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# **Refugees and their Allies as Agents of Progress: Knowledge, Power and Action in Forbidden and Dangerous Boundary Regions**

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“You have hopes, dreams and expectations. You take your humanity for granted. You keep believing you are human even when the catastrophe arrives and renders you homeless. Your town or city or countryside is in ruins. You try to make it to the border. Only then, hoping to leave, or making it across the border, do you understand that those who live on the other side do not see you as human at all.”

–Viet Thanh Nguyen

“It is because of migrants that dark clouds now hover over Europe . . . Soon nations will cease to exist, and the West will fall while Europe ignores the fact that it is being overrun.”

--Victor Orbán, Prime Minister of Hungary, *Address to the Nation*, February 2018

“Considering that the Charter of the United Nations and the Universal Declaration of Human Rights . . . have affirmed the principle that human beings shall enjoy fundamental rights and freedoms without discrimination, . . . expressing the wish that all States, recognizing the social and humanitarian nature of the problem of refugees, will do everything within their power to prevent this problem from becoming a cause of tension between States...”

--text of the 1951 Convention Relating to the status of Refugees

“In international relations we seldom climb toward the top, but mainly away from the abyss”

–Emanuel Adler

## **Abstract**

Focusing on the historical and contemporary dilemmas posed by the “refugee crisis,” this essay investigates the potential for international progress in acknowledging our common humanity. I examine the utility of Emanuel Adler’s theory of cognitive evolution as a lens through which to assess the extent of that potential. I employ the theory to explore how certain practices dealing with forced migration became prevalent, while others lay dormant. I also examine how competing communities of practice battle to shape our understanding of forced migration in the current “post-truth” environment. I argue that cognitive evolution offers a potent conceptual framework for understanding both the extent to which the suffering of migrants has and has not been alleviated—a powerful indicator of the degree to which the world community has acknowledge their humanity. This holds for the social order of refugee protection, even in the current period as tribalism threatens to erode epistemological security, as normlessness threatens to replace a competition among norms, and as these threats weaken our shared reality.

Key words: Refugee crisis, forced migration, “post-truth environment,” UNHCR

## **I. Introduction**

### *The Questions*

United States border guards are killing migrants in the desert as they try to cross the border. Libyans are enslaving asylum seekers who are stranded there as they search for asylum. Half of all women traveling along migrant routes in hopes of finding safety are sexually assaulted. Nigerian women escaping Boko Haram are forced into prostitution when they flee to Europe. Thousands of asylum seekers detained in Greece live in appallingly inhuman conditions and legal limbo. Rohingya refugees who have been dehumanized and rendered stateless in their home country of Myanmar are dying of dysentery and malnutrition and are unable to find asylum when they flee. Refugees and stateless persons who find themselves in refugee camps throughout the world spend an average of 19 years in limbo

there; few are able to go home, and only 1 per cent are resettled in countries that grant them asylum. Israel, a land of refugees and an original signatory to the U.N. Refugee Convention requiring it to grant asylum, has prepared to deport 38,000 asylum seekers from Sudan and Eritrea without evaluating their asylum claims. Britain, also an original signatory of the Refugee Convention, has vowed to create a “hostile environment” for all migrants. Walls and fences built along country borders to keep out asylum seekers have multiplied seismically, from 11 countries when the Berlin Wall collapsed to more than 70 countries in 2018. Since 2014 alone over 24,000 displaced people have died while attempting the perilous journey to refuge.

These and countless other examples suggest that the both international and national communities are currently failing miserably at keeping their promise to protect the human rights, dignity, and life chances of some of the most vulnerable people on earth--those 65 million people who find themselves displaced by war, discrimination, disaster, famine, torture, and oppression. Since antiquity, refugees have been the barometer of the extent to which our common humanity is acknowledged and the extent to which “the other” is dehumanized. By the mid- 20<sup>th</sup> century the international community had come a long way toward acknowledging and protecting the humanity of the displaced. One of the world community’s outstanding achievements of the last 70 years is its recognition that the refugee problem is a matter of global concern and the suffering of refugees must be alleviated by international cooperation and burden-sharing. Most states signed and ratified the 1951 Refugee Convention or its 1967 protocol, promising that protection. They created and supported the United Nations High Commission for Refugees (UNHCR) to assist in protecting the displaced. Indeed, as I will show, it was possible to speak of both national and international *progress* in offering them refuge, thereby acknowledging their humanity. And it is possible to speak of the people, states, and organizations offering refugee protection as a “social order.” The 21<sup>st</sup> century, however, has witnessed a landslide of events threatening to weaken that social order. What has transpired and how can it be explained? What does it take to achieve progress? When the engine of progress stalls, how can it be restarted?

### *The Conceptual Framework*

In 1991 Emanuel Adler argued that progress in international relations depended upon practices and processes-- like implementation of the treaty-based promises of refugee protection-- that enhance “human interests across borders” Concretely, this meant the implementation of values which strengthened security, welfare, and human rights. With the caveat that progress toward this goal meant that other values (such as state sovereignty and national interests) might be redefined but would not be harmed in this process, he seized the normative “middle ground”<sup>1</sup> between realism and idealism, stasis and change, to give us the term, “humanist realism” as the mark of international progress. At a minimum this suggested that all of humanity possessed moral worth and all people were entitled to exercise human rights.<sup>2</sup> Twenty-five years later, in the conclusion to his volume, *Cognitive Evolution*, he expanded this goal that, for him, would point to international progress. There he speaks of progress as “acknowledging our common humanity” –a concept that includes the humanity of those not only across borders but also *those who cross over borders* and those who live between borders without the security of any community that would offer them legal protection. Adler and provides a theory of cognitive evolution which *could* lead to this acknowledgement but would not necessarily do so. Whether or not it led to that progress, however, the process of cognitive evolution is bound by the glue of epistemological security—the validity of what we can collectively consider knowledge—and it involves practices and interactive learning through the contestation of norms in and among “communities of practice.”

In this essay I examine the utility of Adler’s theory by examining the fate of forced migrants, to ask whether and how progress has been achieved in acknowledging their humanity. Departing from its legal definition, I use the term *refugees* broadly and in an aspirational sense to encompass all of those on the move who are forced by persecution, poverty, disaster, or war to abandon their homes and seek refuge wherever their humanity will be acknowledged. How those of us living under the full protection of citizenship rights treat refugees *without* those rights provides a set of metrics for determining whether or not change in international relations is moving in the direction of progress. Focusing on the forcibly displaced, I define “acknowledgement of our common humanity” as the growing number and quality of practices that treat all displaced persons as “our fellow humans” by extending to them and enforcing the same human rights, security, and protection that citizens of secure, democratic states enjoy. I will examine the historical development of those practices and seek to identify whether “better practices,” leading to that acknowledgement have replaced those practices that have fallen short. I look to the practices of refugees and their allies as the essential movers in expanding the acknowledgement of our common humanity.

Adler's theory of cognitive evolution is a process that begins with the establishment of what he calls "communities of practice"—in this case, those communities who make the initial decision to seek, offer and/or deny refuge. He argues that communities of practice are established when actors share their experience or "background knowledge," introduce new elements of knowledge, acquire and exercise performative and/or deontic power, and learn, unlearn, and relearn together. Cognitive evolution is possible when these communities—which often overlap and co-mingle—become agents of change. An environment of growing interdependence is necessary to facilitate this process. Through interaction in that environment, they create new practices. Over time, some communities of practice are discarded (those with less power) and new ones established. Political, educational, and, at times, religious authorities, possess the deontic power to assign status and function to some practices and not others. And if their favored practices are widely diffused and institutionalized, they can eventually embed the new practice in the social order and gradually restructure social consciousness. As Shalom, Kornprobst, and Pouliot succulently summarize Adler's argument, cognitive evolution is "an evolutionary collective [social] learning process that explains how communities of practice establish themselves, how their background knowledge diffuses and becomes institutionalized, how their members' expectations and dispositions become preferentially selected, and how social structure spreads."

This process, according to Adler, can result in "bounded progress," which, to be sure, is tentative and reversible. To the extent that communities of practice become repositories of *ethical* collective knowledge and create shared meanings about the value of human worth, create better practices by which communities can act on those shared meanings, have the power to institutionalize those practices, and to the extent that they expand the boundaries of those communities, they are agents of that progress. Indeed, this was the process by which the practice of slavery was discarded and former slaves were acknowledged to be included into the realm of humanity. In some parts of both the developed and the developing world, however, slavery has made a comeback. Future progress depends upon the strength of ethical collective knowledge and practices developed to continually combat it.

Adler's theory does not offer a detailed examination of how cognitive evolution can retreat from this tentative and reversible march to progress. A discussion of practices surrounding refugee protection in the current "post truth era" can offer some clues about the path that such a retreat could take. "Post-truth" practices can be defined as practices that embody contempt for facts, distrust of those of who produce facts, and their use of the methods of science and scholarship to discredit facts and those who produce them. When these practices come to dominate the vernacular, they produce an environment in which normlessness threatens to shape discourse and action, opinion threatens to negate evidence, tribalism threatens to weaken traditional nationalism, and communities of practice become polarized and isolated.

A case study of refugees and their fate is a particularly apt subject to examine the utility of the theory of cognitive evolution. To the extent that acknowledgement of the humanity of the alien "other" is strengthened, the suffering of forced migrants alleviated,<sup>3</sup> and the world comes to see and treat them as truly human, this case also provides a measure of the resilience of the liberal order. An examination of the evolution of practices of refugee protection allows a glimpse into the arena of contestation between nationalist and liberal internationalist norms, practices and communities of practice. It allows us to analyze the boundary regions between those communities and how some practitioners have reached across those boundaries to negotiate terms that acknowledge refugees' humanity. It allows us to trace the processes of social learning by which opposing communities of practice are able to strike (or not strike) the compromises that would define those terms. It allows us to examine the practices of the refugees themselves and whether they contribute to the social learning process by creatively claiming their own humanity and finding allies in that process while living between and across hostile boundaries where their moral worth and their human rights have been denied. A study of their experience illustrates how refugees and those who help them can create a community of practice based on a culture of resilience, courage, and empathy and how they can become agents of change to spur the institutionalization and cross-boundary diffusion of practices that acknowledge their humanity.

A case study of refugee protection also provides insight into challenges that the theory of cognitive evolution faces in the current era, threatened by "post-truth" practices. The theory of cognitive evolution rests on the pillar of epistemological security. In the wake of a palpable weakening of traditional nationalist and internationalist values, the rise of tribalism with its norm-breaking power threatens to sap much of the human appetite for evidence-based claims—in this case claims involving refugees and their impact on host societies. Tribalism's disproportional and

irrational fear of immigrants defines and magnifies its role in society. Tribal actors and their followers relish and amplify the denial of facts and distrust of liberal democratic institutions for the sake of excluding some communities from their entitlement to human rights and any recognition of their moral worth. In doing so, tribalism has severely weakened epistemological security, particularly in discourse that concerns the fate of refugees. This practice of denial and distrust of facts, institutions, and liberal values for the sake of exclusion is an extreme departure from the traditional contestation of norms. For example, it was once commonly accepted that the moral dialogue between national communities and communities of those who cross borders to flee dehumanization and death often expanded the boundaries of each community. The debate centered around the issue of whether more or less acceptance and integration of forced migrants was preferable. In Adler's terms, we can call this a "humanist-realist" debate. Those who argued for more integration believed that integration strengthens all communities—national and international, providing evidence of their resilience and health.<sup>4</sup> Nationalist communities argued for less integration of forced migrants, claiming that more integration destabilized the national community, diluted its culture and identity, and snatched too many jobs from local people. They did not, however, reject integration altogether, they simply wanted to slow it down and minimize it. According to Adler's theory, communities of practice on both sides are strengthened by debate and negotiation, based on the acceptance of each other's moral worth and entitlement to human rights. That strength is damaged when the tribalism of the "post-truth" era becomes so extreme and powerful that it threatens to undermine what minimal humanist-realist progress we have achieved in creating better practices that acknowledge the humanity of "the other" within, across, and between national borders. I conclude this essay by asking whether the practices of refugee protection can be sustained and whether the theory of cognitive evolution is useful in a period in which epistemological security *cannot* be assured and progress in the acknowledgement of our common humanity is eroded by the rise of populism and tribalism.

## II. The emergence and codification of "better practices" that led to acknowledgement of forced migrants' humanity and their protection

The history of refugee protection begins with those whose humanity has been denied-- slaves, serfs, women, those persecuted because of their religion and ethnicity and those facing threats to their lives in an environment of insecurity. It begins with their instinctive search for sanctuary where their humanity will be acknowledged, the first indicator that refugees themselves are agents of change. The history of their search for refuge is intertwined with the dominant authorities' changing responses to that search at particular historical moments. At times the offer of refuge has originated in particular religious or Enlightenment beliefs which led authorities to recognize the moral worth of all refugees. Sometimes it has originated in simple contact with "the other." At other times economic necessity to increase the labor force initially triggered that recognition. Often the decision to offer sanctuary has been a calculated political move to gain or retain political power. More often than not it has originated in the authorities' belief that only co-ethnics or co-religionists who share their identity should be recognized as fully human. That is, if those "brothers" found themselves beyond their borders, the authorities recognized their humanity and welcomed them to come inside. Those who were not members were denied refuge. For centuries, none of these motivations gained dominance. Only in the 20<sup>th</sup> century did the international community come to agree on a universal declaration of human rights, which encompassed the human rights of all refugees.

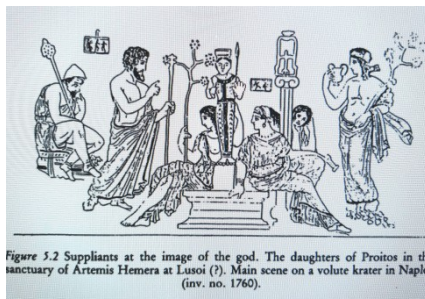


Figure 5.2 Suppliants at the image of the god. The daughters of Proitos in the sanctuary of Artemis Hamera at Lusoi (?). Main scene on a volute krater in Naples (inv. no. 1760).

*"They are human beings. No matter where they come from or where they are going, they deserve God's protection"*

The creation of practices which acknowledged the humanity of refugees began with the ubiquity and unifying force of religion in ancient Greece. In Greek antiquity, all temples were socially constructed as sacred, inviolable spaces, under protection of the gods. Greece consisted of many independent towns and cities, often in dispute with one another and with different and sometimes opposing legal codes. But all Greeks, no matter where they lived, believed that temples throughout the Hellenic world were protected by the same gods and were therefore deemed places of asylum (asylia), within which anyone outside the boundaries and jurisdiction of his or her city—could find refuge. As such, these temples became havens from internal conflict and from violent disputes among separate jurisdictions. At first, the practice of treating temples as places of asylum was limited and exceptional: only notable politicians out of favor with the current government could avail themselves of the temple's protection. But as word of sanctuary spread, more people under various kinds of threat began to seek the temple's protection. Images produced in that

period show the mingling of these asylum seekers with one another, jointly enjoying asylum and sharing their experiences under the protective eye of the priest (see image above). It is possible to speculate that the sharing which took place among different classes of refugees expanded the boundaries of the refugee community. We can imagine them saying, “We are all in this desperate situation together, trying not to lose our lives.” It is this kind of cross-community dialogue, according to Adler, that pushes cognitive evolution forward. Importantly, priests possessed the deontic power inherent in their status to interpret, legitimate, and confer the entitlements of asylum to new communities seeking refuge.<sup>5</sup> The legitimacy of those entitlements aided in their diffusion.

