excluded from entry and admission continues today. Regulations at the time were occasionally imposed to specify or broaden prohibited classes, such as the 1885 Chinese Head Tax (all Asians were completely barred from 1923-47) (Kubat, 1993:25).

A 1906 amendment served to outline "...an unbalanced and ethnically biased prescription for the possession of a certain amount of funds for applicants entering Canada" (Hashemi, 1993:5). Europeans were required to have a minimum of $25 on their person, while Asians required $200 (*Ibid.*). This gradual, restrictive shift would continue; for instance, an 1891 Order in Council served to exclude all paupers from admittance, and it would culminate with a new Immigration Act in 1910. Canadian immigration policy during this time was described as largely laissez faire and flexible, being exercised directly through Cabinet. This manner of changing the immigration program, through Cabinet regulation rather than actual legislative amendment, continues to be the government's preferred practice to this day.

The Immigration Act of 1910, followed by amendments in 1914, 1919 and 1923, formalized and enshrined the discriminating, protectionist policies and regulatory changes prescribed by the executive over the previous forty or more years, going back almost to Confederation. The Act set out the general guidelines that would inform Canadian policy until the middle of the 20th century (Green, 1976. p. 14). Discrimination on the basis of national and ethnic origin, as well as upon occupation, was entrenched in legislation. The Act established the framework to exclude various cultural groups and granted ministers, via Orders in Council, the authority to designate those who were permissible and those who were not (Hashemi, 1993:4).

A 1914 amendment brought the introduction of the Continuous Passage Rule (also known as the 'Continuous Journey Provision'). This was mainly directed towards potential immigrants from India. It required that travel from countries of origin to Canada be direct and continuous. The effect of this 'rule' was racist because routes from countries other than Britain were substantially limited or nonexistent at the time (Hashemi, 1993:3).

Amendment to the Act in 1919, alongside Sir Clifford Sifton's settlement plan, served to set out the basic structure of Immigration Policy until 1952. Desirable versus undesirable groups became far more specifically defined from this point onward in immigration policy, through the introduction of the "ability to become readily assimilated" clause. Preferred classes were based on climatic, industrial, social, educational, labour, and political factors. Particular regions were also identified as the most preferred. These included North and Western Europe,

the United States, France (1947), and then Central Europe. Such preferential treatment existed formally until the 1950s (Green, 1976:15).

Further stipulations were made in 1931 concerning the preferential classes, defined as British subjects with sufficient means from the United Kingdom, Ireland, Newfoundland, New Zealand, Australia, South America, and the United States. The model used was largely one of economic self-interest adjusted by way of regulations rather than entirely new statutes (Hashemi, 1993:3).

The fact that no major changes were made to Canadian policy between 1910 and 1946 is, in part, attributable to the enormous degree of flexibility in the system because of the discretionary powers the Minister and Cabinet possessed (for example, the ability to make Orders in Council rather than actual legislative amendment). It is also attributable to the effects of both World Wars I and II during the period and as well as the economic need to maintain a highly restrictive policy.

The years immediately after the war, however, were largely expansionary in terms of capital accumulation major policy changes were made as a result. The 'absorptive capacity' initiative, introduced in 1947 by Prime Minister MacKenzie King's was among these. It encouraged population growth via immigration (Green, 1976:27). A result of this major shift in policy was to encourage four special movements of persons that stand out from all previous immigration to Canada: displaced persons from the war, Dutch farm workers, Hungarian refugees, and groups of Indian, Pakistani and Ceylon migrants (*Ibid.*).

King's policy statement speech on May 1, 1947 emphasized that this change in resettlement policy was aimed to help the displaced and persecuted. From a political economy perspective, it increased the size of the labouring population, bringing into Canada both cheap labour for the expansion of industrialization, and some immigrants with specific skills whose training was not found in Canada. The government of Mackenzie King would also serve to grant special authority, through regulations for the admission of 20,000 such persons in both 1947 and 1948, in addition to 50,000 in 1949 (Manpower and Immigration, 1974:27).

An entirely new Immigration Act was passed in 1952, following more than forty years of legislative amendments, and regulatory and policy changes through Orders in Council. The Act has been described as largely expansionist but also particularistic on the grounds of race and ethnicity (Kubat, 1979:25). Despite the acceptance of large numbers of persons in refugee and humanitarian situations, there was no mention or reference to them in the new Act. The only three classes for admission (outside of special movements) were: Independent, Sponsored, and Nominated relatives. Strict and discriminatory standards remained, ensuring that these groups would be inadmissible outside of the occasional special program imposed by the minister.

Combined with 1956 amendments, the new criteria, while no longer explicitly racist, created just as arbitrary a form of discrimination in practice as the legislation before it. Lists of countries, preferred versus non-preferred, were a practical application of the amendments. Admission was based on a hierarchical scale (Hashemi, 1993:3). The formal changes in the discourse of the Act served

to have little real effect in removing much of the discriminatory effects of Canadian policy up to that point. In commenting on the 1952 Act, the Department of Employment and Immigration Canada noted in 1978 that the 1952 Act was an outgrowth of legislation dating back to the turn of the century with "archaic provisions" reflecting attitudes, circumstances and conditions of an earlier time (1978:5). Further, the Act discriminated against epileptics and the mentally ill, approached deportation unduly harshly, and often refused admittance on the basis of nationality, citizenship, ethnic group, occupation, class, or geographical area. Amendments to the Act would later require health checks, and expand as well as clarify over twenty different prohibitive grounds against entry.

Between 1958 and 1961 several humanitarian resettlement initiatives did take place, nonetheless. As a response to World Refugee Year (1959) several groups of refugees, some of whom had already been denied settlement in other countries, were admitted under relaxed admittance criteria (Employment and Immigration, 1978:5). Similarly, in 1968 groups of Czechoslovakian refugees were resettled under the same program. This was stopped, however, after just four months because of the quality of the refugees, and the belief that many were not genuine political refugees. Other groups assisted during this period were Tibetans from India and Jews from Iraq as well as larger movements of Ugandan Asians (1972) (Manpower and Immigration, 1974:35).