Word of sanctuary spread as independent regions became *interdependent* and Pan-Hellenism grew, encouraging the diffusion and selective retention of belief in the widening circle of those that priests considered deserving of asylum. In this way, over time, anyone—including slaves-- seeking refuge from violence, death, torture, and abuse could find temporary asylum in temples, near statues of the gods, or in sacred groves. In Adler’s terms, as the widening and increasingly legitimate practice of seeking refuge spread across social classes and the knowledge about these practices diffused and mutated to accommodate those new communities, these sacred spaces became places where diverse communities practiced empathy, engaged in moral discourse and shared ethical collective knowledge about the common humanity of asylum seekers. Asylum seekers and priests became ethical agents, joining together in these ethical communities of practice, spreading the practice throughout the sacred spaces of the Hellenic world. Together these practices led to the institutionalism of asylum in Greek law as *jus asyli*. The increasingly entrenched cultural “right of sanctuaries to grant asylum” became what Ulrich Sinn—who conducted an exhaustive study of ancient Greek literature, documents and images on this topic—calls “an exemplary feature of the Greek social order.”<sup>6</sup>

This religious practice of providing refuge was long part of the Judeo-Christian tradition of making religious sites off-limits to government authorities and refugee protection at those sites a sacred duty. The Law of Moses in the Bible created a system of “sanctuary cities” where those who had committed involuntary manslaughter could find refuge from those who would kill him in revenge.<sup>7</sup> In the early medieval period, from the 12<sup>th</sup> to the 16<sup>th</sup> centuries, Christian churches throughout Europe were widely believed to be holy ground, where no force or violence could be perpetrated. If a criminal fled to a church, he could thus claim protection from the law for 40 days, allowing time to negotiate with the authorities.<sup>8</sup> Before the Civil War in the United States, churches were links in the Underground Railroad for slaves fleeing bondage. The most sacred part of churches and temples are still called sanctuaries; Christian theologians argue that no human being belongs completely to the secular order. One cleric stated this principle succulently: “the religious order has responsibility for protection where the secular fails.”<sup>9</sup> During the European refugee crisis of 2015, Pope Francis declared: “May every parish, every religious community, every monastery, every sanctuary of Europe, take in one family”<sup>10</sup>

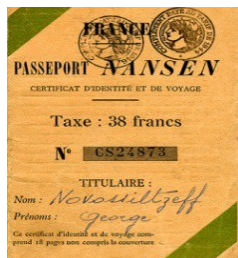
#### “Town Air makes Free”

The practice of granting asylum to those fleeing bondage and violence spread into secular politics during the late medieval period. The practice was spurred by political motives: Kings were often at war with feudal lords and possessed deontic power over the towns and cities in their kingdoms. They wanted these urban areas outside of the manorial system to grow and thereby shore up their own material power vis-à-vis the feudal lords. They therefore welcomed the runaway serfs as refugees and provided them protection within “free cities.” They codified this practice in various edicts stating that if the runaways managed to live in the city a year and a day, they would be granted *citizenship*, which would give them rights and the king’s protection.<sup>11</sup> Gradually, this practice was institutionalized throughout Europe in the form of the town charter. Refugee serfs became *citizens*, a new status which varied according to each charter but, in general, conferred the right of equality before the law, protection, community assistance, representation, and freedom within the city space not granted to serfs under the feudal system.<sup>12</sup> The spread of this practice that ultimately destroyed feudal hierarchies codified a new understanding of human equality. The origin, however, was inadvertent: Kings granted refuge to serfs, not because they saw them as equal human beings but because the act of granting the refuge would increase their power. A widening acknowledgement of their humanity, however, was the result of the innovation of refuge in the city, authoritative implementation of this practice, and its diffusion throughout Europe.

In the 17<sup>th</sup> century, religious authority again played an important role in institutionalizing and diffusing the practice of asylum. But this time the practice remained restricted to providing refuge to protestant co-religionists when Huguenot communities fled from French Catholic persecution to the protestant regions of Prussia where Friedrich

Wilhelm I gave them the right to resettle. The practice spread to protestant Denmark, the Netherlands, England, Russia, Sweden, Switzerland, and protestant regions of North America.<sup>13</sup> It spread quickly because geographic boundaries between regions were relatively open and no passports were required for entry. But it did not spread to other religious communities. There was no moral discourse invoking the common humanity of asylum seekers with all communities or the value of “human worth.” Asylum was restricted to authorities’ co-religionists, and the practice long remained confined to the religious community of those who ruled. Progress in the acknowledgement of the common humanity of all asylum seekers would have to wait for the creation of international organizations and their humanist-realist impulses in the 20<sup>th</sup> century.

“Man consists of a body, soul, and a passport.”



Practices in the modern era which would bring all refugees into the realm of humanity no matter their ethnicity or religion, began in the League of Nations with 1) an idealist commitment to values about common humanity’s worth and 2) a realist commitment to reduce tensions among states as refugees fled from one state across the borders of another. Within the League and among its members, background knowledge expanded with decisions about how best to achieve both commitments.

But the nascent practice was fraught with difficulties. Nation-states’ growing control over territory under the Westphalian system of sovereign states had made it possible to legally exclude outsiders from their territory, and governments were under no obligation to give rights and protection to them. True to the tenets of that system, early 20<sup>th</sup> century witnessed the dissolution of empires and the intensification of fiercely defended borders between modern nation states throughout Europe. Millions of minorities fleeing war and expulsion by ethnic and religious majorities in newly created states found themselves in a no-man’s land between hostile borders and unwelcome beyond them. The violence of that exclusion led them to flee from dehumanization and even death. Internationally, enlightenment ideas about the “natural rights” of man were relegated to the pit of hopeless idealism. There were no international ethical standards or practices to acknowledge the humanity of the expelled or to extend refuge to them. They had no rights. Because they were strangers, increasingly insular national communities had no sense of obligation to extend to them the same rights and comfort as they extended to their own. Russian refugees in 1903 described this situation succinctly: “Man consists of a body, soul, and a passport.”<sup>14</sup> In practical terms, this proverb means that the man without a passport is only two-thirds human—a body and soul but without the rights of those who are members of a national—and therefore human—community to protect them. It recalls Edmond Burke’s critique of the Enlightenment view of natural rights when he said that it is “far better to possess the rights of an Englishman than the inalienable rights of man.” Theresa May’s echoed Burke in her recent comment that “if you believe you are a citizen of the world you are a citizen of nowhere.”<sup>15</sup>

The newly minted international organization, the League of Nations, however, inadvertently began the process of acknowledging the cosmopolitan ideal of natural rights and protecting excluded populations while intending to protect only the nationalist interests of its members who experienced waves of refugees crossing their borders. Like the battle between kings and feudal lords, it began as a struggle for political power. What subsequently unfolded was that those who had been uprooted came under the protection of an *international* community for the first time in human history.<sup>16</sup>

The opportunity to protect refugees first emerged after the Russian Revolution of 1917 when the new Soviet government forced millions of its anti-communist enemies into exile. The Soviet Union had not joined the League and most League members regarded its government with enmity and fear. Refugees fleeing the regime scattered throughout Europe. At first, growing anti-communist movements and governments considered them as heroes. Many believed that the refugees were counterrevolutionaries who might be able to overthrow the new and threatening communist regime. The Yugoslav and Czechoslovak governments spent twenty million dollars in gold to aid them, not because they recognized the humanity of the displaced Russians but because the displaced might help destroy the Communist enemy. But as it dawned on these governments that a counterrevolution was not possible, they launched campaigns of expulsion. Throughout war-torn European countries, destitute Russian refugees were ejected from sovereign territory. States routinely violated the territorial integrity of other states when they expelled these refugees onto their land, causing tension among struggling neighbors and members of the League. For the

destitute refugees themselves, humanitarian organizations like the Red Cross and Save the Children Fund extended emergency aid, but they soon exhausted their resources. So they turned to the new League of Nations for assistance.

In 1921, the International Committee of the Red Cross and the League of Red Cross Societies formally joined together to enlist the help of the Council of the League of Nations and suggested that it appoint a High Commissioner to define the status of the Russian refugees and coordinate their assistance. The idea of providing humanitarian aid to the displaced Russians gained traction because member states saw an opportunity to acquire cheap labor, and they did not have to pay for the aid (the League would pick up the tab). In this way refugees would serve their national interests. For the fledgling League of Nations, the idea of finding a solution to the refugee problem would quell the simmering tension among states that expelled them into each other's territory. Neither community was motivated by any need to acknowledge the humanity of the refugees. To solve the "refugee crisis," The Council created a High Commission for Refugees (HCR) for a 10 year period to coordinate it. It appointed Dr. Fridtjof Nansen, a highly respected explorer with a cosmopolitan and humanitarian sensibility, as High Commissioner. His mandate was "to coordinate the action of governments and private organizations for the relief of Russian refugees." But he received very little financial support from the hapless League. It was Dr. Nansen's cosmopolitan aspiration to acknowledge the humanity of the refugees within the limitations of states' pursuit of their national interests. His aspirations were supported by voluntary humanitarian organizations that helped to implement practices that would begin the process of cognitive evolution in pursuit of humanist realism.

The High Commissioner's unprecedented task led him to initiate two innovations to solve the crisis. The first was to provide the refugees with a passport that would give them a human identity and make them less vulnerable to inhumane treatment. If apprehended and mistreated after expulsion, refugees with these "international" passports could appeal to the League, which had consular offices in most member states. Thus the "Nansen Passport" was born. Secondly, because he discovered that repatriation back to the Soviet Union was surely a death sentence, Nansen needed to convince member states to resettle over 1 million refugees, a problem not unlike the one that the EU faced in 2015. Member states from Europe to Asia accepted temporary refugee labor but resisted resettlement and refused to finance it. Private charities rushed in to help; the funds they provided went to those states who resettled the displaced Russians. With this incentive, many agreed. With these two important innovations—refugee passports and resettlement agreements—most of the Russians had found refuge by 1924. Nansen hoped that his job would be finished. Little did he know that the community of practice that he initiated would be an agent of change.

Nansen never suspected that he, the League of Nations, and private charities had together created what would become the foundation of the modern social order of international refugee protection. He also could not know what would come next: a flood of Armenian refugees from the catastrophic massacres at the hands of the Ottomans in 1922. The pre-World War I Armenian genocide had received little international attention. But the creation of the League now enabled a solution, at least to the nightmare of those who escaped the new onslaught of atrocities. The League Council authorized the HCR to solve the new Armenian "refugee crisis" with the tools it had developed for the Russians; charitable organizations again stepped in to help finance the effort, and 25 states signed on. When the funds were used up, Nansen hit upon a scheme to charge richer refugees a "tax" for the passport, which would also fund the passports of the poorer ones. By now, the Soviet Union had annexed Armenian territory, calling it Erivan, and many of the refugees chose to be repatriated there where they could finally enjoy the rights of citizenship. In fact, for the refugees themselves, an "international" passport was not worth the paper it was printed on. The expelled knew that there was no real protection in the fact that they could now be identified as part of a common humanity; Russian and Armenian refugees steadfastly insisted on their Russian or Armenian nationality so that they would not be lumped together with other stateless people. Armenians, for example, who were resettled in Syria had faced what Syrian refugees today experience in Greece: appalling living conditions which spawned disease, semi-starvation, and detention.

The lasting nightmare of war and subsequent redrawing of boundaries constantly gave birth to new refugees who, unluckily, found themselves living on hostile territory seized by a new nation. With each crisis, the League extended refugee status to new communities and established new offices, geographically diffusing its accumulated knowledge and practices. Throughout the 1920s, the High Commission gave protection and assistance to Armenians, Assyrians, Bulgarians, Chaldeans, Syrians, and Kurds and created new offices to perform the growing task of assistance. The League's assistance, however, was never extended to people of color. Indeed, they were not recognized as human at all, even by European and Russian refugees. Standard works on the League of Nations are silent with regard to



millions of displaced Africans and Asians. The practice of protecting refugees was a practice of protecting white people.

In 1930 Nansen died. By the time of his death “he realized that no single man in one lifetime, no matter how devoted, could attain a solution”<sup>17</sup> to the growing refugee crisis. His work, however, had given birth to new communities of practice with new (albeit geographically circumscribed) tasks of legal and political protection of the displaced, in addition to the original humanitarian assistance. Charitable private organizations continued to provide assistance, and in the same year that Nansen died, the League Assembly established the “Nansen International Office for Refugees,” abolished the office of High Commissioner, and nominated a governing committee. Nansen had already arranged for the HRC to overlap its work with the International Labor Organization to help provide refugees with work permits, and with the Epidemics Commission of the League, which was keen to help prevent epidemics from spreading throughout refugee communities. That overlap enabled even wider diffusion of the practice of aiding the displaced.

In 1933, the new practices intended to protect refugees and permit them to work were institutionalized in the Convention relating to the International Status of Refugees.<sup>18</sup> The Convention also contained a new and crucial innovation, the principle of *non-refoulement* which obligated states “not to refuse entry to refugees at the frontier of their countries of origin” and not to send refugees back to their countries of origin. Signed by nine countries, it applied only to Russian, Armenian, and “assimilated refugees.” Although signatories France and the UK did not agree to the *non-refoulement* principle, it remained in the Convention and would become a cornerstone of the post-World War II social order of refugee protection.

Despite the 1933 Convention, the rise of dictatorships in the 1930s, with their accompanying spread of intolerance, xenophobia, exclusive ethnic and religious identities almost extinguished the Enlightenment idea of human rights that the Nansen office shakily continued to uphold. The League refused to protect refugees from fascist Italy and the Spanish civil war so as not to suffer the hostility of these states, and refugees were routinely expelled from their host countries as soon as their Nansen passports expired. Now, the only option shielding refugees from the routine abuse of their human rights that was open to the Nansen Office was to establish refugee camps in neutral territory together with humanitarian organizations. These camps would give them at least a minimum of protection from starvation, disease, and death. Believing the refugee problem to be temporary, League officials did not see any reason to institutionalize refugee aid on a permanent basis. Furthermore, Both Nansen’s innovations and the standard works on the League of Nations are silent with regard to the millions who were forcibly displaced throughout Africa and Asia.<sup>19</sup>

Nonetheless, the League stubbornly continued to aid refugees in Europe. As Hitler immediately began to strangle Jews economically and socially, physically, they exercised their agency and began to flee. Over the objection of the German delegation, the League Council in 1933 had established a “High Commission for Refugees Coming from Germany.” But member states did not want to provoke Hitler further, so the Council established it as an unfunded and quasi-autonomous organization, responsible only to its governing body and *not* to the League Council.” Shortly thereafter Hitler left the League. Now, in addition to the ILO and the Nansen Office, there were now three international agencies responsible for Refugees in Europe. The League authorized the new agency to issue a few identification certificates to Jewish refugees from Germany, but otherwise it was starved for funds as the Depression continued to wreak havoc on the economies of the League’s members.

But as Jewish refugees furtively began to escape the Holocaust, sovereign states quickly closed their doors to them.<sup>20</sup> The League responded by merging its two refugee offices into a “High Commission for Refugees” under its own authority. In 1936 and 1938, in an effort to provide a modicum of protection for Jewish refugees, the League managed to conclude a “temporary arrangement” and later a treaty to protect refugees who had “lost protection from the Reich” from being sent back to Germany (and later Austria). Both arrangements were weaker than the 1933 convention; the 1938 treaty even stipulated that under certain conditions, Jewish refugees could “be sent back across the frontier of the Reich.” The principle of *non-refoulement* was not mentioned.