Also of significance, in terms of policy changes during this period, was the repeal of Chinese prohibitive provisions and the pledge and initial actions to accept thousands of displaced persons and political refugees from Europe (Kubat,

1993:28). The Chinese prohibition was abandoned, along with most other explicitly racist and discriminatory provisions, by the late 1950s and early 60s, with the exception of the continuous passage rule, which was fundamentally unmodified until 1978 (Hashemi, 1993:5).

Amendments made in 1962 would result in the abandonment of the most blatant forms of discrimination in Canadian immigration policy, but these would be replaced with a points system that was just as effective at excluding undesirable classes. The system served to exclude unwanted classes and allowed for the admittance of those possessing the most preferred qualities. Emphasis became focused on education and occupational skills and meeting domestic manpower needs (Kubat, 1993:25). Once established, in 1967, the points system created three new basic categories (classes) of admissible immigrants: Family class, Independent class, and Humanitarian class. These wouldn't become an actual part of the Immigration Act until the current 1978 Act was introduced.

Emerging in the 1960s also, while not actual legislation or formal policy, but important nonetheless, was a government commissioned *White Paper* (1966) on immigration. It proposed changes which included the introduction of new immigration legislation dealing with refugee because of their 'peculiar' situation, and allowing for the relaxation of normal standards and procedures in admitting them. Also proposed was for Canada to accept internationally recognized standards for dealing with refuges, including accession to the 1951 United Nations Convention Relating to the Status of Refugees (UNCRSR or simply the Geneva Convention) (see below), as well as the 1957 Hague agreement on Refugee

Seamen. The White Paper also recommended the setting up a Board to determine refugee eligibility and to decide on asylum claims, while working closely with the Office of the United Nations High Commissioner for Refugees (Manpower and Immigration, 1966:23).

A 1967 amendment fully articulated a universal immigration policy. It contained provisions in legislation that still inform Canadian Immigration Policy today. The regulations of 1967 established a universal system, expanded prohibitive classes, and set in motion the foundations for what would become the points system still used today (Kubat, 1993:28).

After accession to the 1951 Convention the Canadian government set new guidelines for refugee policy, emphasizing the United Nations definition and provided for their admittance regardless of whether or not they fully met all 50 units required under the points system. Provision was also made for special ministerial authority for the admittance of refugees who still live in their country of nationality or habitual residence. These changes would be used in 1972 in settling Ugandan Asian refugees and as well in 1973 in the settlement of Chileans fleeing Dictator Augusto Pinochet's regime (Manpower and Immigration, 1974:106).

The current legislative and regulatory regime is based on the 1978 Immigration Act, which was the culmination of the increasingly liberal reforms of immigration policies, and programs that had begun in the early 1970s (Hawkins, 1989:384). The Act was required to instil much needed integrity and to clarify and restate the hodgepodge of policies and regulations introduced by Orders in Council

since the last Act in 1952 (Kubat, 1993). Passed on July 25, 1977 and proclaimed law on April 10, the 1978, Act would be Canada's 4th Immigration Act since Confederation little more than a century earlier.

The current Immigration Act, as is the case with previous ones, sets out the objectives of the immigration program, outlines the categories of immigrants, admissibility criteria and non-admissibility, violations, enforcement activities, penalties and appeals, and provides the framework for the refugee status determination process in Canada.

The single most defining characteristic of the current Act, in comparison to it predecessors, however, is the degree of clarity within it. This could be seen in the refining of the points system, introduced via amendment ten years earlier, but more importantly, in the statement of the basic principles underlying immigration policy. Stated objectives were non-discrimination, family reunion, humanitarian concern for refugees, the promotion of national goals, and linking immigration to Canada's domestic market and demographic needs. New admissible classes (Family and Humanitarian), planned immigration levels, annual forecasting, special programs for sponsorship and assistance, and increased involvement of the private sector were all facets of the new Act that distinguished it from the past Act. Reforms to the points system meant that immigrants would still have to be suited for the industrial world and be conducive to assimilation unless they were admitted under compassionate grounds.

Prior to the 1978 Act there was no statutory recognition of refugees. Canada was accepting Convention Refugees (CR) and conforming to the provisions

of the UNCRSR, such as, the condition of non-refoulement, since acceding to the Convention in 1969; however, this was without any legal underpinning. The reception of refugees was often not subject to public scrutiny and racist or politically motivations were not uncommon (Dirks 1995:78). Refugees, and like persons, were admitted on an ad hoc basis through special provisions legitimated by Cabinet.

The 1978 Act, under Section 6, created both the CR class (eligibility based on UNCRSR) and also the Designated Class (DC) (admitted under relaxed criteria determined by the Minister and via Orders in Council) for those who might be refugees but failed to meet the narrow CR definition, and it enshrined many of Canada's international humanitarian obligations and commitments. Authority, via regulations was granted to the Governor and Council to allow for entry of the latter DC under less strict eligibility criteria.

Refugees selected overseas under the new Act were assessed according to the same factors used on independent classes. However they would not receive a point rating; it would only be performed to help the immigration officer abroad determine if the refugee would be able to become successfully established. In combination with the availability of government or private assistance this would determine the individual's admissibility, assuming they did not fall under any of the inadmissible classes outlined under Section 19 (for example, those who fail to meet selection criteria and other regulations, such as having a visible means of support or valid travel documents, posed a threat to public safety, health, order, or national security, and so on).

Aside from these changes, an improved inquiry and appeal system (determination system) was instituted. Before the 1978 Act, procedures for determination of CR status were informal and discretionary, positive determinations were low, and there was no oral hearing as part of the process (Young, 1995). The introduction of alternatives to deportation, more specification on the powers granted to government officials and various security measures were also introduced, including the requirement that visa authorizations now be made abroad prior to entry.

The 1978 Act was Canada's fourth Immigration Act. It was meant to deal with "...the problems of the past Act and bring policy up to date with modern realities..." (Employment and Immigration Canada, 1978:5). Introduced were "fundamental principles of non-discrimination, family reunion, humanitarian concern for refugees and the promotion of Canada's social, economic, demographic and cultural goals (*Ibid.*)." The 1978 Act thus marked a new era in Canadian immigration history. The Act attempted to impose guidelines for immigration policy and procedures but also to allow for flexibility in adapting to changing social and economic conditions. Rather than accepted in an ad hoc, infrequent manner, the refugee was now, once and for all, formally defined as a regular admissible class, but still a special one, nonetheless. The Act promised that from this point onward refugees would be resettled yearly in a planned manner, independent from Canadian market needs and the rigors of the points system (Akbari, 1999).

Just over a decade after the 1978 Immigration Act took effect, three substantial Amendments would be passed and implemented. These reforms were meant to take care of backlogs that had developed in the asylum process, causing delays and problems in the process of status determination. Minor attempts to decrease the backlog failed and it was clear by the mid 1980's that only major legislative change would work (Dirks, 1995:77). At that time, however, the post-war expansionism of Canada's economy had come to a halt, Canada was entering the new era of global free trade and the Canadian economy would not benefit from large numbers of new immigrants. At the same time, and representing the other side of the coin of globalization, the size of the global underclass was growing as rapidly as its economic conditions were deteriorating.

The changes proposed to the 1978 Act were highly controversial; the Bill took more than fourteen months to pass the House and Senate; it was criticized by many, especially refugee advocacy groups, and other Non-governmental Organizations (NGO's) for being far too harsh and backwards in terms of policy. Other groups applauded the changes, including a public who perceived that Canada had gone beyond its UN obligations and, under the perception of widespread illegality and abuse in the system, desired more control of immigration flows.

First read in May 1987, passed in 1988 and put into force in 1989, Bill C-55 was designed to streamline and speed up the refugee determination process with the intent to reduce the enormous backlog that had developed (Kubat, 1993). Bill C-55 attempted to create a three-stage process that would be much quicker, while still ensuring fairness and a full hearing in the determination of claims.

The first stage involved an adjudicator, a trained immigration official and by one member of the newly formed Convention Refugee Division (CRD) of the Immigration and Refugee Board (IRB). For the claim to be heard only one official need assent. Credibility of the claim would be determined at the second stage by two members of the CRD in an oral hearing within days of the first hearing. Claimants were required to meet the specific eligibility requirements based on the UN CR definition, including various security and health requirements. The third and final stage was an option to appeal a negative ruling of the second stage hearing, permitted only on facts of law and if accepted by the Federal Court to be heard. Those awaiting a decision were required to return to a safe country, if possible, until the ruling (Dirks, 1995:89).

While Bill C-55 set out to reform inland processing and determination of claims, a second Bill, C-84 was intended to increase control, and often prevent flows from ever arriving in Canada. The powers of border authorities were expanded to allow them to deny entry of perceived 'bogus' claimants. Canadian 'security forces' were permitted to 'intercept and deflect' flows and to prosecute individuals who assisted in the entrance of refugees who had not had claims cleared abroad prior to entry (Simmons and Keohane, 1992). Provisions designed to deter and punish profiteers, such as transportation companies, who encouraged and assisted in the arrival of undocumented migrants, and could face huge fines. Those who made fraudulent claims or who did not follow the new visa restrictions were subject to harsh penalties such as detainment (Dirks, 1995:89).

The main objective of the Bill was to force claims to be made from outside Canada and to force transportation companies, especially airlines, to require valid travel documents. Other key provisions included the denial of permits to work and attend school while awaiting a court ruling, and a decrease in the right to appeal (Kubat, 1993:296-7).

As with the above amendments, Bills C-55 and C-84, the third Bill, C-86, did not result in any major definitional change to the refugee or humanitarian class but was designed to alter the regulations and application of the 1978 legislation in response, in part, to increases in large scale migrations, from Eastern Europe, the Soviet Union, and the Third World (Dirks, 1995:159). Again, more emphasis was placed on control and admissibility components, restricting access, increasing enforcement, and heightening criteria and eligibility requirements.

Unlike the first two Bills, C-86 would be rushed through readings and debate in House and Senate (June to December 1992), receiving Royal Assent on December 17,1992 (Jakubowski, 1997). Most notable of the changes implemented by the Bill were: the removal of the first hearing and of the 'credible basis test' (it was viewed as ineffective in screening out 'bogus' refugees as more than 92% were passing it), that both IRB panel members must rule positively on a claim, and establishing more effective removal procedures for non refugees (Freeman, 1992:1153). Also introduced were new measures making airlines more responsible for non-documented passengers, tighter visa requirements from certain countries identified as 'high risk', and the authority for immigration officers to fingerprint and take the photograph of claimants.

Under Bill C-86, an adjudicator of the Employment and Immigration Department and a Member of the refugee division performed screening. Both members would have to agree on a claim; split decisions were now be ruled against the claimant, as would a situation where they had destroyed documentation or returned to their country of residence. Appeals of negative decisions were now limited to requests for judicial review to the Federal court which decided whether to hear them or not and, if so, they would be heard only by one judge (Young, 1995:5).

In the case of a positive ruling, claimants would have to apply for permanent residence. Certain benefits and rights, such as receiving social assistance and having the right to work would be denied to those awaiting decisions (Dirks, 1995:160). Individuals deemed ineligible for permanent citizenship included: those recognized as a CR in another country, nationals or citizens of a country other than the one from which they were claiming protection, those with permanent residence elsewhere and who could return, those who posed criminal or security risks, or possessed no valid documentation (Dirks, 1995:11).

New 'management streams' under Bill C-86 were also a key feature to the amendment. Under the new system, immigrants are placed in one of three 'management streams' (Jakubowski, 1997:73). In the first stream were immediate family members of people already residing in Canada, such as a spouse, fiancee, or dependent children, as well as investors, and those classified by the IRB as CR's. Under stream one, no limit is placed on the yearly number of applicants accepted. Stream two, however, is subject to the limitations as set out in yearly

immigration plans, and applications are processed on a "first come, first served" basis (Immigration Canada, 1992:16). Included in this stream were: extended family members of Canadian residents (for example, parents or grandparents); government-assisted or privately sponsored refugees, those applicants who have "arranged employment, are self-employed or apply to come to Canada as live-in care givers; and people allowed into Canada under special programs" (*Ibid.*). Stream three would also be subject to limitations established by the annual immigration plan and included independent immigrants selected solely on the basis of "excellence"(Jakubowski, 1997:74).