Horrified by NAZI atrocities, and calling them “hard to believe in our twentieth century civilization,”<sup>21</sup> Franklin Roosevelt convened a conference at Evian, France, outside the framework of the dying League of Nations, to establish an Intergovernmental Committee for Refugees<sup>22</sup> (IGCR) tasked with finding resettlement opportunities for Jews. Most participants resisted any suggestion of resettling Jews on their territory, claiming that their resources

were exhausted. Under resistance from its members, the Committee was moribund. Roosevelt, however, refused to give up. In 1943 he convened another conference of the IGCR. For the first time in the international refugee debate, the conference proposed to lift restrictions on people who might be eligible for refugee status and aid, broadening its mandate to include for “all persons wherever they may be...”<sup>23</sup> and find resettlement for them. Again, however, few funds were forthcoming, and it was left to private NGOs to come to the aid of the Jews.

All of these efforts to keep alive the flickering light of refuge had been weakened by the ravages of Depression, by the undercurrent of antisemitism, and by weaknesses inherent in the League of Nations itself.. Especially for European Jews, that light was almost extinguished. National communities, fiercely clinging to their sovereignty and the primacy of their own national interests, competed with the now fledgling international community in its attempt to uphold the values of human rights and dignity for those it defined as refugees. The value of human worth meant something quite different in the national and international communities. Always fearful of offending its member states and always searching for new members, the League actually weakened its universal norms. National communities had superior material power and all of the deontic power that permitted them to ignore universal human rights in their own practices. The Nazis had murdered 6 million Jews, but the apathetic “free world” had aided and abetted them. Only voluntary communities of humanitarian practice became the allies of Jewish refugees and kept the light of international refuge alive. Often, only religious groups—including some Christian groups--were the allies of Jewish refugees. Liberal values that recognize our common humanity remained alive, not because nation states espoused belief in universal human rights, but because small communities practiced them: refugees organized their own advocacy groups; private NGOs allied themselves with refugees; and international refugee organizations persisted, no matter how weak they became.<sup>24</sup>

Nonetheless, despite state inaction and apathy, Nansen and his cohorts had initiated practices that opened a new era of international concern with the human rights of refugees and spread new knowledge of their plight. These liberal practices, which bolstered refugees’ moral worth in the eyes of the international community, were not grounded in the Enlightenment belief in natural rights, but were created out of political necessity. They originated in the League of Nations, whose express purpose was to create and regulate harmonious relations among states. But in that attempt to mitigate interstate tensions, a community of practice was created that offered aid and protection to stateless persons and to those whose human rights had been denied. Even in the darkest hours of an illiberal era, a new template for protecting the rights of refugees emerged through a process of cognitive evolution: the innovative practices, born in the work of Nansen and his cohorts, were selected by the League and by some member states, institutionalized in international organizations, conventions, and “arrangements, and diffused with the aid of NGOs and refugees themselves to become templates for a new liberal refugee protection regime to come.

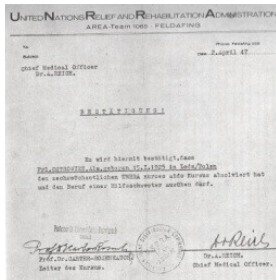
#### *Two “Cognitive Punches and “the creation of a post-war liberal order, and the emergence of international refugee protection*

Taken together, Germany’s mass deportation of Jews, the Holocaust, the death and destruction of World War II, and the mass exodus of millions of displaced people throughout Europe constituted what Adler has called a “cognitive punch.” This resulted in a “collective cognitive effect on people’s practices.”<sup>25</sup> First, it spurred the creation of what scholars called “a new liberal international order.” By “liberal” those humanist-realists who constructed it meant that they would create an international system based on the rule of law, respect for sovereignty and territorial integrity, and the international protection of human rights. They created new international institutions, promoting both human rights and the cooperation among nations (the UN as a whole), free markets (the IMF and the GATT, which would become the WTO) and economic development (the World Bank). As Ana Palacio aptly puts it, this liberal order opened “a moral umbrella over the existing Westphalian state system, by creating a universal structure within which national governments could collaborate in the pursuit of progress.”<sup>26</sup> Perhaps most indicative of liberal internationalism’s success was the growth of a regional institution that would become the European Union. Unique among international treaties and organizations, it united national and supranational communities of practice to create an innovative practice of “shared sovereignty.” As part of the EU’s founding myth, which became the central tenant of the EU community’s background knowledge, most observers believe that its integrated markets, rule of law, “civilian power,” and democratic institutions banished war from the continent.<sup>27</sup> The UN system never approached this degree of shared sovereignty, but as part of a “liberal world order” (which would prove to be never fully liberal, global, or orderly) its purpose was to help ensure that the conditions that had led to two world wars in the first half of the 20<sup>th</sup> century would not rise again. Throughout the last half of the century and beyond it had succeeded.



The chaos of the war's aftermath provided a second cognitive punch, spurring the creation of a permanent international refugee protection regime under the wings of the United Nations. By 1948, Continental Europe had quickly devolved into violence, famine, and dislocation.

Hundreds of thousands of Jewish survivors of the Nazi genocide were turned into refugees. Poles and Slovaks began to attack and kill Jews; thousands of those who fled sought to enter Palestine, only to be turned back by the British.<sup>28</sup> They were held in detention camps—much like the concentration camps they had survived-- in Palestine, like the one shown above. Millions from every nationality and ethnic group in Eastern Europe rushed to escape from the newly installed Communist regimes. Thousands of these refugees feared revenge for their wartime collaboration with the Nazis. Between 12 and 16 million Germans were ruthlessly expelled from Poland, Ukraine, Romania, Yugoslavia, Hungary and Czechoslovakia. The War had destroyed one-third of Europe's housing stock, and refugees with no place to find shelter overwhelmed allied occupation regimes. 720,000 Palestinians fled or were expelled from the new state of Israel. All looked to the new UN organization for help.<sup>29</sup>



The first post-war international organization confronting the international refugee crisis in its totality—with the exception of Palestinian refugees<sup>30</sup>--was the International Refugee Organization (IRO) founded by the UN in 1946. This time 26 member states participated in its creation, more than had ever before joined to aid refugees. The IRO integrated the activity of the Nansen Office, the IGCR, and the UNRRA, which had set up Displaced Persons Camps throughout Europe, provided innovative training for eventual employment (see insert photo showing one Jewish refugee's certificate for nursing training).<sup>31</sup> Continuing UNRRA's work, but this time, with generous UN funding, the IRO expanded the number of DP camps. Within the camps, IRO personnel followed UNRRA's practice of training refugees for needed professions in potential

resettlement countries in order to make them attractive to national governments who would make the ultimate decision on who would be resettled and who would not. In addition, as Nansen had done in his collaboration with the League Epidemics Committee, the IRO enlisted the World Health Organization to provide refugees with sorely needed health services. It also solicited the help of UNESCO to set up schools for refugee children. Each collaboration spread knowledge of the plight of refugees among the members of the new UN organization. By 1948 the IRO had enlisted the help of 128 voluntary organizations, and these partnerships continued to diffuse knowledge about IRO practices to new communities. Reviving and strengthening the idea of the Nansen Passport, the IRO issued a "document in lieu of Passport," which "clarified the refugee's status and enabled him to marry, work, and die legally in host countries." It vetted refugees who received these documents carefully and individually. It initiated a new practice of tracing almost one million missing persons, locating missing children, and reuniting families separated during the Holocaust. It also initiated a "General Claims Law to seek restitution from Germany for loss of Jewish property." And the IRO compensated each former inmate of the concentration camps for the deprivation of their liberty.



Borrowing practices from IGCR and UNRRA, the IRO put resettlement plans in place, but this time sought resettlement opportunities worldwide. Its success in resettlement and its innovative practices in "marketing" the benefits of refugee acceptance were unprecedented. IRO agents cajoled, persuaded, and financed states who would agree to accept displaced people for relocation. And quite unlike its predecessors, it had the resources with the backing of the United Nations, to fund refugee resettlement worldwide. Those efforts were especially successful in those food and labor-starved countries that had lost millions of people during the war and who desperately needed the food rations and refugee labor that the IRO offered. The work of the refugees themselves made crucial contributions to the countries who resettled them. By the time its doors closed in 1952, the IRO had resettled over 1 million refugees in 65 countries. Even Nansen, with his compassion and foresight, had never attempted to resettle refugees in countries outside of the European continent. Nor had any national or international organization tried to resettle refugees overseas. With its innovative new practices, the IRO and its many NGO allies<sup>32</sup> saved millions of lives and resettled hundreds of thousands of refugees. Its practices provided evidence of a brilliant negotiation between those guided by international norms protecting the rights of refugees and those

guided by national norms protecting national interests. Together they had singlehandedly brought back into the realm of humanity those whom the NAZI regime had tried its best to dehumanize.

Ironically, the severe blow and painful “cognitive punch” of the Holocaust, the war, and the ensuing chaos generated the necessary empathy on the part of those powerful enough to extend refugee protection to enact change. The result was that such humane treatment of refugees—no matter their religion or ethnic origin-- was unprecedented in human history. As evidenced by their spectacular successes, the IRO’s practices and their widespread diffusion greatly impacted social consciousness of the human plight of the refugee and thus paved the way for the creation of a new and comprehensive international refugee protection regime. Again, as they resettled in far-flung regions and their hosts were compelled to confront and integrate “the other,” refugees themselves were the vanguard of progress.

*Rectifying flawed assumptions in the 1951 Refugee Convention and Beyond: Changing conditions, new knowledge, better practices*

Three flawed assumptions, however, were embedded in these practices. First, most national, religious, humanitarian, and international communities of practice aiding refugees believed that the crisis they faced was temporary, a result of World War II and its aftermath. Secondly, they believed that the crisis was confined to the European continent where the war was fought and whose changing ethno-national and ideological boundaries had produced states which were now persecuting and expelling their minority populations. Following this observation, they assumed that all of these displaced people were fleeing state persecution. The first two assumptions have been put to rest and the third is disappearing as better practices have developed with each ensuing crisis.

The 1951 Convention Relating to the Status of Refugees, eventually ratified by 145 countries, abolished the first assumption that the refugee crisis was temporary. When the IRO closed its doors in 1952 it had become clear that the refugee crisis was not temporary. The Cold War and the political upheavals it created continued to produce a new and larger a flood of refugees from Central and Eastern Europe. But when the IRO shut down its operations and the UNHCR was just barely in the process of creation, there were few communities remaining to aid them when they crossed into the West. While Government representatives to the UN declared their commitment to a permanent solution to the refugee crisis, they also wanted to minimize the obligations of their states toward the refugees. The creation of UNHCR was the perfect solution to relieve them of those obligations.

The Convention’s creation rested on a pillar of crucial knowledge, known as “A Study of Statelessness,” a study of the fate of *all* displaced persons in Europe.<sup>33</sup> As millions of refugees had continued to stream across the rubble of Europe, members of the UN’s Economic and Social Council urgently needed to know what instruments of refugee protection were in place. The Study began with an assessment of the previous 25 years of national and international practices—both successful and unsuccessful, and thereby provided important institutional memory for those who would soon be involved in creating a new refugee protection regime. Younger “newcomer” practitioners, like Saraiva Guerreiro of Brazil and Talat Miras of Turkey , as well as those, like Leslie Chance of Canada and Lewis Henkin of the United States, who had long worked on refugee issues in the pre-war period and during the war, wrote the study.<sup>34</sup> For those international lawyers, statesmen, and newly minted UN officials who had been too young to participate in aiding refugees before the war, it provided crucial institutional memory and essential background knowledge for all newcomers.

The Study began with a complete history of refugee protection efforts and of international legal instruments aiding those efforts, beginning with the League of Nations and ending with the IRO. It also assessed the value of practices developed throughout the life of the League and practices of the committees and agencies created in the wake of the League’s collapse. It gave new practitioners a textbook description of the evolution of “better practices” that had developed over the past 25 years and described how situational decisions had led to the “preferential selective survival” of certain practices through a process of what Adler calls “endogenous collective learning within” the international community of practice dealing with refugee issues. Through discussion, debate, and assessment of successes and failures, both national and international practitioners, who broadly shared the norms contained in the 1948 Human Rights Convention, transformed their background knowledge of the situational plight of refugees and learned to change some of their practices, leading to the evolution of a permanent international refugee protection regime.

The Study suggested that past practices offered three important lessons for any future regime: First, conferring refugee status upon the displaced was not enough to protect them. The Nansen Passport, for example, had been only partially successful. The refugees knew that it gave them second-class status and clearly did not entitle them to the rights of protection embodied in a national passport. They had been easily expelled when Nansen passports expired, and Jews were altogether denied access to them or the meagre status they offered. Secondly, national governments would not offer full human rights to refugees of their own accord without an international treaty binding them to that offer with a specific promise to not send them back to countries that had deprived them of those rights. The study demonstrated that the 1933 principle of *non-refoulement* was a crucial innovation and recommended that it be preserved. Finally, it showed that states were limited by the norm of national sovereignty. By clinging to that norm, they would not provide the funds to restore full human dignity to those who were not their own national citizens. They had shown in practice that they would not directly provide the financing or the administration of aid to feed, clothe, shelter, and educate refugees. Historically, religious and humanitarian NGOs had shouldered much of the financing burden, but their aid was voluntary, sporadic, and never completely adequate. Despite the large cadre of NGO volunteers, the success of the IRO had been largely dependent upon UN funding.

Therefore, the study recommended the creation of a permanent international organ that would protect the human rights of refugees and offer them the same services that states provide to their nationals abroad. In veiled and deferential language, it recommended a Magna Carta for Refugees, suggesting that the Economic and Social Council “consider the desirability of preparing a revised and consolidated convention relating to the international status of refugees and stateless persons and. . .draft the text of such a convention...” A final draft of the convention would be presented to the UN General Assembly for approval. The study also recommended the creation of a *permanent* Office of a High Commissioner for Refugees within the UN Secretariat. Relying on the Study for guidance, the creators of the final text of the convention not only created a permanent regime to bring refugees into the realm of “common humanity,” but also dropped the less successful practice of providing a “refugee passport,”<sup>35</sup> and made *non-refoulement* the central obligation of states party to the treaty. The study thereby became a key guide to the development of the 1951 Convention on the Status of Refugees and an inspiration for the creation of a permanent UN High Commission for Refugees (UNHCR).

The convention and the UNHCR were quickly recognized as an important facet of the new liberal world order and its intent to protect universal human rights. Like the IRO, UNHCR was not a “go-it-alone” organization required to raise its own funding like its predecessors of the pre-war period, it was part of the UN ‘umbrella’ under the auspices of the UN General Assembly. Its funding came directly from the UN budget. The majority of the world’s nations (145 countries) became parties to the convention.

But those who drafted the Convention were limited by their situational focus on the refugee crisis as a European phenomenon created by World War II and its aftermath. Furthermore, the Great Powers did not want the Convention to cover the “coloured populations” in their colonies.<sup>36</sup> They thus restricted aid to refugees from Europe whose fear of persecution forced them to flee before January, 1951. These restrictions, however, conflicted with, and with the recognition on the part of the national representatives who drafted the Convention that its standards were of universal applicability. It also conflicted with their desire to create a permanent Office of a High Commission for Refugees. And it conflicted with facts on the ground: The Convention had ignored the exodus of millions from China between 1949 and 1950 and the six million refugees created by the partition of India. And ironically, as the convention was being drafted and ratified, the Korean war was producing millions of refugees as well.

The Final Act of the Convention therefore “expressed the hope that the Convention would have value as an example exceeding its contractual scope that all nations would be guided by it in granting as far as possible to persons in their territory as refugees and who would not be covered by the terms of the Convention the treatment for which it provides.” Drawing on this “hope,” Gerrit van Heuven Goedhart, the first High Commissioner for Refugees and a long-time UN official, had wanted to immediately turn his office into a leading *global* agency for refugees, but his hands were tied by the Great Powers and their allies in the UN’s General Assembly which held the authority over the UNHCR.

The hope expressed in the Final Act of the Convention gradually became a reality. Between 1951 and 1967 the status of the UNHCR had matured and much in the world had changed. The institution as a community of practice became increasingly autonomous from the member states who had created it, and “...in just a few years...[it had grown] from a strictly non-operational agency, with no authority to appeal for funds, into an institution with an

emerging long-range program emphasizing not only protection but, increasingly, material assistance “to refugees.”<sup>37</sup> And the composition of UNHCR’s “boss,” the General Assembly, changed with it, from an organ of 51 members dominated by Western Powers and their allies, to one comprised on 118 states, whose membership included many non-aligned nations, many who wanted to distance themselves from the Cold War, and an important African-Asian bloc challenging the primacy of the Great Powers.<sup>38</sup> But when the General Assembly’s majority membership grew to include newly decolonized states in Africa, its focus increasingly shifted away from Europe and toward the refugee crises that the wars of “national liberation” had produced. UNHCR’s expertise and its material and organizational capabilities had begun to outstrip those of its institutional rivals, the Intergovernmental Committee for European Migration (ICEM) and the US “Escapee Program.” Both were cut back<sup>39</sup> as focus shifted away from European refugees toward the Third World. Indeed, in Adler’s terms, UNHCR had won the competition with those communities for the successful institutionalization of its practices” (2008: 201). And by 1965 the General Assembly had appointed five new members from Africa to UNHCR’s executive committee, introducing new elements of practice into the organization and thus strengthening it further.

By the end of the 1960s, the UNHCR—with funding provided by the General Assembly, with a near monopoly of background knowledge on refugee issues and law, with a 1955 Nobel Peace Prize under its belt, with new executive committee members, and with the blessing of the United States—whose officials believed it would be useful in dissuading newly liberated states away from the Soviet bloc --was growing in moral authority and deontic power, thus assisting many of the new African states in protecting refugees fleeing war on the continent. Indeed, UNHCR had not only become an important vehicle for social learning but also with its growth in material and organizational capabilities, a crucial hub for the mobilization of global collective action to aid refugees.

These changes led to the abolition of the second assumption of the Convention, the assumption that the refugee crisis could be confined to Europe. UNHCR’s Executive Committee invited legal experts and NGOs to join it in drafting a Protocol to the 1951 convention which removed its temporal scope as well as the geographic limitation to Europe, giving the Convention a global scope and reaffirming its permanence. The United States quickly ratified the Protocol bringing 145 countries into UNHCR’s fold.<sup>40</sup> as UNHCR’s practices expanded to include the entire globe, ratification provided evidence that most of the world’s nation states and the refugees themselves had found a “better practice,” inching toward progress in broadening and deepening acknowledgement of the refugee’s right to be human.<sup>41</sup>

The third assumption would prove to be the most difficult to dislodge. Again, limited by the European experience and Cold War politics, the convention provided a restrictive definition of who could receive UNHCR aid and who it would attempt to resettle as a refugee. Article 1 of the Convention, and retained in the 1967 Protocol, therefore defines a refugee under international law as

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

Defenders of the 1951 Convention have pointed out that it was never meant to address broader migration issues. Critics argue that clinging to the original definition only allows states to ignore the new kinds of persecution refugees are subjected to. Further, it allows them to manipulate the words of the treaty so that it covers the refugees they want to accept.<sup>42</sup> The Drafters of the Convention assumed that governments were the persecutors and that the reasons cited in the definition were the only ones that obligated states to protect the displaced. But in the ensuing years, millions of people experienced “persecution” in many forms as they fled the carnage of war, gang brutality, communitarian violence, domestic cruelty, murderous drought, poverty, and natural disaster, all in the absence of protection from their governments. Vast swaths of displaced populations were excluded from refuge. Simply because they were displaced from their homes by forces other than “state persecution,” they lost the right to be treated as human.

As a result of this mounting experience and numerous UNHCR studies of displaced people, new “background knowledge,” accumulated and new communities of practice arose to challenge the old Convention. In 1969, as the wars of independence raging on the African Continent continued to create vast numbers of new refugees, the OAU

created the Convention Governing the Specific Aspects of Refugee Problems in Africa. The Convention stipulated that the term “refugee” not only applies to those protected by the 1951 convention but:

*shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.*

It further stipulated that for these reasons refugee status should be accorded those who fled their homes. Importantly, UNHCR was an ally of this community, helping to draft the OAU convention and featuring it on its website, and eventually establishing the largest refugee camps in Africa. In Latin America similar crises were brewing in the 1970s and 1980s, as governments, particularly in Guatemala and El Salvador murdered and disappeared hundreds of thousands of peasants, indigenous peoples and impoverished urban-dwellers. Refugees who managed to escape lacked education, job skills, and financial resources. And when they fled, the governments of neighboring countries offered them little or no protection. Those countries who had once offered refuge to political exiles, refused to accept them. The situation gave rise to a new community of practice in the region, determined to find protection for the new refugees particularly those who were not covered by the 1951 Convention or its 1967 protocol. Deeply influenced by 1969 African Convention, this community set about framing the Cartagena Declaration, which called on countries to use the following definition:

*‘the term “refugee” shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his [or her] country of origin or nationality, is compelled to leave his [or her] place of habitual residence in order to seek refuge in another place outside his [or her] country of origin or nationality.’*

As Michael Reed-Hurtado points out, this definition, reached by consensus among OAS members, not only expands the definition of who can be offered refugee status in a new asylum regime, it also shifts the focus of protection from individuals who feared persecution to the collective, to all of those who were fleeing “generalized violence, foreign aggression, internal conflicts, massive violation of human rights...”<sup>43</sup> The Cartagena Declaration, fully supported by UNHCR and recognized as a milestone in refugee-protection law, was not a legally binding instrument, but it provided an important symbolic framework that promoted humanitarian practices in response to the Central American refugee crisis, and it was incorporated into a number of national legal frameworks.

Although the third assumption was not abolished in refugee law, UNHCR’s practices—resulting from observation and experience in protecting the vulnerably displaced—radically enlarged the scope of UNHCR’s aid to all forced migrants. Of course, the Convention definition of refugees and the protection it offers under international law was not changed to accommodate new flows of displaced persons, and UNHCR always saw as its first responsibility “to uphold the rights and meet the needs” of refugees, as defined by international law. But in its *practice*, UNHCR applied an expanded definition of who *should be* protected.<sup>44</sup> First, for the purpose of providing protection to more people, it broadened its working definition of the term “refugee” far beyond the Convention definition: “*Refugees are defined... as those recognized in accordance with the UNHCR Statute; individuals granted complementary forms of protection; or those enjoying temporary protection. Since 2007, the refugee population also includes people in a refugee-like situation.*”<sup>45</sup> Secondly, as globalization sped forward, enabling refugees to more quickly reach the shores of safety and news about them to travel rapidly, new language was gradually added to signify that UNHCR was prepared to protect new ‘persons of concern.’ UNHCR began to speak of people who were “forcibly uprooted,” “forcibly displaced,” and “people on the move” including stateless people, victims of natural disaster and climate change, and people affected by urban displacement.<sup>46</sup> Third, epistemic communities have begun to link technical knowledge about climate change, natural and human-made disasters, and non-state violence to knowledge about displacement, underlining the credibility of UNHCR’s expansion of its mandate.<sup>47</sup> Its terms and practices gained authority as the UNHCR began to include these populations in its and widely anticipated and diffused annual “Global Reports,” later entitled “Global Trends: Forced Displacement.”<sup>48</sup> By 2016, 2.6 million refugees, stateless people and “other populations of concern” lived in UNHCR refugee camps, where they were fed, sheltered, educated, and received job training. Millions more lived in camps set up by allied NGOs. UNHCR also extends protection to over 24 million IDPs in 24 countries and has over 5,000 urban refugee programs outside the camps.

This evolution of terminology and practice provides a perfect illustration of Adler’s claim that “background knowledge is embedded in practices.” Each expansion of practice gave rise to normative change as new communities of practice—intergovernmental, international, and non-governmental organizations began to value new groups of displaced people as part of “our common humanity.” As UNHCR’s practices were expanded to new populations around the world, a “humanitarian marketplace”<sup>49</sup> of competition and cooperation among communities of practice emerged, giving rise to better practices that enhanced the human dignity of displaced persons. And UNHCR’s practice of producing an annual report of “Global Trends” (along with five other specific reports) was gradually endowed with performative power providing the “gold standard” of authoritative information on refugees. While its accuracy is sometimes criticized,<sup>50</sup> it informs host government statistics, and deliberations on refugee issues, shapes opinion in the media in NGOs, and provides important data used in academic research.

There is little doubt that cognitive evolution with regard to forced migration has occurred through the mechanisms that Adler has identified. The post-war international environment and the refugee crises of the period undermined particularistic values of post-war governments and provided fertile ground for the creation of new background knowledge and the nourishing of values that veered “away from ... human rights violations.” (Adler) The genius of the Refugee Convention is that it reconciled profoundly different and opposing world views and values: humanist/internationalist and realist/nationalist and found a means by which they could complement one another. (Adler ms) Politically, countries that would eventually host refugees knew that they could not solve the refugee crisis alone, and many of their governments and political communities were built on constitutions that valued human rights. In the process of creating the UNHCR, national communities “overlapped” with international communities, and their compromises began to structure social consciousness with regard to the human plight of refugees and possible solutions for bringing them into the fold of humanity. Negotiating compromises between national and international norms resulted in collective learning about new practices and thereby created new shared meanings of the plight of refugees and possible solutions. Only a few states refused to compromise. Those who refused initially (later signing on to the Protocol) finally signed a Treaty that incorporated new practices and norms protecting refugees into domestic law. These practices now informed the interests of their governments.

The decision to institutionalize the offer of refuge has come about because of the cognitive evolution of authorities in both national and international communities and the knowledge they gained from refugees and their allies. Through the process of cognitive evolution they came to expand their knowledge, and became increasingly convinced that all forced migrants have moral worth and are entitled to full human rights and thus should be given refuge. Adler’s theory offers valuable tools to describe and analyze that process.

### **III. Threats to Progress in Refugee Protection in a “post-truth” environment.**

As Adler warns us, however, progress—even progress in our knowledge—“is contingent and reversible. He cautions us that regressive values undermining human interests could arise through the very same processes of cognitive evolution that he describes. He certainly does not go so far as to suggest that the unraveling of progressive practices would validate the realist claim that international politics is the realm of recurrence and repetition where the displaced would forever be excluded from the realm of humanity. But he does suggest that old progressive practices can be undone. In their interpretation of Adler’s work, Shalom, Kornprobst and Pouliot remind us that actors can “denaturalize” the old, i.e. habitual, engrained practices and can thereby dejustify them. I could imagine, for example, that refugee protection practices can be undone when new communities of practice such as anti-immigrant, nativist communities of practice arise, find their way into powerful institutions, gain performative or deontic power (or both), and dismiss or abolish the many “better practices” which have evolved to protect the displaced.

Indeed, as the 21<sup>st</sup> century opened, the liberal world order which had given birth to the international protection of displaced peoples began to show signs of retreat from the progress it had achieved.<sup>51</sup> For the first time in a century, a set of large, populous, increasingly wealthy, and undemocratic or fragile democratic states with governments hostile to liberalism—China, Russia, and India—were achieving great-power status. They began to challenge the Western conception of order based on the primacy of liberal post-World War II rules, and initiated the establishment of alternative international institutions. Already by 2017, the international economic system had become increasingly Balkanized. China’s growing power and ambition in Asia; cracks in the international consensus on free trade, Russia’s invasion and seizure of territory in Ukraine; the weakening of the European Union in the wake of Brexit, the euro crisis, and the rise of illiberal governments among its members; the emergence of anti-liberal non-state



actors and their successful efforts to fragment and undermine governance around the globe; the ascendance of authoritarian states, the rise of the extreme right— all these combined to put the progress of the post-war liberal order at risk.<sup>52</sup> The election of a thug who scoffed at liberal institutions to the presidency of the United States was simply the latest and hardest blow.

As the liberal world order began to weaken, the influence of post-war international institutions declined.<sup>53</sup> And that decline clouded the future of refugee protection. The post-9/11 period saw both an exponential growth in the number of refugees worldwide and increasing reluctance of Convention parties to host or resettle them. While the world moved toward generalized violence rather than state sanctioned persecution as the root cause of refugee flight, asylum granting countries clung tightly to the narrow Convention definition of “refugees” in order to legally eject forced migrants from their territory. Although UNHCR’s budget and expenditures increased and it continued to exercise considerable diplomatic skill,<sup>54</sup> it began to adjudicate fewer asylum decisions and resettle fewer people (as a percentage of the Convention-defined refugee population) even as the number of displaced people around the world exploded. Since the 1990s, as the growing number of asylum seekers crossed their borders *illegally*,<sup>55</sup> national communities in asylum granting countries continually threatened to squelch international norms of protection.<sup>56</sup> UNHCR’s role was largely reduced to providing aid to those who were forcibly displaced outside asylum-granting countries, mostly (86%) in the developing world.<sup>57</sup> Asylum seekers seeking refugee status in UNHCR camps wait for an average of 18+ years to be relocated, and then only 1 per cent of them will be offered resettlement opportunities. Increasingly those stranded in refugee camps have opted to circumvent visa and border controls in order to cross into an asylum granting country. Even those fleeing persecution have been turned away; The United States, for example, saw a 99% drop from the previous year in the number of Syrian refugees it admitted in 2017; that year it admitted only 44 people, while nearly 13 million had been forced to flee their homes over the course of the civil war. But as minorities in the Middle East, Africa, and Asia were expelled, as wars and violence raged, and as drought began to starve populations, their numbers swelled, leading many host countries to question the Convention’s usefulness. Parties to the Convention began to build walls to keep out asylum seekers, and lowered quotas for the number allowed to resettle.<sup>58</sup>

The resistance to resettlement across Western democracies was fueled by the rise of extreme right wing and nativist communities of practice who oppose liberalism in general and whose central campaign tactic is to engender fear of immigrants and smear liberal immigration policies. A surge in the growth of these communities was triggered in 2013 by the flood of refugees pouring across European borders from the Syrian war, from imploding Iraq, and from war-weary Afghanistan. At that time, the EU had no institutional authority to adequately respond. With the arrival of 1.3 million refugees on Europe’s shores in 2015, the grand dream of a borderless continent seemed to be under threat.

Germany first set the terms of the positive response to this flood that would create a Europe-wide backlash. Chancellor Angela Merkel proclaimed that Germany would favorably consider asylum claims from all Syrian refugees. She then led an effort within the EU to mandate that member states do the same. As *Der Spiegel* opined, “Merkel’s invitation to refugees . . . wasn’t just in Germany’s name. She was effectively speaking for all of Europe.”<sup>59</sup> In response, extreme right wing parties across the continent smelled fear within their societies and fanned its flames with anti-immigrant rhetoric as their key political message. Their campaigns, aided by acts of terror, confirmed and deepened that fear. The French Front National refocused its agenda to make opposition to immigration its centerpiece. The German anti-euro party, Alternative fuer Deutschland (AFD), which had been losing in the polls once the euro crisis became less acute, quickly reinvented itself as an anti-immigrant party, demanding the closure of German borders. With its 13% of the vote in the 2017 Federal elections, it went on to become the chief opposition party in the German Bundestag. Scandinavian right-wing parties and anti-liberal parties in the new EU member states also gained political power, adding a stark European East-West divide to the North-South rift that the Greek debt crisis had opened.<sup>60</sup> Donald Trump, in his bid for the US presidency mouthed the same extreme right wing rhetoric, despite the fact that the “European refugee crisis” was barely felt in the United States. Immigration was the animating issue of Trump’s campaign for the presidency and is the animating issue of his tenure in the presidency.