Another distinguishing aspect to the Bill is the amount of power and authority it gave to the Minister in Council to flexibly manage the admission of immigrant and refugees via regulations (Richmond, 1994:137). In addition, these powers go without the requirement of any explicit parliamentary approval. The uses of such authority are numerous and include the ability to: lengthen residency permits, create new admissible/entrance classes, enter into agreements with provinces or other countries, tighten medical requirements, impose special terms and conditions of entry, and strengthen the powers of interdiction, deportation, visa and documentation requirements as well as airline responsibilities (*Ibid.*, p.140). Because officials are permitted to make regulatory changes without amendment, they are provided direct control of how applications are processed and administered.

Further, this 'arbitrary' and 'discretionary' power also allows the Minister to set quotas on CR class and sponsorships, to select immigration on any basis, and

to give priority to those deemed best able to become successfully established (Hasemi, 1993:19). The Minister and key officials in the Department of Immigration are also authorized to alter the priorities of the admissible classes and to put ceilings on the number of applications accepted for processing with the intention to decrease potential numbers and therefore backlogs (Dirks, 1995:160). Front line workers inland and abroad (Immigration Control Officers) are also granted an entirely new set of expanded powers under the Bill, allowing them to incarcerate, fingerprint, photograph, and turn away refugees deemed to be ineligible, such as those improperly documented. Many of these powers were previously only accorded to IRB members.

One of the most recent amendments made to the 1978 Immigration Act was Bill C-44, which further combatted perceived abuse and helped to increase the efficiency of the system. In particular, it made amendments to eligibility rules, and dealt with the issue of multiple claims pertaining to refugees. Clarifications were made to certain of C-86's provisions, for example, permanent residents convicted of an offence punishable with a maximum term of ten years are ineligible for status. In addition, ineligibility on criminal grounds can be determined at any time. The Bill also expanded the explanation for what constitutes fraud and misrepresentation of fact (Young, 1995:4).

Also introduced in 1995 was the Right of Landing Fee (ROLF), which cost $975 and was required to be paid by every landed immigrant and refugee in Canada. Claimed by some to be nothing more than a modern Head Tax, Canada is the only country in the world that charges these fees to refugees and immigrants.

Revenues from the ROLF since its introduction, counting only the amount contributed by refugees, have exceeded $50 million. In response to years of protest from many sources, the ROLF was eliminated for all refugee classes as of February 28, 2000.

In January 1999 Citizenship and Immigration Canada released a white paper entitled *Building a Strong Foundation for the 21st Century*. It represents the departments current statement of its intended directions for immigration and refugee policy and legislation, and serves as a preliminary test bed to examine ideas and policies it wished to include in the entirely new Immigration Act planned for the spring of the year 2000.

The Canadian Council for Refugees (CCR) (1999), a well know refugee advocacy group, has commented that, "Overall, instead of moving Canada forward towards greater human rights respect, the white paper takes us backwards" (CCR, 1999). Noting that the report does promise a move to at least have a separate section in the Act to deal with refugee issues since "[d]ecisions regarding refugees need to be guided by the principles of protection and not immigration", the organization was concerned, nonetheless, that "...little thought seems to have been given to ensuring that the enforcement provisions, which also affect refugees, are also guided by protection principles" (CCR, 1999). Of particular concern was the proposed consolidated decision-making process which would almost certainly encourage more narrow interpretation of the refugee definition, the use of the Safe Country Concept, and the exclusion or at least prioritizing of cases based on whether they are "clearly unfounded" or not. There are some notable exceptions

to the overwhelming emphasis on enforcement versus humanitarianism and fairness, such as the imposition of a leave requirement for overseas applications to achieve consistency with the inland claim process, the shift towards protecting refugees versus an emphasis on admissibility criteria and their ability to resettle and, as well, commitment for the immediate entry claimants in need of urgent protection. Nontheless, there are great concerns that the changes pledged will not reflect any real or consistent change (Canadian Council for Refugees, 1999).

In the summer of 1999 the House of Commons Standing Committee on Citizenship and Immigration decided to undertake a study of the refugee status determination system and the security of Canada's borders. The all-party House Committee who prepared the report, entitled *Refugee Protection and Border Security: Striking a Balance*, tabled it on March 23, 2000. The importance of protecting refugees is emphasized, an appeal on the merits of a case are recommended, and concern over the quality of appointments to the IRB is expressed; however, the report clearly does not strike a balance. The proposed changes appear to be more restrictive and serving to increase, rather than relax, the eligibility requirements.

Among the more restrictive and enforcement oriented recommendations of the committee were: 1) the expansion of the use of detention to include refugee claimants who are either part of an organized trafficking operation or are uncooperative; 2) more thorough questioning of refugees by immigration officials, and for said officials to recommend for expedition strong cases over weak ones (claims against countries that are not 'normally' refugee-producing); 3) tighter

provisions relating to access to the refugee system, including longer periods between filing repeat claims and requiring that a claim be made within 30 days after arrival in Canada, and for Canada to pursue the Safe Third Country measure; 4) "tightened procedures" to be used following refugee rejection to increase chances of removal; and 5) accountability on sponsors of visitors who subsequently make refugee claims, including financial reimbursement of the government for any social assistance required by the claimant during the determination process (Dench, 2000).

Statements made by the Honorable Elinor Caplan, Minister of the Department of Citizenship and Immigration Canada, seem to suggest that further emphasis in the area of security and enforcement is the direction the government is intent on taking. In her address to the Annual Meeting of the Canadian Council for Refugees, Caplan proposed stronger penalties for trafficking seizure of assets, clarification of current grounds for detention, and accelerated processing for claimants being detained (Citizenship and Immigration Canada, 2000).

Detention through the Immigration Act is currently possible on three grounds: failure to identify, reasons of public safety, and warrant for fear of flight. The Minister proposed that failure to identify will be clarified to include persons who are undocumented and uncooperative, who refuse to assist authorities. Anyone who commits a crime of severe offense is clarified to mean any person who is a threat to public security, and fear of flight applies when there is reason to believe the person is part of a smuggling operation, or criminal organization.

Refugees make up one of three main classes of admission in Canada, with Family and Independent classes comprising the other two. The refugee class is, in turn, divided into the convention refugee and Humanitarian Designated Classes. Convention refugees may be selected abroad or recognized as such by the Convention Refugee Determination Division (CRDD) of the IRB. The latter are termed Landed Refugees, and their eligibility is based on criteria set out in the UNCRSR. The HDC are refugee-like persons so designated by the Minister or under her/his direction by a senior immigration officer (SIO) and are usually selected abroad via visa offices. The HDC class is itself divided into two categories, the Country of Asylum Class (CAC) and the Source Country Class (SCC). Other classes established for humanitarian or public policy reasons may be defined by regulation. Currently there are three: Live in Caregivers, the Post-Determination Refugees in Canada Class (PDRCC) and the Undocumented Convention Refugees in Canada Class (UCRC).