Why did these far-right parties and political candidates and authorities train their sights on immigration as their central political issue? It certainly is not the most important problem facing Western societies, and in fact, many economists and demographers see it as a solution to a widespread labor shortage problem. Germany, for example, is suffering a net population loss of 200,000 people per year. With close to full employment, it had about 612,000 job

vacancies in 2015 with 43,000 open positions in IT alone.<sup>61</sup> Chancellor Merkel met with industry leaders to discuss a reform of labor regulations to bring refugees quickly into the labor force. The recent influx of immigrants into Europe, for example, is a drop in the bucket of the European population, and the cost to protect them is relatively low<sup>62</sup> while the benefits of migrants in the workforce is likely to be high.<sup>63</sup> Other looming issues like the stability of the dollar, the financial crisis, and the rise of income inequality, for example, are less visible but arguably more crucial to the wellbeing of Western populations. But of all political parties, the extreme right wing astutely recognized that migration was an issue that could be manipulated to strike and intensify fear in the hearts of voters. It symbolized the dissatisfaction and anxiety that a growing number of people feel about their relative economic situation, their life opportunities, their security, their claim to a culture they believe is slipping away, and their declining position in the social hierarchy.<sup>64</sup> Anti-immigrant communities of practice promise their members that excluding aliens will secure their social identity, their jobs, and their political power. Migration became the battlefield in a culture war between an open conception of society in which aliens can gain status and opportunities and a closed of society in which aliens are locked out.

*Tribalism, “hot cognition,” “tribal epistemology,” and Post-Truth*



The flames of this culture war were fanned in the tinderbox of what I will call anti-liberal “tribal practices.”<sup>65</sup> These include violent acts against immigrants, calls for their expulsion and border walls, the propagation of media and social media narratives that stir emotions of intolerance, fear, and hatred of foreigners. Along with Anti-Semitism, anti-immigrant passion and hatred of minorities has a long and troubled past, and throughout history, extremist communities have often sought and gained the political power to wall out migrants and expel minorities. To many observers, practices like those that preceded World War II have provided a warning of the potential consequences that anti-liberal extremist practices can have in the current era.<sup>66</sup> But thuggish “tribal” practices today differ profoundly from the practices of traditional nativist nationalists of the 20<sup>th</sup> century. Anti-immigrant and other anti-liberal tribal communities today are diverse, often unconnected, and include far-flung sub-national and transnational practitioners, like members of the incel cult, 4Chan, pop-up alt-right communities, Facebook hate groups, individual Twitter users proclaiming anti-immigrant, anti-minority and misogynist views, white supremacist communities like Pegida in Germany, anti-immigrant media outlets like Breitbart, who have become the allies of far right, white populist political parties, such as the AfD, the National Front in France, the Freedom Parties of Austria and the Netherlands, The League of Italy, Fidesz and Jobbik in Hungary, the Peoples’ Party of Slovakia, the Swedish Democrats, and the “Vichy Republicans” in the United States.

These practices threaten social stability in liberal democratic nations who have developed and institutionalized practices that support a social order based on individual rights, tolerance, forbearance, and compromise. In the hope that rationality and evidence can defeat emotion and opinion, liberal democracies have attempted to unite disparate communities through reasoned debate over competing norms, interests, and interpretations of factual information within the bounds of these practices. In liberal democratic nations, political parties have traditionally weeded out extremists and anti-democratic candidates in order to maintain the political compromises that allow them to govern. National identity in these societies has been understood to encompass the identity of all citizens. In contrast, modern “tribes”—communities that tout their own superiority and victimhood—nativist, racist, sectarian, supremacist, misogynist, anti-liberal, etc.-- are characterized by exclusive collective identities that prevail over individual and even national identity. Members of these communities may be full citizens of the nation, but their deeper loyalties are to their own ethnic, racial, or sectarian tribes which provide them with a sense of belonging. Members of these communities detest liberal practices. They have an open disregard for facts<sup>67</sup>; they scorn those who base their arguments on facts; and they are dismissive of the scientific methods that produce facts. They dismiss evidence-based claims, express opinions which call for no verification instead of reasoned arguments; they attempt to denigrate liberal norms of tolerance, compromise, and forbearance; they try to lower the social status of those who adhere to them. They often act to impose their own exclusive identity on the identity of the nation. In doing so they mock and attack democratic institutions built on those norms. They believe that they are locked in a deadly battle with groups that advocate open borders and the protection of minority rights, and they loathe them as the enemy.<sup>68</sup> From a bird’s eye view, their battle with institutions that protect forced migrants is part of a larger war with liberal democracy and open society itself.

A key hallmark of a “tribal” community is the predominance of “hot cognition”—thinking influenced by emotion over reason and dismissal of the methods by which scholars discover and produce factual evidence. “Hot cognition” (in varying degrees of strength) has long been present in all political discourse, but its role in producing political outcomes has been woefully underestimated.<sup>69</sup> Hot cognition replaces dispassionate reasoning is rare; emotion guides discourse and action. In anti-immigrant tribal communities of practice, cognition is hot: the dominant gut feelings of fear, anger, and hatred toward “the other” dominate cognition. These heightened emotions forge hardened opinions. Opinion becomes a sacred value, an affirmation of allegiance to one’s community. If the opinion conforms to that of the community, its content, truth, or verifiability does not matter. This is a kind of “tribal epistemology, in which Information is evaluated based not on conformity to common standards of evidence or correspondence to a common understanding of the world, but on whether it supports the tribe’s values and goals and is vouchsafed by tribal leaders. ‘Good for our side’ and ‘true’ begin to blur into one.”<sup>70</sup> Forged in the furnace of hot cognition, hardened opinion dominates cool, fact-based knowledge and provides fertile ground for the spread of falsehoods.

*Social sharing has long been a practice of all communities. The effect of sharing for tribal and liberal communities is different.*

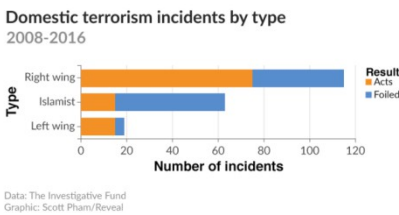
Human beings share information that confirms<sup>71</sup> their values, beliefs, passions, and opinions and the evidence that supports them. People in general are biased toward confirmation: they wish to believe only things that confirm what they already believe to be true. They also pass on stories that conform to the beliefs and values of their communities. Information is shared, not just to inform or even to persuade but as a *marker of one’s collective identity*, a way to proclaim one’s affinity with a particular community. In the current era, users of social media often declare their affiliations by posting links to information—true, partly true, or false—that reflects their community’s taste and beliefs.<sup>72</sup>

The difference between social sharing in liberal and tribal communities is this: with their identity and affinities at stake, liberal communities often cling to the practice of reasoned debate to hone, strengthen, and even change their positions through amassing evidence. But members of tribal communities act first on “hot cognition” and “tribal epistemology,” and tend to double down on their convictions *especially* after being presented with contradictory evidence,<sup>73</sup> leading to an uncomfortable feeling of cognitive dissonance. “Doubling down” helps resolve the feeling by dismissing the evidence. As Leon Festinger, father of the theory of cognitive dissonance, wrote in 1962, “A man with conviction is a hard man to change. Tell him you disagree and he turns away. Show him facts or figures and he questions your sources. Appeal to logic and he fails to see your point.”<sup>74</sup> When “hot cognition” and “tribal epistemology” dominate thought, opinions are hardened even further and made impervious to facts when they are shared with others. Studies strongly suggest that conservatives more strongly avoid dissonance-arousing information about politics and religion than liberals, who assimilate that information more readily into their views.<sup>75</sup>

When outsiders prove false a piece of information that a tribal community believes to be true, that belief becomes entrenched as an article of faith, demonstrating both the believer’s loyalty to his/her community’s worldview and his disdain for the outsiders who wish to undermine his belief with facts. In his feral cunning, Donald Trump demonstrated how the power of hot cognition, hardened opinion, belief as an identity marker and the weakness of factual evidence could strengthen his hold on the tribal communities that support him. When he was asked about his false claim that Clinton won the popular vote because millions of illegal immigrants voted for her, he dismissed the factual evidence by responding: “Let me just tell you . . . what’s important. Millions of people agree with me. . . . They are very smart people.”<sup>76</sup> When Donald Trump boasted that his inauguration was the biggest in history, this was not simply *his* truth; it was a boast intended to elicit loyalty by destroying the facts that his adversaries presented.



In this way, the practice of fact-checking to gain the upper hand in debate can backfire,<sup>77</sup> because, for tribal communities, stoking conflict with outsiders—even in the absence of facts—strengthens community cohesion. When hot cognition prevails and when confirmation bias, identity signaling and doubling down harden opinions, anti-immigrant communities find it easy to spread false information that engenders and maintains fear of “the other.” Those who spread falsehoods intentionally play on the fears that hiding among mass groups of immigrants are many criminals, terrorists, and disease carriers.



Indeed, what is striking about the rapid rise of these anti-immigrant communities is that there is little evidence to justify these fears. In fact, there is much evidence to the contrary and much data showing that extreme right wing parties and their allies have manufactured fears of “aliens” with the spread of falsehoods about them. Numerous studies demonstrate that anti-immigrant voter attitudes and economic and security concerns about immigration are *not* based on personal experience and are not driven by

facts, but rather by fear. Most respondents to extensive surveys believe that levels of immigration in their country are much higher than they actually are. When confronted with that evidence, respondents in Britain rejected official migration figures. The majority of Germans believe that one-third of the people living in Germany are Muslim; The official percentage in 2016 was 6.1 per cent.<sup>78</sup> The AfD, the German anti-immigrant party, is strongest in the eastern part of the country where there are the fewest immigrants. Most AfD voters have never had contact with an immigrant.<sup>79</sup> The majority of Americans believe that immigrants do not assimilate into American society and culture,<sup>80</sup> while most research strongly suggests that the majority do assimilate; indeed, 2/3 of all immigrants who obtain legal residency become citizens.<sup>81</sup> Most Americans believe that immigrants commit more crimes than native born Americans, but a large body of research shows that being foreign born is negatively associated with crime overall.<sup>82</sup> A similar fear is that immigration increases the risk of terrorism; in fact, 0.001 percent of all foreign born in the U.S. have committed terrorist acts,<sup>83</sup> and more terrorist acts between 2001 and 2015 were committed by right wing domestic terrorists than by foreign born jihadists.<sup>84</sup> When confronted with evidence, members of anti-immigrant communities cling ever more tightly to their dogmas.

A “post-truth”<sup>85</sup> information and communication environment stokes the fires of hot cognition, further hardens opinions, and ignites passions that lead tribal members to reject evidence in favor of perpetuating their fears. A post-truth environment is populated by assertions, like those about immigrants noted above, that may *feel* true because they have been cultivated in their trusted community, but have no basis in fact. These assertions are the products of the rapid and almost universal spread of misinformation, disinformation, and outright falsehoods.

#### *Motivations for 21<sup>st</sup> Century Post-Truth may be Different from the Past but Impact on Epistemic Security is Similar*

Post-truth environments are not new to the 21<sup>st</sup> century: religious authorities and political regimes since antiquity have used campaigns of disinformation to instill fear and loyalty in their realms. Since the beginning of the Republic, political pundits in the United States have spread disinformation, defending indefensible atrocities and feeding fear and hatred in political election campaigns and through news outlets. In 1907 Henry Adams said that “practical politics consists in ignoring facts.”<sup>86</sup> Ignoring facts was probably the most harmless attribute of practical politics. Political falsehoods have long been pervasive. In 1946 George Orwell even made the claim that all “political speech and writing are largely the defense of the indefensible” and that the defense was accomplished by obscuring the truth.<sup>87</sup>

But while past post-truth environments were marked by the spread of deceptive propaganda from a *single source for the purpose of maintaining political domination*—often through the regime’s control of the media, the 21<sup>st</sup> century environment is markedly different. With lightning speed, *numerous unconnected sources* now spread falsehoods, often from obscure and unknown corners of society *for reasons that often have nothing to do with political domination*. These falsehoods are then “shared” widely through highly decentralized digital communication technologies. In spreading information this way, tribal communities join journalists, scientists, and political authorities to share what they know, believe, and feel. Truth is often tinged with falsehood and falsehood tinged with truth. Truth and falsehood become difficult to separate.<sup>88</sup>

In 1858 sermon, C. H. Spurgeon quoted the proverb that “a lie will go round the world while truth is pulling its boots on.”<sup>89</sup> In the 21<sup>st</sup> century, this statement literally came true. The current post-truth environment characterized by widespread digital communication not only ensures the most rapid spread of falsehoods in human history, it facilitates widespread degradation of legitimate information and propagates social distrust in factual knowledge. With digital communication technologies, those who want their voices to be heard compete for the attention of those who might hear them. In the competition for attention, speed of content delivery and entertainment take precedence over truth. Speed blurs the line between information, misinformation, and disinformation. Exaggeration and the

presentation of falsehoods as entertainment pack in more performative power than a dry presentation of facts. Instant “sharing” of information allows social media posts and tweets--true, false, distorted and magnified by retweets and “shares”--to dominate media. In fierce competition with one another, both “citizen” and professional journalists vie for a “scoop” and exaggerate their narratives in the hope of attracting attention and advertisers. In this way, mainstream media has become increasingly guilty of purveying misinformation, thus cultivating a general distrust of professional sources of information.

When the ground of distrust is cultivated in this way, conditions are ideal for the germination of falsehoods in the soil of “hot cognition,” and hardened opinions. That soil is especially fertile in the hothouses of “information bubbles”<sup>90</sup> (depicted graphically in the accompanying image) that prevent the cross-fertilization of knowledge. With each community ensconced in its own bubble, there is no chance for opposing communities of practice to engage in discourse and debate with each other. Furthermore, digital sharing among tribal communities is more pervasive, both horizontally and vertically (represented by darker reds and lighter blues), than digital sharing among liberal communities,<sup>91</sup> making their information bubble larger, but also less visible to liberal communities because of the isolation of the two “bubbles” from one another. Without civil discourse and reasoned debate, the practice of “sharing” can deepen discord between tribal and liberal communities. Tribal communities believe themselves to be in a war in which facts, science, and epistemic communities are their adversaries. They often use trolls and bots<sup>92</sup> to “swarm” a factual narrative with inflammatory denunciations.

At times these practices have been called the tools of “cognitive warfare.”<sup>93</sup> It is usually, but not always, waged with a political goal in mind....to weaken the liberal enemy with falsehoods for the sake of gaining the political upper hand. But cognitive warfare is difficult to separate out from the cacophony of tribal voices whose falsehoods are spread for other reasons: identity signaling, sheer entertainment, poking fun, racist smears, etc. Liberals have been slow to learn they are not engaging in normal discourse or debate, and they therefore have few means to resist. Isaiah Berlin, the great liberal philosopher, warned of this enduring strength of “the forces of anti-rational mystical bigotry.”<sup>94</sup> Because tribes are anti-liberal, the tribal goal is often to drown liberal and moderate voices with rumors, half-truths, and speculation in order to overwhelm honest dialogue and denigrate those who disagree. In this way, liberal communities who attempt to counter falsehoods with fact are often intimidated and unnerved in their efforts to do so. And when they do, their “fact checking” most often falls on deaf ears.