In relation to selection abroad, convention refugees are eligible for either government assistance or private sponsorship, and their numbers are unlimited. The CAC must be privately sponsored or be able to support themselves and face a limited number of openings yearly for settlement. The SCC are eligible for either government assistance or private sponsorship and, again, are limited in the number of settlements. The SCC, in addition, applies only to nationals of countries on a schedule, which is revised yearly. The 1999 schedule consisted of: Bosnia-Herzegovina, El Salvador, Columbia, Guatemala, Sudan, and the Democratic Republic of Congo (Citizenship and Immigration Canada, 1999:33). Under the

Canadian 'Protectionary Regime' legitimate refugees are defined as only the politically persecuted on an individual basis. Other classes exist, called Humanitarian Designated Classes (HDC), but these are recognized only as persons in refugee-like situations, are selected abroad, and are subject to many more restrictions on entry, including admissibility criteria that are not much different from those used for regular classes and helped in ever decreasing numbers.

Conceptual distinctions discussed previously in this thesis, relating to personalized versus generalized persecution and political versus economic (among other) causes, are built directly into Canadian legislation. Political refugees are welcome (not entirely so, but comparatively speaking) and all others need not apply. This distinction is traceable back to just prior to the current Immigration Act (1976/8). Documents of the Department of Employment and Immigration Canada illustrate government sentiments of the day:

> ...a clear distinction is necessary between politically persecuted and the economically motivated or dissatisfied to preserve the integrity of the Canadian selection system and not erode the concept of genuine refugee. (Employment and Immigration Canada, 1974:50)

Despite the fact that consideration was made for making formal provisions within the new Immigration Act which shortly followed this statement, previously ad hoc special programs and policy reigned. The groups that do benefit from the measures to assist and resettle 'refugee-like' groups must still suffer from political persecution. While this is especially true in the case of overseas selection, it is also the case inland. As MacMillan (1993) points out, while

> Canada incorporates the UN definition ... asylum applicants not meeting it are subject to removal unless compelling humanitarian and compassionate reasons to justify a review can be shown.

> Economic and environmental conditions in the country of origin are not deemed adequate grounds for review. (cited in Richmond, 1994)

Bill C-31, a proposed new Immigration Act tabled in April 2000, was speculated to contain an expanded definition of the refugee going beyond the UNCRSR to include a new category of "people in need of protection" who fear becoming the "object of cruel and unusual treatment or punishment." The government backtracked on this move, however. Bill C-31 received first and second readings in the House of Commons. It died on the Order Paper while under study by the House's Standing Committee on Citizenship and Immigration when the Liberal government called an election in October 2000 ending the 36th Parliament.

The most recent piece of refugee legislation to be introduced by the Canadian government is Bill C-11. Bill C-11 is actually a revised version of the federal government's Bill C-31, which was tabled last year under the same title. Bill C-11 and Bill C-31 are very much alike, with a few practical differences existing between the two. The Bill introduces important tangible changes particularly with regards to matters of enforcement and refugee determination.

If passed, Bill C-11 will replace the existing Immigration Act bringing many new and controversial changes to several of the non-administrative aspects of Canada's immigration system. Some of the more important aspects of immigration which Bill C-11 will oversee include the selection of immigrants, determination of who is admissible and inadmissible to Canada, the enforcement of the law, detention and release specific migrants, appeals of rulings, refugee

protection, Immigration and Refugee Board functions, and immigration infractions and offences.

Introduced in the First Session of the Thirty-seventh Parliament of the House of Commons, Bill C-11 received first reading on February 21st of 2001, Second Reading on the 27th of February 2001, was referred to the House of Commons Standing Committee on Citizenship and Immigration through March, April and into May, was reintroduced back to the House of Commons with numerous amendments on 28 May 2001, completed the Report Stage with on the 4th of June receiving further amendments, and received Third Reading on the 13 June, 2001. It passed its First Reading in the senate on the 14 June, 2001 and currently (1 August, 2001), awaits Second Reading there. All that remains is for the completion of a Committee Report, the Report Stage, and a Third Reading in the Senate.

Proponents of Bill C-11 have cited the fact that many citizens of Canada find the current Immigration Act far too complex and an increasingly ineffective instrument. Bill C-11 is claimed to provide clearer, simpler and more effective legislation. Bill C-11 is argued to create a fair balance covering all bases, closing the back door to criminals and system abusers on the one hand, while opening the front door to genuine refugees and to seriously needed immigrants on the other.

Accessibility is said to be achieved by the removal of the scattered provisions found in the old Act, for example, dealing with applications for permanent residence, permits, inadmissibility, refugee claims, appeals, enforcement and removal. The proposal in Bill C-11 is to replace this with a

comprehensive layout where provisions of similar subject-matter are located in one place and where regulation-making powers closely follow the substantive provisions that they support. For instance, Bill C-11 places provisions in four main parts: immigration to Canada; refugee protection; enforcement; and the IRB.

Important legislative provisions include a focus on the following main areas: Canadian public safety and respect for its societal norms; transparent criteria for obtaining permanent resident status; a faster and fairer refugee protection process; a streamlined appeal system; updated selection system for skilled workers and business immigrants; facilitating entry of skilled temporary foreign workers; and emphasizing family reunification.

Critics of Bill C-11 can be said to fall into two camps, one which sees the legislation as bringing a few small improvements but still retaining major problems, especially in terms of discrimination and an over attention to control; the other group which sees the legislation as far too compassionate and tolerant towards refugees and believes that Canada's economic and cultural interests are threatened.

The Canadian Council for Refugees, consistently in the first camp, views the Bill as excessively focused on enforcement. The Bill contains negative stereotypes about refugees and immigrants and therefore caters to xenophobia and racism within Canadian society.

The Canadian Council for Refugees is also concerned that the Bill does not reflect a balanced view of immigration and refugee protection. There is much in

the Bill about detaining people, removing people, punishing people and keeping people out, but remarkably little about the core function of admitting people.