This kind of bullying is certainly not new; only its methods are. A commitment to rational discourse, negotiation, and compromise has long been exploited as a weakness of liberalism. Liberal practices are rarely possible when confronted with hardened intolerance. Toward the end of World War II, Jean-Paul Sartre wrote in his essay, *Anti-Semite and Jew* that anti-Semites “delight in acting in bad faith, since they seek not to persuade by sound argument but to intimidate and disconcert.” They “are amusing themselves, for it is their adversary who is obliged to use words responsibly, *since he believes in words*” (Emphasis mine).<sup>95</sup> Indeed, Adler quotes Hannah Arendt in a 1967 article which sums up the goals of “cognitive warfare”: “the result of a consistent and total substitution of lies for factual truth is not that the lies will now be accepted as truth, and the truth be defamed as lies, but that the sense by which we take our bearings in the real world...is being destroyed.”<sup>96</sup> The result is intensified social discord

#### *Normlessness, Normalization of Tribal Practices, and the Threat to Epistemological Security*

Taken together, the practices described above can create a social environment of distrust, confusion, resignation, and retreat in which *normlessness* can come to shape society’s background knowledge and create epistemological insecurity by destroying “the sense by which we take our bearings.” In his study *The Development of Social Knowledge*, the psychologist Elliot Turiel wrote that normlessness implies the negation of any relevant norms in social practices and it signals, a *dismissal* of any prescriptive judgments for how people should relate to one another.<sup>97</sup> To borrow the language of Shalom, Kornprobst and Pouliot, it “denaturalizes” social practices like (quoting Sartre) the *use of words*, and liberal practices like “fact-checking,” and rational discourse. It normalizes the psychology of “hot cognition,” “tribal epistemology,” confirmation bias, and doubling down in the face of contrary evidence. It normalizes the practice of “cognitive warfare” to the extent that it cannot be separated out from the same practices which are not motivated by a political goal.

Extremist tribal communities with no overt political goal are normless communities. Like other communities of practice, they diffuse their background knowledge through “emergent innovations,” such as social media, but unlike



liberal communities, they are armed with disinformation and misinformation intended to delegitimize institutionalized liberal norms and practices. An environment characterized by normlessness normalizes their practices of using bots and trolls to “swarm” and “overwhelm” liberal voices. A normless community of practice is a closed community. Normless communities are the most likely to fall prey to “cognitive warfare.” Were normlessness to prevail, there is little possibility of creating a shared reality with other communities.

## Power

The practice of spreading falsehoods endows normless communities and perpetrators of cognitive warfare with more performative power than the practice of spreading what Adler calls “socially constructed common-sense knowledge.”<sup>98</sup> A seminal article published in *Science*, for example, examines how both facts and falsehoods propagate through Twitter. *The authors found that falsehoods reached far more people than the truth.* “Whereas the truth rarely diffused to more than 1000 people, the top 1% of false-news cascades routinely diffused to between 1000 and 100,000 people. Falsehood reached more people at every depth of a cascade than the truth, meaning that many more people retweeted falsehood than they did the truth. The spread of falsehood was aided by its virality, meaning that falsehood did not simply spread through broadcast dynamics but rather through peer-to-peer diffusion characterized by a viral branching process.”<sup>99</sup> This finding supports the findings of [Benkler, Faris, Roberts, and Zuckerman](#)<sup>100</sup> that tribal communities of practice are more digitally close-knit than liberal communities of practice, allowing falsehoods to spread more deeply into more communities. They conclude that falsehoods outperform the truth at every turn. Tribal communities’ performative power can lead to deontic power and can become a mortal threat to epistemological security.

Could normlessness achieve deontic power and come to prevail? In 1838, Abraham Lincoln lamented that in the United States, “so lately famed for love of law and order,” he saw a “mobocratic spirit which . . . is now abroad in the land. . . the strongest bulwark of any Government, and particularly of those constituted like ours, may effectually be broken down and destroyed . . . whenever the vicious portion of population shall be permitted to gather in bands of hundreds and thousands . . . this Government cannot last.”<sup>101</sup> Lincoln was yet to fight the Civil War, which almost unleashed the “vicious portion of our population” to bring down the government. He prevailed then, but democracy historically continued and still continues to be threatened by post-truth practices by both normless communities and communities who intentionally use these practices in their quest to gain and maintain political power.

Adler warns of the danger of post-truth practices to democracy and liberal social orders. But because he believes that liberal communities are likely to contest those practices, he is somewhat sanguine about the strength of liberalism in this environment.<sup>102</sup> As I argue above, however, a widespread diffusion and acceptance of normlessness suggests that the likelihood he predicts is tenuous at best. This is because, despite their best efforts, liberal communities may not have the power to oppose them when “the vicious portion of the population” gains deontic power. Once post-truth practices become embedded in the political system through the power of these “mobocratic” communities, they undermine the strength of liberal institutions. The breakdown in an environment of truth becomes a gateway to the breakdown in the rule of law that binds us together in a shared reality.



The fate of refugees provides an example of how the growth of tribal deontic power becomes a visible mortal threat to epistemological security. In a number of Western countries, anti-immigrant politicians have been successful in their post-truth practices, as they have come to influence and in some cases control major government institutions. Donald Trump’s USA is a horrifying example in which members of the Supreme Court would vote to discriminate against Islam in a determination of immigrant admittance to the U.S., a clear violation of the ban on religious discrimination in refugee protection. Those who entered the U.S. illegally are being summarily deported, along with their children, another violation of law. Donald Trump has declared that “These are not people. They are animals,”<sup>103</sup> undermining the progress made in acknowledging immigrants as part of our common humanity. Victor Orban of Hungary boasts that his country is an “illiberal democracy” and vows to bring “Christian democracy”<sup>104</sup> to Europe. He has continually warned that all refugees are potential terrorists and his adherents echo this falsehood. Hungary has seen increased funding channeled to cultural institutions that promote anti-immigrant and extreme ethnonationalist-themed plays, films, music events, and art exhibits. The government, under its right-wing ruling party, defunds, fines, and bans human rights groups who promote immigrant protection.

The new preamble to the Hungarian constitution, which high school students must memorize, states that Hungary is a “Christian nation” with the strong implication that Jews and Muslims are not part of the national community. These illiberal practices are not confined to Hungary: having won the most recent election in May, 2018, Orban plans to take his anti-immigrant campaign Europe-wide. On Orban’s heels, the Polish government has introduced a set of laws and amendments to ease surveillance and detention of migrants. The Polish government too has successfully propagated the fear of refugee terrorism. The Danish government made it a crime for Danish citizens to help refugees cross the border. Denmark’s Parliament passed a law that allows authorities to seize valuables and cash from refugees when they do. The practice has diffused across Europe: Switzerland and the states of Baden-Württemberg and Bavaria in Germany permit authorities to do the same. Slovakia expels all refugees who are not Christian. All of these practices are breaches of the law, and liberal communities have little political power to stop them. And illiberal practices will not necessarily stop with the treatment of refugees; they may only be honed to be more powerful with these successes.

### Cognitive Devolution? Refugees as the Canary in the Coal Mine

As Adler warns us, cognitive evolution can lead to regress as well as progress. His theory of cognitive evolution begins with recognition of *interdependence* which can lead to intersubjective background knowledge and the overlapping of diverse communities of practice. Negotiation and compromise among those communities led by creative and innovative agents can lead to the diffusion of shared background knowledge and to collective learning. Collective learning, in turn, can lead to the political selection of “better” practices, their successful institutionalization (in competition with other practices), and the wider diffusion and morphing of knowledge. This process, Adler argues, leads to the shared meanings and restructuring of consciousness that can expand the boundaries of community.

For this process to lead to progress, however, it must be infused with humanist-realist values. The practices that are selected and institutionalized must be repositories of ethical collective knowledge; competition, negotiation and compromise must be infused with moral dialogue, and ethical social practices, like empathy. “Better practices” must be those that acknowledge a common humanity and reduce human suffering. Turning to the issue of refugee protection, we have seen that progress in the development of practices that would alleviate suffering and acknowledge the humanity of refugees was the result of “competition” between national and international norms which, until now, have allowed practitioners to interact collaboratively. This was, in essence, competition between different prescriptive conceptions of justice, rights and welfare, e.g. a competition between different conceptions of how people should relate to one another, how we bind or do not bind different groups—like aliens and citizens—together. In the context of devising solutions to the plight of displaced people, different norms have historically guided different answers to the question of whether, for example, citizens should be treated differently than aliens, refugees should be treated differently than migrants, stateless people should be treated differently from those who are citizens of nations, etc. I have argued that there is little doubt that progress was achieved.

But the same factors that might lead to progress can also lead to regress. Interdependence can lead to—or at least not prevent-- war: the benefits of interdependence can be distributed unequally, giving rise to authoritarian hierarchy and conflict; In his book *War Before Civilization*<sup>105</sup>, Lawrence Keeley wrote that there was a high correlation between the growth of trade relationships among tribes and the frequency of war. Given the potential negative consequences of interdependence, its absence could also lead to progress.<sup>106</sup> Kenneth Waltz argued that “Ever since Plato, utopias have been set in isolation from other peoples. Island civilizations allowed people to develop unique qualities, uncontaminated by others. The lack of interaction with others prevented conflict and violence.”<sup>107</sup> Interdependence does not always lead to the sharing of background knowledge, negotiation, compromise, or collective learning.

The same ambivalence holds for the selection of “better” practices. Historically, political and religious authorities have selected practices they believed to be “better,” and they diffused a kind of background knowledge that today we would consider regressive.<sup>108</sup> Michael Servetus was ordered to be executed in the Spanish inquisition for his discovery of pulmonary circulation; he escaped to Switzerland only to be ordered by John Calvin to be burned at the stake along with all of his manuscripts. The Catholic Church banned Galileo’s texts providing evidence that the earth revolves around the sun. The British government arrested Henry Oldenburg, who founded the Royal Society in London in 1662 as a spy and sent to languish in the tower of London because he corresponded with scientists across Europe seeking out the best articles for publication and “better practices.” Albert Einstein’s works were banned and

burned in Germany. Other knowledge and practices that we would consider “better” today have been lost: The ancient process of mummification has never been replicated. Ancient Persians, Egyptians, Assyrians, and Romans used a recipe for concrete that gave their structures longevity and strength that has been lost and never again reproduced.

In the case of refugee protection we have seen that both interdependence and the diffusion of knowledge can indeed facilitate cognitive evolution that leads to progress. But a glimpse into the future of that protection in a post-truth environment suggests the potential for disassociation and the denigration of collective knowledge that can lead to devolution and regress. Refugees today are at risk. Many political authorities have undermined the progress made in bringing them into the fold of humanity by claiming that they have less moral worth or less entitled to exercise their rights than native populations. An increase in the number and kind of tribal communities and their practices of normlessness can prevent meaningful social dialogue and compromise about how best to protect them. An environment characterized by the rapid spread of misinformation, disinformation, and outright falsehoods engenders distrust in “the other” and an unwillingness to take in a stranger for fear he is a threat. Distrust creates information bubbles and isolation of communities from one another. Isolation prevents the sharing of collective knowledge and collective learning. Post-truth practices create social divisions and conflict. They can destroy epistemological security, a shared reality, and social order itself. When tribal communities gain deontic power in a post-truth environment, practices become *worse*, not better. Tribal communities do not acknowledge a common humanity; when they gain power, any progress in that acknowledgement that has been achieved can turn to decay. The fate of refugees is a canary in the coal mine, a measure of the health of liberal democracy.

### *Shafts of Light in Dark Times*

There are, however, a number of signs that progress in refugee protection can continue. Adler suggests indicators of progress to search for in dark times of post-truth and weakened liberal democracy.<sup>109</sup> 1) Communities of practice that abhor and oppose post-truth (liberal communities) can be resilient. They are likely to fight in the political arena to uphold their values in the larger society; they can be engaged, imaginative, and aligned, with strong shared liberal identities, commitment, and background knowledge.<sup>110</sup> 2) New practices are being developed that counter post-truth practices and 3) “Communities of Action,” e.g. publics who adhere to liberal democracy and translate their values into actions can weaken tribal practices. Examples of each of these signs are abundant.

It is heartening to remember that in the darkest days of the 1930s, while fascism arose in Germany and Italy and would soon engulf France, small liberal communities demonstrated resilience as they continued to initiate and implement new practices to protect refugees: the 1933 Convention and the principle of *non-refoulement*, the establishment of refugee protection camps in neutral territory, the League’s creation in 1938 of a “High Commission for Refugees,” and, when the League of Nations proved to be moribund, Roosevelt’s establishment of an Intergovernmental Committee for Refugees.<sup>111</sup>



Since the 1980s, small Communities of Action in the United States and in Europe have created “sanctuary cities” or “cities of sanctuary” for refugees in defiance of growing national immigration restrictions. The U. S. State of California has followed this practice into the 21<sup>st</sup> century, and a number of colleges and universities, have declared themselves to be “sanctuary campuses.” Now in the U.S., states, municipalities and institutions have established practices that prohibit police or employees from questioning people about their immigration status. They have developed the practice of refusing national immigration authorities’ requests to detain people jailed for crimes beyond their release date, About 300 U.S. jurisdictions, including cities, counties and states, have adopted sanctuary policies. There are 80 such cities in England, Wales, Scotland and Northern Ireland. In the United States, the Federal Government is withholding funding from a number of sanctuary cities, but in many cases, the courts have sided with the cities. Local officials who oppose restrictive federal policies support their opposition with the argument that complying with federal immigration officers will ruin the trust established between law enforcement and immigrant communities in their jurisdictions.

Two recent cases demonstrate how small liberal communities of practice and immigrants themselves have fought to protect refugees and how new practices have been created which directly undermine dominant falsehoods about



asylum seekers and the policies created to restrict their rights. Their fight consists primarily of creating opportunities for sustained contact between immigrants and host communities who then go on to create communities of resistance. They are aided by persistent media reports about the plight of migrants and refugees. The first is the case of the “Windrush Generation” in Britain. The people of this generation migrated legally from British colonies or former colonies between 1948 and 1973. Their migration was symbolized by the sailing vessel, “HMT Empire Windrush,” which brought many migrants—who were legally British citizens—to England from the Caribbean. But recently, these immigrants lost jobs, homes, health care and education, and were threatened with deportation because they could not document their status. Neighbors, friends, immigrant rights groups, and opposition parties staged protests which forced the government to back down. The second is the case of the “Caravans” of asylum seekers from Central America, whom the Trump Administration claimed symbolized out-of-control immigration, lawlessness and violence. Asylum seekers and their allies, armed with knowledge of asylum law, refused to back down and, after first closing their doors, border officials began to process asylum claims. In both cases, the government spread false information about the immigrants and asylum seekers in efforts to stir the same anti-immigrant animus that had aided both Brexit and the election of Donald Trump. In both cases, the protests created debate that revealed the truth about both immigrant groups, bolstering their claims for protection.

### The Windrush Generation

After World War II, Britain faced a labor shortage and invited citizens from around the Commonwealth to help rebuild the country. In 1948, 500 people from the Caribbean arrived in England on the *Empire Windrush*, a ship that brought adult British citizens and their children to clear the rubble of war. Many of them settled there. After Enoch Powell’s ‘Rivers of Blood’ speech in 1968, white anti-immigrant groups incited racial violence and throughout the next 40 years made immigrant assimilation increasingly difficult. By 2010, Conservatives were pushing an anti-immigrant agenda, and Theresa May, then the British Home Secretary, proclaimed that the government would begin creating a “hostile environment” for illegal immigrants. She implemented a policy, requiring employers, landlords, schools, banks and doctors to check people’s immigration status and take measures to harass those it believed to be residing in Britain illegally. Many children of the “Windrush Generation” were not able to provide documents, since they had arrived on their parents’ passports. The U.K. Border Agency itself had destroyed documents that would have verified their status, and the immigrants began to lose their jobs and homes. By 2018, friends, neighbors, and immigrant rights groups began to protest the harassment and deportations. An official parliament petition to rescind the Windrush deportations exceeded 200,000 signatures. In 2017, *The Guardian* began to document individual cases of mistreatment, and media outlets began to pick up the reports. The *Daily Mail*, a newspaper that regularly publishes “scare stories” about immigrants, featured it on its front page as the “Fiasco that shames Britain.” The *Daily Mirror* described the treatment of the Windrush Generation an “inhuman and cruel persecution.” Thousands of citizens took to the streets in protest. Over 140 MPs from all parties sent a letter to May, expressing concern about the incorrect classification of many Commonwealth-born, long-term British subjects as “illegal immigrants” and calling on her to find a “swift resolution of this growing crisis.” Twelve Caribbean Heads of Government requested a meeting with May to protest the deportations. Although she initially refused to meet with them, she reluctantly agreed after Labour MP David Lammy’s fiery speech in which he said: “This is a day of national shame, and it’s come about because of a hostile environment that was begun under our prime minister. Let us call it as it is. If you lay down with dogs, you get fleas, and that is what has happened with this far-right rhetoric in this country.” May later apologized and set up a special team to urgently affirm the legal rights of these immigrants and reimburse them for their losses.