In contrast to this view, critics in the other category suggest that the current system as not going far enough in terms of enforcement, reducing the rights of asylum seekers and prospective immigrants, and in supporting Canadian nationalism. Bill C-11 is viewed as a serious threat to what the effectiveness and efficiency within the current system, not to mention Canadian sovereignty.

The protection of refugees and humanitarian and compassionate principles have been declared to be an essential part of the immigration program and have been a formal part of the Immigration Act since 1978. Evidence certainly exists to support the claim that Canada has a respectable record. For example, in 1988 the country was presented with the Nansen medal for settling more refugees per capita in the previous decade than any other country in the world (150,000) (Citizenship and Immigration Canada, 1997:78).

Canadian refugee policy, like others policies, serves very different and often contradictory objectives. The Canadian state must somehow fulfill its international and state humanitarian and compassionate promises of protecting refugees through resettlement and assistance, but at the same time ensure that its own social, economic and political interests are not sidelined. On the one hand the state wishes to uphold its image of being humanitarian and compassionate, while on the other it does not want to lose legitimacy by appearing traitorous to Canada's own domestic needs, for example, by allowing the appearance of abuse of the system.

Humanitarian versus defensive, protectionary versus restrictive approaches, perceived as two very different movements, reflect the duality that exists in state responsibility and actions. The government's own statements of refugee policy objectives most often illustrate the existence of the first set of goals, its actions, the latter set. In a recent speech by the Honorable Elinor Caplan, the current Immigration Minister, it was stated that:

> ...we must remember that granting refugee status is about offering protection, and saving lives. It is about providing safe haven to those living in fear of persecution. It is about helping people to start anew, and rebuild their lives. For those in imminent danger of persecution... (Citizenship and Immigration Canada, 2000)

The latter of these objectives, as described, is routinely thought to be isolated to regular immigration policy. Overwhelmingly, however, while refugee policy is acclaimed to be exempt from demographic, economic, and social concerns, in reality it is not. Few would deny the many forms of bias and discrimination inherent in the system in the selection and resettlement of displaced populations prior to 1978 (the formalization of H and C/Refugee protection in the Immigration Act). It is, for the most part, agreed upon among scholars that before 1978 Canada's program of refugee protection was often blatantly racist and politically motivated.

Today conflicting opinions abound as to how humanitarian and compassionate Canada is toward refugees. Despite the number of flows and total individuals resettled, many more have been denied protection. Discrimination on many bases is argued to not only persist in the effects of much of the refugee law and policy but also inherently in the discourse used to create it and actual language

adopted in it. Apart from the regular classes, only a handful of researchers and academics have examined (making notably strong cases) the racial and political forms of discrimination and bias in Canadian refugee legislation, policy and practice (for example, Whittaker, 1987; Satzewich, 1995; Jakubowski 1997). Few, however, have looked at these in addition to economic discrimination as it exists in the refugee class. Behind Canada's shiny record is a dark, undeniable past and highly questionable present.

Canada's refugee protection system is based far more on exclusion than protection, a sold sign that refugees are viewed not as humans but as relative surplus populations. Canada is not so concerned with determining eligibility of refugees than it is with determining ineligibility. Preventative, proactive policies reign, but unfortunately these are not aimed at the causes of refugee situations but towards flows and movements of persons to Canada seeking protection.

The most conservative of critics view Canada's record traditionally as one of humanitarianism and compassion with injustices and discrimination treated as exceptional instances. However, an accurate and detailed historical overview of Canadian policy reveals so much systematic racist, political and economic biases and discrimination in the policy, that it can fairly be described as not mere discrimination within the policy but, rather, as an entire policy of discrimination. Again, refugees are assessed not as human beings but as relative surplus populations.

Another misconception is that Canada's policies became humanitarian and compassionate following the 1978 Act, only later returning to their more restrictive

nature in the 1980s. In reality, they have always discriminated on racial, economic and political grounds. The 1978 Act by formalizing the refugee definition in a restrictive, discriminatory way, actually served to remove what little humanitarianism and compassion there was in the regime.

Refugees have only rarely been admitted under truly humanitarian and compassionate conditions, for example, through minister's permits. More often those admitted are the best skilled, most affluent and desirable of the refugee populations, the most employable segment of the relative surplus population. Definitions, eligibility requirements and admissibility criteria that most must meet serve to ensure that the typical refugee admitted is of 'desirable stock' and of the highest quality. Refugees are really just another stream of immigrants, of relative surplus populations 'from away', selected using the same criteria, and admitted for the same reasons.

It should now be quite clear to the reader that Canada's response to refugees is far from humanitarian and compassionate. This reflects a basic dilemma facing the Canadian state, between treating refugees as humans or as surplus populations 'from away' as has been suggested: to respond to the ever increasing needs and numbers of refugees with compassion or control; by treating in-land status claims with fairness or fast tracking them, with an emphasis on protection or selection overseas. This dilemma arises out of a basic contradiction within the essential roles of the Canadian state, that is, to assist the private accumulation of wealth and to retain political legitimacy. This becomes evident and is represented in refugee policies, corresponding with the in-land determination

system and abroad through the system of selection; the discriminatory and restrictive measures of exclusion and control and the Canadian 'regime' of refugee protection are historically and fundamentally shaped by this crises of the state.

Seriously affecting Canadian refugee policy, perhaps more so than anything else, in contradiction to stated humanitarian and compassionate aims, is the capitalist mode of production. That is to say, the state must respond to the demands placed on it, in terms of applying increased restrictions, management and control of refugee populations, by applying discriminatory, predominantly economic, criteria and barriers, in both explicit and implicit forms. As Satzewich (1995) observed in his analysis of Canada's 'dilemma', the state must both satisfy the labour needs of the mode of production, but also satisfy public opinion and cultural identity pressures, for example, absorptive capacity concerns, culturally and economically. This link, established between regular immigration and capitalism, also exists in relation to refugee migrations.