### The Central American Caravan of 2018



“Getting more dangerous. ‘Caravan’ coming.....” Trump tweeted on April 1, 2018. “The big Caravan of People from Honduras, now coming across Mexico and heading to our ‘Weak Laws’ Border, had better be stopped before it gets there,” Trump further tweeted that women in the caravan were being raped “at levels nobody’s ever seen before,” and vowed “not to let these large Caravans of people into our Country.” Attorney General Jeff Sessions called the caravan “a deliberate attempt to undermine our laws and overwhelm our system.” They were warning of a group of about 1200 migrants and asylum seekers from Central

America, most fleeing political violence and persecution, who traveled together for protection against criminals on the dangerous route to reach the border of the United States, where they knew they could apply for asylum. As they neared the U.S. border, Trump instructed the Department of Homeland Security “not to let these large Caravans of people into our Country.” His instruction was illegal.

Since 2008, the Caravan to find refuge had become an annual event, traveling at Easter and in large numbers, both for safety and to demonstrate the plight of migrants. The first caravans were sponsored by Catholic priests who had opened shelters for migrants as they passed through. The priests walked northward with the migrants, often carrying crosses to echo Jesus' walk to his crucifixion and to protest the violence that migrants suffered. Migrants from Mexico were joined by Central Americans, some of whom intended to request asylum in Mexico. Others planned to go on to the United States. In later years, the caravans have also been sponsored or aided by more secular humanitarian groups. One of the most important was the NGO *Pueblo Sin Fronteras*, which describes itself as a “collective of friends who decided to be in permanent solidarity with displaced peoples.” It organizes the caravans; its volunteers travel with it to help plan its route and coordinate transportation. Towns and villages along the route offer food and water to participants. Lawyers and law students offer “know-your-rights” workshops at various stops in Mexico. In the most recent caravan, members of the NGO *Showing Up for Racial Justice* traveled to Tijuana to support the migrants in the final part of the journey. Scores of supporters, some of whom had walked from as far as Los Angeles, marched to the edge of the American side of the fence separating the United States from Mexico to show their support. *Hotel Migrante* and *Angeles Sin Fronteras* arranged housing at the border. American Immigration lawyers met participants in Tijuana to help them navigate the asylum process. They warned the asylum seekers that American officials would pursue a number of tactics to discourage them from applying. One is to separate family members; another, which officials attempted with the current caravan, is to claim that the port of entry has “reached capacity.” Indeed, when the caravan reached the first port of entry, authorities claimed that they did not have the capacity to process so many applications; people prepared to sleep at the border gate and at *Hotel Migrante* for as long as necessary, and officials later relented.

After Trump’s tweets and Sessions’ proclamations, extreme right wing media began to publish exaggerated descriptions and falsehoods about the caravan, repeating a narrative that warned of a deadly combination of free roaming aliens headed toward the U.S. border and lax U.S. immigration laws. The alt-right *Gateway Pundit* claimed that the “real reason” that the migrants were coming to the U.S. was to collect welfare benefits. It twisted the facts in a headline: “8 illegal aliens have applied for asylum.” (These people were not illegal aliens.) It then further claimed that “This is a signal to the third world to send another caravan of illegal aliens marching up to the US-Mexico border because they will get their way.”<sup>112</sup> Referring to a violent Central American gang, Brian Kilmeade declared on “Fox & Friends,” “They end up in schools on Long Island, some of which are MS-13!” *Frontpage.Mag*, published by right-wing extremist David Horowitz, declared that the caravan’s march through Mexico to the U.S. would unleash “border anarchy,” and that Central American parents were leaving their children in the hands of human traffickers.<sup>113</sup> Misrepresenting the situation with the clear intent to undermine the U.S. commitment to the Refugee Convention while implicitly acknowledging the reason for the migrant caravan, the same article declared: “If people fear violence or oppression in their country it does not follow that they should come to the United States.”

The mainstream media, and even *Breitbart* corrected the exaggerations and falsehoods. A New York Times editorial wrote: “the caravan is hardly an anarchic and lawless endeavor. It is a group of desperate people fleeing, in accordance with internationally accepted rules, the very real horrors of the “northern triangle” of Honduras, Guatemala and El Salvador, one of the most violent regions in the world. The United States is obliged to allow foreigners inside the country or at its ports of entry to apply for asylum.”<sup>114</sup> Fareed Zakaria wrote in the Washington Post that Trump manufactured the caravan “crisis,” pointing out that cross-border migration is now at its lowest level on record.<sup>115</sup> Local papers too, called Trump’s tweets his latest ruse to build the Wall.<sup>116</sup> Even *Breitbart News*, a key actor in the post-truth environment, raised questions about the exaggerated claims of *The Daily Caller* and *Frontpage.Mag*. Brandon Darby, a Breitbart reporter, wrote on Twitter: “I’m seeing a lot of right media cover this as ‘people coming illegally’ or as ‘illegal aliens.’ That is incorrect,” They are coming to a port of entry and requesting refugee status. That is legal.”<sup>117</sup>

These two cases suggest that there are cracks in the post-truth environment through which shafts of light can reveal truth and signal that progress can still be achieved in recognizing refugees’ humanity. Communities of Action, such as Sanctuary Cities and States can open those cracks. And the shaft of light becomes larger when authorities,

however briefly, concede to a recognition of the displaced as part of humanity, as in the Windrush Generation case. The shaft of light also becomes larger when those forces that have catered to post-truth practices, such as *The Daily Mail* and *Breitbart* expose injustice and falsehoods and chastise those who produce them. These cases also suggest the importance of liberal communities, composed of refugees and their allies,<sup>118</sup> who consciously join to struggle for refugee rights and protection. It is to these communities that the discussion now turns.

#### **IV: Bringing Progress back in: Refugees and their allies as Agents of Change**

For Adler, communities of practice are the agents of change and can be agents of progress. They can create new practices, reach out to authorities or simply defy them and exercise their own epistemic practical authority to sew certain practices into the social fabric. If their practices are widely diffused and institutionalized, they can eventually embed new practices in the social order and gradually restructure social consciousness and restructure the social order itself. If these are sustained “practices of common humanity,”<sup>119</sup> they point away from discrimination, bigotry, racism, and human rights abuses. In practicing our common humanity, the 65 million forcibly displaced people on earth, along with their allies, may be the most important agents of “bounded progress” on the planet today.

Refugees’ agency is tied to their resilience and to practices that demonstrate their human worth. The journey to find refuge has thrown them outside the realm of ‘humanity, where their human dignity has been stripped away, without protection, without human rights, and without others’ recognition of their worth. *To be able to endure in that dangerous space, they must come to embrace their own worth as human beings while those around them refuse to acknowledge it.* To do so, they must find reservoirs of courage and resilience inside themselves. They must own their entitlement to be part of a common humanity. But to do so, they must defy boundaries and refuse to be shunted aside and locked out. As Frederick Douglass has written, “The limits of tyrants are prescribed by the endurance of those whom they oppress.”<sup>120</sup> Refugees’ resilient endurance and resistance to bigotry, hatred, walls, falsehoods, and extremist tribal communities sets those limits and moves the social order a step away from authoritarian rule and human rights abuses.

They are able to endure and resist with the help of their allies, whose very presence in their lives embodies the acknowledgement of their humanity. Communities of refugees and allies overlap, introducing their practices to one another, becoming crucibles of social learning and expanding the boundaries of community through collective action. As partners in a shared project, refugees and their allies are, as Toulmin writes. “engaged in conscious collaboration,”<sup>121</sup> They are “sources of consciousness” of a shared humanity in the spaces devoid of that consciousness until refugees have occupied them. Perhaps a good example of Toulmin’s view is the group “Ultra-Orthodox Against Deportation” in Jerusalem. It was formed by ultra-Orthodox activists who were driven to ally with refugees by their Torah-informed ethical background knowledge of all peoples’ entitlement to moral worth and human rights. The group brings shade, chemical toilets, water, and other essentials to thousands of refugees waiting outside the Israeli immigration authority to renew their residency visas. “Ultra-Orthodox Against Deportation” is an unlikely community, which has used performative power to reach across ethnic and religious boundaries to acknowledge the humanity of aliens in their midst. This and other collaborative communities of refugees and their allies are agents of progress Below I describe the attributes of their agency.

#### *Refugees and their allies as sources of consciousness, repositories of knowledge, and creative practitioners of humanity*



Refugees themselves are repositories of the background knowledge required for change and creative practitioners of humanitarianism. They rarely travel alone; they are most often thrown together on city sidewalks, boats, trains, and in caravans on their perilous journey. They must assist one another in large and small ways, learning to be generous in both giving and receiving. They learn to join their voices together to uphold human rights as they protest inhumane conditions in refugee camps. They amass the courage to defy borders. They collectively learn endurance in order to survive hardship, loss, humiliation, hunger, sandstorms, sweltering heat and freezing cold. They are compelled to learn patience and discipline as they cope with failures and as they languish for 15-20 years in camps, waiting for the relief of asylum. They must arm themselves with knowledge of asylum law in order to defend their human rights. They are compelled to learn new cultural practices and new languages in places where they find refuge. They become resilient, in the sense of Adger’s definition, which Adler cites: “the ability of groups and communities to

cope with eternal stress and disturbances as a result of social political and environmental change”.<sup>122</sup> Through these practices they gather and create collective background knowledge. Not all will rise to the challenge of practicing their own humanity. Many will steal, rape, and kill. Some will not be able to go on. Others will not be able to cope with the conditions of refuge. These practices also become part of the community’s background knowledge. Although little research has been conducted on the collective knowledge of refugees, we can propose the hypothesis that their voices, their memories, their images of refuge, their encounters on the perilous journey to asylum, and above all, their practices come together to form that knowledge. It is their resilience that leads to the selection of their practices and makes them agents of change.

What I have discovered in my own interviews of refugees<sup>123</sup> who made it to safety is that in their background knowledge they held a special picture of the “promised land” that began the process of creating that resilience. Syrians, Afghans and North Africans felt they had no real choice but to flee. A saying among them was “no risk, no life.” It was a picture of life that drove them. That picture of life in Europe that was certainly unrealistic and clearly too positive but still shaped the practices that helped them endure the journey to find refuge. It contained within it a faith that strangers would acknowledge their humanity. They carried it with them as they traversed that forbidden space within and between borders in which their humanity was not acknowledged. In that space they learned of the inequalities around which humans organize themselves—nation, gender, ethnicity, class—inequalities which blind people to a full acknowledgement of the others’ humanity. They often found allies, who, through thousands of acts of kindness, made hostile spaces more humane. Although these refugees now admit that their vision certainly did not conform completely to the realities they encountered when then entered asylum-granting countries, they could build new lives on collective memories and practices of kindness and ingenuity, patience, and endurance as well as the parts of their vision that conformed to the reality that they found.

Refugees and their allies compose communities of practice who possess at least four of Adler’s attributes of agency driving cognitive evolution.<sup>124</sup> First, as we see above, their agency is relational; the strength of their practices is dependent upon their empathetic relationship with each other. Secondly, all of their activities are endowed with meaning. Each act of assistance, of kindness, of generosity, of defiance, and of protest is an act of human solidarity, a sign of human equality and worth. And each act can have an important practical meaning: Recall the American Immigration lawyers who met participants in the Central American Caravan in Tijuana to arm them with knowledge about how to navigate the U.S. asylum process. Or recall the Syrian refugees in Chemnitz, Germany, who caught a bombing suspect, another refugee, tied him up in their apartment and called the police.<sup>125</sup> In Israel, families have signed a petition to house Africans seeking asylum to ensure they are not forcibly deported and to openly protest the government’s inhumane refugee policies. More than 2000 members of the Kibbutz movement have also signed on.<sup>126</sup>

Third, refugees display deft organizational capacity as they journey forward, wait in camps, and resettle in new homes. Their use of digital resources has played a crucial role in the planning and navigating of their dangerous journeys, “<sup>127</sup> Refugees quickly learned to use social media to develop and distribute useful information across networks of people on the move. They created a digital infrastructure of mobile apps, websites, messaging and phone calling platforms, social media, translation services, and more. This digital infrastructure is as important as the physical infrastructure of roads, railways, sea crossings and borders that they must traverse. They and their allies, UNHCR, NGOs, and ordinary citizens have encountered obstacles in every corner of the earth that led to creative ways to organize refuge for thousands of vulnerable people.<sup>128</sup> Fourth, their actions are intentional, and the shifting context and constraints of their existence elicits tremendous feats of adaption and creativity, simply to meet basic human needs and keep long-term aspirations alive.

The attribute of creativity deserves elaboration. We saw above that refugees have responded creatively to the need for information and networking. Their creativity is tightly linked to their organizational capability. But their digital creativity extends beyond organization. Because the digital traces that phones leave behind make refugees vulnerable to surveillance and other dangers, creative refugees have also developed encryption technologies that block and erase these traces. Their allies have been equally creative in developing digital resources. An NGO called “Geecycle” collects smartphones from people around the world and distributes them to refugees fleeing conflict. “Meshpoint” provides open source hot spots for refugees on the move. Croatian engineers who were once refugees themselves started Meshpoint by hacking a home router and battery and carrying them in a backpack in order to offer free wifi to refugees traveling through Croatia. Meshpoint has now developed a portable hotspot device designed to sustain extreme conditions, and rapidly provide reliable internet access for up to 450 simultaneous users.<sup>129</sup>

Refugees' background knowledge is transformed into creative practices, and these practices are selectively retained, both horizontally and vertically, and they have been institutionalized and diffused as social practices. Alexander Betts, Louise Bloom, and Nina Weaver describe this process in their research report on "bottom-up innovations" of different refugee populations. Their findings on the creativity of these innovations provide an important opportunity to rethink humanitarian practice.<sup>130</sup> Their case studies show that "even against the backdrop of political insecurity, social discrimination, financial loss, and psycho-social trauma, many refugees show great resilience, and often bring a diverse set of skills, experiences and motivations with them into exile." Their creative ideas are transformed into unique projects and businesses. Many projects fail, but those that succeed are likely to scale up and spread. "These refugees are change makers in their own right. Pushing against the boundaries of their economic environments and social networks, these innovators are not only finding new ways of personal survival but are also contributing to their own communities" and beyond. Refugees in Uganda's Nakivale camp, an hour from the nearest town, have established a computer game shop by gathering scrap electronics for spare parts and building and selling games. Other entrepreneurs have replicated this model and opened their own shops. Another refugee in Nakivale built a mill to process maize to sell to the community and scaled up to sell to the World Food Program. In both cases, the researchers found iterative innovation processes in which new ideas, barriers, and opportunities emerge, and new innovations feed back into different stages of the process and the best innovations are replicated and diffused. They found innovators addressing gaps in available public goods and services as in order to benefit the wider community. One woman, for example, runs a business providing electrical power to others in her village from a generator which she saved up to purchase. Refugees in Germany who are waiting for work permits, university admittance, and learning the language, volunteer in local food banks and aid agencies, helping Germans and other refugees alike.