Canadian refugee policy is also substantially affected by political factors and ideological concerns, interrelated with the above, forming one aspect of the state's 'control or compassion' dilemma. Restrictions and tighter controls are often imposed out of concern the state will lose legitimacy in the eyes of its key stakeholders, with the intent to 'decrease complexity', 'prevent abuse' and 'instil integrity' in the system. Sometimes engendering it, the state's efforts respond to public concerns, driven often by unfounded racial hysteria and overly exaggerated claims of abuse of the system by 'bogus' refugees. Bills used to 'fix' the system quite often claim that they will strike the right balance between control and

compassion, fairness and efficiency, but they rarely do. Reforms made in recent decades have frequently not introduced humanitarianism and fairness but more regressive and reactionary measures not seen since Immigration Acts of the past (Hashemi, 1993:9).

Refugee policy is characterized by both a concern for demonstrating compassionate commitment to those in need while also successfully responding to Canada's domestic needs for employable surpluses 'from away' via directed control and management of its programs. Hence the dilemma is quite clear. There is a need for the state to accommodate policies relating to control, security and fiscal political management with the broader social and humanitarian needs of those who legitimately seek refuge in their territory (Satzewich, 1995:318). The dilemma is most visible in the conflicting aims and responsibilities of the refugee program, but these often contradictory objectives of refugee policy, most recognized within the regular immigration program, are themselves based in the particular set of contradictory pressures and processes, economic, political, cultural and ideological in form, to which the Canadian state reacts (*Ibid.*).

At root, however, are contradictions that are fundamental to the Canadian state itself, essentially caused, according to Basok (1996), by the states' need to "both encourage capital accumulation and maintain their own legitimacy" (p. 141). In addition to providing for and maintaining conditions conducive to the 'profitable conduct of business', it must ensure that those being exploited in the process remain loyal and consenting (Basok, 1996:141). Understood in this manner, the dilemma of the state in reference to refugee policy, that is, the

contradictory objectives stemming from the 'accumulation/legitimation crises' of the welfare state, are comprehendable.

In government discourse and policy statements, the contradictory demands are often argued to be complementary. In practice, they often prove to be 'antithetical approaches' which "mechanically overlap and compete with each other" (Adelman, *et al.*, 1994:256). Understandably it is highly difficult, if not impossible, on the one hand, to not contravene any of Canada's social, economic or political ambitions while at same time ensuring that similar needs of refugees are attended to.

The Canadian government, nonetheless, attempts to do so. However, as the following discussion of the countries in-land and overseas selection systems demonstrate, being fair but efficient, protectionary but restrictionary, open but selective is clearly not possible. Refugees are treated not much different from regular immigrants, other relative surplus populations 'from away' in terms of selection and control; they are often treated more harshly by means of discrimination on a number of fronts (political, economic, racial) and in various degrees of formality.

As a result of this dilemma, policy challenges facing the state have typically had the consequence that the institution of asylum become weakened as countries struggle to become more efficient in screening and more oriented towards protection. The most significant feature arising from the following assessment of the Canadian protectionary regime, in-land and abroad, which is common fact amongst regular immigration, is the theme throughout, formally and informally,

of framing refugees not as special classes deserving relaxed treatment and compassion but as 'bogus' abusers of the system and burdens. While they do receive treatment that is different from that of regular classes, it is often not improved or more relaxed, comparative or reflective of their situations.

Refugees are often selected based upon whether they constitute employable surpluses 'from away', 'their ability to become successfully established' once resettled, the need to offset costs (or not create any at least), for political purposes, or to meet domestic labor and demographic needs. Those not selected, but determined to be CR, while not subject to formal selection criteria are nonetheless affected as much as other refugee classes through the imposition of highly restrictionary and discriminatory practices such as visa requirements and tough (and expensive) security and health screenings. Recent measures and policies have been moving towards yet more systematic, controlling and discriminatory treatment of refugees. The most formidable of recent steps (or at least proposals) include the uniting and integrating of immigration and refugee policies and programs and the use of computer programs to measure the effectiveness of selection criteria and job/social performance after having landed.

While the Canadian state may claim that its policies are humanitarian and compassionate in purpose and content, they are not. At most they can be said to be such only in name, on the surface, in the titles of the respective classes (that is, HDC and CR). The actual nature to the state's policies are fundamentally economic, with both political and racial themes accenting them. Refugee policy serves essentially the same purposes as that of regular immigration. That this is

traceable in its formal content is clear; in practice it is undeniable. Refugee policy is not designed to protect or meet the needs of refugees, but rather to protect and meet those of Canada's capitalist class and its search for employable, cheaper labour power, or specific needs for skilled labour..

The Canadian state's restrictive practice of refugee determination, selection, as well as control, inland and overseas, can be attributed to responses to basic contradictions underlying the state itself, expressed as capital accumulation versus legitimation. These controls have a firm basis, primarily economic, but are also deeply influenced, fabricated and expressed politically and ideologically.

To reiterate, refugee policy is not fundamentally about refugees' needs and interests, but about Canada's capitalist class. As with regular immigration policy there is a "preoccupation with the procurement of capital and the primary role of the... [refugee] ...as a mode of production" (Jakubowski, 1997:80). This is most illustrated in overseas selection criteria, that is, the "successfully establish" requirement. These are clearly a response to economic demands on the state that call for flexibility, and are, in turn a response to the global economy which requires highly skilled workers.

Humanitarianism and compassion clearly do not fit into the policy anywhere, although it is both promised and stated as an objective. Refuge interests and those of Canada's capitalists certainly conflict, and some might say they are completely separate matters; however, Canadian policy does not attempt to balance the two in the least. Refugee policy is manifestly another area in which capital leads and the state follows; it is concerned with controlling the influx of refugees

and meeting Canada's domestic capital needs than it is with protecting refugees. "Humanitarian concerns are downplayed, and refugees become simply another category of immigrants to be managed" (Jakubowski, 1997:80).

Chapter VI – Summary and Conclusion

The preceding study critically surveyed and analysed current literature on refugee migrations and comparatively assessed the two major theories on population. It was argued that most of the literature fell under the label of Malthusianism, mis-conceptualising the phenomenon, ignoring the important and essential economic factors of class, and the effects of the capitalist accumulation process.

In the existing literature refugees are viewed and treated as surplus populations, relative to and arising from a lack of the means of subsistence; that they and 'mother' nature were blamed for their existence and situation. More realistic and valid explanations, based on the writings and theory of Karl Marx and Frederick Engels, were only briefly mentioned, were misinterpreted, or ignored entirely.

Crucially needed, but lacking, was an understanding that critically analysed the global political economy, conceptualizing refugees as surplus populations relative to means of employment (in contrast to means of subsistence), as would later be found. Ultimately, the fact remains that the only 'overpopulation' that exists is relative to the capitalist, competitive economic system itself, based on an exploitive system of private property. Refugees represent persons driven out due to forced displacement, the misuse or unjustly acquisition and/or appropriation of resources, the violence, conflict, and persecution arising out of these acts, and so on, a perspective that was all too often denied, ignored or conveniently overlooked by most of the literature.

Two basic theoretical frameworks were identified as propounded by Thomas Malthus and Karl Marx (with the collaboration of Frederick Engels). The fundamental premise to the Malthusian view was that if unchecked population would rise geometrically (1,2,4,8...) as opposed to food supply (means of subsistence) which at most could increase only arithmetically (1,2,3,4...). The obvious and consequent result, argued Malthus, was that natural checks on population exist and are unavoidable. This 'principle of population' thereby served to prevent the attainment of a future improved or egalitarian society. Under a Malthusian framework, poverty, famine and suffering were natural and necessary conditions of human existence. Refugees, therefore, represent a necessary and unavoidable fact of natural life which no human intervention can prevent. In this way, only the earth and human nature are to blame for the production of refugees, for whom assistance or further reflection is merely wasted effort. According to Malthus, the only constant checks and measures that could be taken or attended to in order to control population levels (Malthus, 1798:28) were those associated with "vice and misery", "taking such forms as promiscuity before marriage, which limited fecundity (a common assumption in Malthus's time), sickness, plagues and ultimately, if all other checks fell short, the dreaded scourge of famine" (Foster, 2000:92).

Marx, on the other hand, presented a far different picture, blaming not nature but humanly organised capitalist political economy for the immiseration and redundancy of so many. Marx (1867:624) declared:

> it is capitalistic accumulation itself that constantly produces, and produces in the direct ratio of its own energy and extent a relatively

> redundant population of labourers, i.e., a population of greater extent than suffices for the average needs of the self-expression of capital, and therefore a surplus-population.

Marxian theory claims that surplus populations are relative to capitalistic productive demand, increasing and decreasing as needed, and that population only exceeds the productive output of the means of subsistence as conditioned by capitalism. This condition of a surplus population is both relative to and necessary for capitalist industrial production as a permanent reserve army of labour is necessary for the management of capital to increase and decrease production at will, at times of high prosperity and demand (Engels, 1845:384).

To Marx, then, it was human affairs that produced refugee populations through the capitalist accumulation process. Marx's law on population, what he called "the absolute general law of capitalist accumulation", was specific to capitalism, in contrast to Malthus's natural and general principle which was claimed to apply across societies, trans-historically, without variance.

After considering both perspectives it was argued that the latter perspective held more weight and was a stronger more applicable conceptual framework, and that the literature on refugees reflected Malthusian principles. Current conceptions of the refugee then were found to be erroneous, misconstrued, and based on weak and flawed Malthusian logic. In its place the population theory of Karl Marx and Frederick Engels was applied and operationalized, first to the literature and then to the actual phenomenon of 'refugee' populations to provide support for these assertions.

In the case application of the thesis' main argument, the Canadian state's legislative record and system of protection is based far more on discrimination and exclusion rather than humanitarianism or protection. Fair and impartial definitions of refugees and procedures for determination of their eligibility are lacking; systematically racist, politically and economically biased and discriminatory policies reign. The cause for the increasingly more restrictive and discriminatory policies comes first and foremost from demands of the capitalist mode of production to which the Canadian state responds. Political, ideological and cultural factors can also play in the state's dilemma between providing a system of control and the need for compassion.

Accepting a Malthusian conception and explanation of the refugee phenomenon necessarily means that we must not only halt what humanitarian and compassionate assistance is currently being provided for such populations but also take measures to make the lives of such persons more harsh, through tougher restrictionary and repressive action. For Malthus, social assistance to the impoverished and lower classes, what in his day were called Poor Laws, merely tended to "depress the general condition of the poor" by increasing "population without increasing the food for its support" (Malthus, 1798:26). Furthermore, Malthus argued that the poor possessed no natural right to aid and that charity itself "fostered social evils" (Marx, 1974:408-9).

Hence, to follow Malthus's logic, societal leaders had two choices: to maintain the equilibrium between population levels and the means of subsistence or to allow it to decrease. Maintaining equilibrium necessarily meant that the old,

less extreme Poor Laws had to be abandoned; the peasantry had to be dispossessed, removed from the land, and made into a proletariat (Foster, 2000:100).

On the other hand if we decide to view refugees as Marx had, the practical implications of solving the refugee problem are by no means minor. Re-conceptualizing refugees would mean re-conceptualizing the present world order as one not built for people but for profit. Not a global environment based on interconnected and co-operative societies but, rather, one where it is every individual for themselves, or as Thomas Hobbes would say, the State of Nature.

Viewing refugees as victims and not perpetrators of their situations means that capitalist development becomes not the resolution but the source of affliction. Adopting a class-based, critical political economic orientation, in Marx's terms the solution to the probem requires the abolition of private property and the end ofcapitalist economic organization. The free movement of people in this context would be a requirement. Land and resources, all means of subsistence, would be used for the benefit of the whole and not a select few - for the good of all populations and persons. If such a re-conceptualization were to occur and the necessary ameliorative action desired, the changes needed would not be easy nor entirely peaceful for those few who monopolize the ownership of the means of production and wealth.

There is hope in the situation and specifically in the refugees and others made surplus by this cruel exploitive system – hope lies in their numbers. It is a fact that relative surplus populations, while necessary to the capital accumulation

process, are key to its existence and hence also its demise. Marx lends insight to this extremely important fact in a section of *Capital* where he states:

> But if a surplus labouring population is a necessary product of accumulation or of the development of wealth on a capitalist basis, this surplus-population becomes, conversely, the *lever of capitalistic accumulation*, nay, a condition of existence of the capitalist mode of production (Marx, 1867:626; italics added).

All that remains, therefore, is for consciousness, unity and solidarity to be brought to refugees and other surplus populations of the world. To recognize western capitalism not as a refuge but as something to revolt against and triumph over.

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