Creative refugee innovators work with allies in developing their ideas; together they have become innovative communities of practice. In Nakivale, UNHCR provides basic computer training classes and an internet café run by the community. Another international agency provides small business grants to groups of refugees. Refugees engage in collective learning by helping each other. In Kyangwali young people joined together to build an educational curriculum for leadership that supports access to secondary and university education— now available nationwide and in other countries. In Kampala, refugee-led community based organizations have organized to provide human rights education, psychosocial support, sports gatherings, and social events. Allies have learned much from refugees: When the Za'atari camp in Jordan was established in 2012; UNHCR issued tents to thousands of refugees arriving from Syria and erected them on a plot that officials had selected. But as soon as the officials left, refugees moved their tents to sites close to family and friends, reconstructing the housing layouts from their communities in Syria. UNHCR learned quickly: it began to distribute tents to new arrivals, who then decided where to pitch them. Refugees also use their allies' mistakes to innovate: in the Za'atari camp, they were later issued containers as homes, but again, they wanted to move them. "To meet this demand, groups of Syrian welders took fence posts from the camp walls to use as large axles and attached wheels to them – creating a carting device to push the caravans around the camp. These 'removal men' had creatively responded to a demand to recreate, as best as possible, the social lives of the displaced Syrians in the camp."<sup>131</sup> Together, refugees and NGOs repurposed the abandoned tents for redistribution and recycled them into products that schools and hospitals could use.

These and countless other examples illustrate Adler's argument that "context prompts agents to be creative" and that the "creation of knowledge can be the basis for power and action." The communities of practice described here, as well as many others, occupy the boundary regions which Adler argues are most productive for cognitive evolution to occur. These communities are repositories of the value of human worth. They are a vehicle for social learning and are agents of cognitive evolution. Their knowledge and skills morph in response to their environment in order to create new practices; their successful practices are selected because there is demand for them, and many are widely diffused, advancing human interests across national borders. Their background knowledge evolves and is diffused within each new context. Refugees and their allies are the agents which push the evolution of refugee protection in the direction of progress.

These communities of practice exert a particular kind of power to influence social change<sup>132</sup>. Throughout history, those fleeing bondage, persecution, violence, discrimination, and death in order to defy boundaries have exerted a powerful form of practical authority. Their practice of boundary defiance is one of performative power; it presents what Alexander called "a dramatic and credible performance on the world stage. . ."<sup>133</sup> No one captured this performative power better than Jose Saramago, when he wrote of this potent practice of modern boundary defiance: "Displacement from south to north is inevitable. Neither barbed – wire fences, walls, nor deportations will be worth anything; They will come by the millions." In the absence of possessing overt political power, refugees and their

allies themselves have “moved things” in the direction of a wider acknowledgement of their humanity. Those with deontic power have been forced to respond. And since the 1920s they have responded with a flood of treaties, conventions, declarations, laws, and agencies all slowly widening the social order of refugee protection.

## Conclusion

This essay has told the story of how international progress has been achieved in alleviating the suffering of refugees. Bit by bit, throughout the 20<sup>th</sup> century, international organizations, non-governmental organizations, and heads of state devised a plethora of practices to protect the displaced. These practices began as small tokens of temporary food and shelter, temporary safety within the boundaries of European states, temporary passports to provide legal recognition of the refugee’s humanity on the journey, and temporary shelter in camps on neutral territory and between borders. These practices grew better and bolder through the years, as members of the League of Nations promised to not send refugees back to countries whose governments would persecute and kill them and when they agreed to accept aliens for resettlement within their borders. When temporary practices were no longer adequate, they were replaced by the creation of a permanent international refugee agency and a treaty and protocol ratified by the majority of the world’s governments that would promise refuge to all those in the world fearing persecution and death. Later, the international agency, UNHCR, creatively engaged in a number of even more daring life-saving practices, offering refuge in camps from Africa to Asia to those uprooted from their homes because of disaster, famine, poverty, domestic and communitarian violence, and even economic development projects that had uprooted them. With each better, bolder, and more daring practice, came a broadening and deepening acknowledgement of the humanity of refugees and broadening global acceptance of the belief that all humans are equal and are entitled to equal dignity, treatment and rights. The refugee protection regime represents a new social order in human history, based on that acknowledgement.

The theory of cognitive evolution explains why better practices were adopted and how this progress was achieved. The key was the role that refugees and their allies played as agents of change. Refugees were “accidental agents.” They were *forced* to flee and find refuge. But from the beginning, they came by the thousands and then by the millions. Their plight ironically gave them the power to elicit a response. Sometimes that response was further expulsion, but often the response alleviated their suffering. Because expulsions led to tensions among neighboring states, the unintended consequence was more refugee protection. This is because the international community, beginning with the League of Nations, was primarily charged with reducing the tensions among states that could lead to war. As a corollary, the League was charged with reducing the tensions that refugees had created, a charge which led to early practices of arranging for their orderly and consensual refuge with member states. Refugees were initially joined by humanitarian allies who appealed to the League to join their allied community. Together they gathered collective background knowledge through their practices about how best to protect refugees. This had a “snowball effect,” in which the practices gave rise to normative change as they grew better. Many of these practices were in place when cognitive punches after World War II led to the creation of a permanent international response alleviate the suffering of refugees.

Negotiation, compromise and the institutionalization of humanitarian practices was vital to the diffusion of a changing social consciousness and the creation of a new social order for the protection of refugees. Throughout the post-World War II period, liberal internationalist protection practices gained ground while satisfying the nationalist demands of the state parties to the Refugee Convention. Creators of the UNHCR proved to be realistic partners in agency, belonging to both national and international communities, selecting better practices from the past, innovating new practices that satisfied state parties, successfully competing for the institutionalization of their practices, diffusing their knowledge, and allying with other communities of practice who defended of the value of human worth. This process of cognitive evolution “changed the “quality of outcomes”<sup>134</sup> for millions of displaced people by alleviating their suffering and bringing them into the realm of our common humanity. UNHCR did not create completely new values—new values were ushered in through earlier League practices—but it did manage to redefine old values and change the context of valuing that would advance human interests across borders even further. We could cautiously define this as “bounded progress.”

A crucial test of Adler’s theory of cognitive evolution is the “post-truth” environment of the 21<sup>st</sup> century, with the effort to dismantle refugee protection at its very center. As the number of refugees on earth multiplied, the number of countries shutting their doors to them increased and the number of new communities of anti-immigrant practice grew. As the centerpiece of their recruitment strategies, extreme right wing communities successfully seized upon



post-truth practices and deepened fear of refugees as terrorists and criminals. Using refugee protection as a lens, I have shown how the psychological power of confirmation bias, doubling down, “sharing” as an identity marker, and cognitive warfare have created a toxic environment for the future of cognitive evolution. Each of these features of a post-truth environment calls for further investigation.

To elaborate the theory under post-truth conditions in various social orders, scholars might wish to investigate whether and how *cognitive devolution might be possible*. They could explore how interconnectedness can unravel to become disassociation, how the absence of negotiation and compromise can lead to *collective unlearning* and lost knowledge, how “worse practices” such as border closures and illegal deportations are selected, and how institutions fail to protect the displaced. More generally, they can continue to explore the consequences for cognitive evolution of weakened liberal international institutions, the impact of the rise “tribal” communities of practice, their difference from both liberal and conservative communities of practice, their mechanisms of social *unlearning*, their performative and deontic power, the power of falsehoods embedded in tribal background knowledge, the role of information bubbles, the isolation of communities from one another, and the absence of rational discourse among diverse communities.

Scholars might also wish to more deeply explore the phenomenon of normless practices. Although Cognitive evolution theory claims that all practices are normative,<sup>135</sup> I have argued here that this post-truth environment contains a strong element of *normlessness*. Adler is careful to distinguish normative practices from ethical practices, but his focus is to separate out ethical practices that have the potential to create bounded progress from other kinds of non-progressive normative practices that he does not clearly identify. Given his focus on separating out ethical practices from others, he does not entertain arguments identifying the characteristics of normlessness put forth by psychologists of moral development.<sup>136</sup> He *does* make a cogent argument that post-truth practices could undermine progress and that the diffusion of these practices will infect and ultimately destroy the social order. But I would suggest that *normlessness* not only undermines progress but *could pose a challenge to cognitive evolution theory itself*. For Adler, cognitive evolution happens through overlapping, merging, and competition among communities of practice, which are the vehicles for social learning and innovation. Normlessness obstructs and can even destroy these processes. Normless practices of “unlearning” tolerance, forbearance, and rational debate can isolate communities and pit them against one another. Normless practices may be innovative; political authorities may select them, and they may be widely diffused. But as long as they remain normless, they cannot evolve. Normlessness undermines epistemological security, the foundation upon which cognitive evolution rests.



In this essay I have painted a stylized picture of normlessness, admittedly a grotesque tableau, which could be painted by a modern Bruegel or Bosch. The picture portrays disassociated, non-cooperative communities who dismiss any prescriptive judgments for how people should relate to one another. It shows closed tribal communities who are becoming adept at practicing the de-legitimization and “denaturalization” of liberal norms and practices, the negation of norms altogether, the creation of disinformation and falsehoods, and the diffusion of these practices into the larger society through digital innovations of “bots,” “swarms,” and “click farms,” the weapons of cognitive warfare intended to bury ethical and normative

knowledge. The picture I have painted here also shows that although political domination is often the goal of cognitive warfare, it is not always the goal of nihilistic tribal communities and their post-truth practices. Normlessness tolerates and encourages destruction for destruction’s sake. In places where normless practices gain deontic power, the engine of progress stalls.

Despite beginning this essay with crushing disappointments of the post-truth environment for the social order of refugee protection, I can thankfully conclude it on a positive note: that social order has not collapsed, and there are a number of signs that it will survive. In the final chapter of *Cognitive Evolution*, Adler posits two important conditions under which collapse of a social order can be averted: the level of social homeorhesis (the stability of change over time that permits or hinders better practices to come to the fore) and the level of resilience of communities of practice. Seen from the vantage point of the interaction of these two variables, the analysis I have presented here provides cautious optimism: Although the post-truth environment is one of greatly weakened homeorhesis, putting at risk the continuous selection of communities that practice refugee protection and endangering the survival of their practices, we are also witnessing great resilience and creativity among refugees

themselves, their allies, and those communities that constitute the refugee protection regime. We saw examples of Communities of Action, refugees and allies together resisting injustice, and news media quickly refuting falsehoods. We saw examples of refugee innovation and creativity on their journey to refuge, in their refugee camps, and in the countries that offered them asylum.

Homeorheis in the Western social order may be weakened, but it persists. The majority (59 per cent) of people in American society, for example,<sup>137</sup> want facts without opinion to prevail in the news media. And Brendan Nyhan and Jason Reifler have argued that, contrary to the dismal picture I have painted and despite “heavy burden of fact-checking” as people double down in their hardened opinions, exposure to fact-checking over time *can* increase knowledge on fact-checked issues, even among less-informed media consumers. In the case of the Central American Caravans, even *Breitbart* bowed to the facts. A 2017 paper by Thomas Wood and Ethan Porter<sup>138</sup>, with findings more robust than those of Nyhan and Reifler, suggest that the “backfire effect”<sup>139</sup> may be a rare phenomenon. They argue that by and large people are willing to adjust their beliefs to factual correction. Furthermore, Nyhan and Reifler, in a 2013 paper found that fact checking could affect the behavior of elected officials to make their statements more accurate. Both studies show that “better practices” are still coming to the fore. Tribal communities may be more porous and open than portrayed in my description here.<sup>140</sup> Although much is made of the “Post-Truth Era,” we may simply be witnessing a historical moment of “truth decay” that can be repaired and prevented in the future.



Turning back to the social order of refugee protection, we have seen here that the resilience of refugees and their allies is also strong. We saw that their persistence can bring justice and acknowledgement of their humanity. We saw that the background knowledge and practices that institutions of protection have created continue to function and shape social consciousness. Together they maintain the social order that acknowledges the full human worth of refugees. Epistemological security may be in decline in some places, but it still holds for large swaths of the Western social order. The

engine of progress in refugee protection may have slowed down or even stalled, but ironically, as we have seen above, the stall has given birth and life to new Communities of Action, to new allied communities, and to new protection practices. International refugee law is still only aspirational, but it is inspirational as well. Immigrants and their allies have fought and will continue to fight for the acknowledgement of their humanity. And the international social order that protects refugees is still providing safety and refuge to millions of uprooted people. Citizens of secure states may not yet be fully willing to extend to refugees the same rights that they have. A nation’s leader may even call them “animals.” But we have seen here the blossoming of an international acknowledgement of the humanity and moral worth of the forcibly displaced, and recognition of their entitlement to exercise their human rights. We have seen the resilience of a social order of refugee protection, even in a post-truth environment. This is progress.



1 See Reus-Smit for this observation.

2 For now, I will avoid entering the argument about whether human rights are innate or socially constructed, but it is useful to offer a definition. Barnett and Stein suggest that human interests involve “notions of dignity, autonomy, empowerment, emancipation, and, fundamentally the belief that all humans are equal and are entitled to equal dignity, treatment and consideration. Alleviating suffering is the practical task that empowers humanity---the ends of our practice.” This is also a good definition of human rights.

3 See the contribution of Barnett and Stein to this project for a fuller discussion of the alleviation of suffering as an indicator of progress.

4 Supporting Hamid's position, one need only think of the contributions of Albert Einstein, Gerty Cori, Rita Levi-Montalcini, Enrico Fermi, Salma Hayek, and countless other prominent contributors. A 2018 study from the National Foundation for American Policy found that 83% (33 of 40) of the finalists of the 2016 Intel Science Talent Search were the children of immigrants. See *Forbes Magazine*, March 11, 2018 <https://www.forbes.com/sites/stuartanderson/2017/03/11/83-of-americas-top-high-school-science-students-are-the-children-of-immigrants/#60b324d62200>

5 As Ron. E. Hassner argues, unlike other territorial claims, religious claims to sacred spaces are often indivisible, and religious leaders play a powerful role in sparking and sustaining the mobilization of populations. See Ron E. Hassner, *War on Sacred Grounds* (Ithaca: Cornell University Press, 2009)

6

Ulrich Sinn, "Greek Sanctuaries as Places of Refuge" in Robin Hagg, Nanno Marinatos eds. *Greek Sanctuaries: New Approaches*. Routledge, 1993, p. 70.

7

Jonathan Burnside, *God, Justice and Society* (Oxford, 2011) pp. 265-270. Joshua 20: 1-6. Then the LORD said to Joshua, "Say to the people of Israel, Appoint the cities of refuge, of which I spoke to you through Moses, that the manslayer who strikes any person without intent or unknowingly may flee there. They shall be for you a refuge from the avenger of blood. He shall flee to one of these cities and shall stand at the entrance of the gate of the city and explain his case to the elders of that city. Then they shall take him into the city and give him a place, and he shall remain with them.



Dr. Donald W. Shriver Jr., president of Union Theological Seminary quoted in Ari L. Goldman, "U.S. Clerics Debating Ethics of Giving Sanctuary to Aliens," The New York Times, August 23, 1985.  
<http://www.nytimes.com/1985/08/23/us/us-clerics-debating-ethics-of-giving-sanctuary-to-aliens.html?pagewanted=all>

Pope Francis, Vatican Radio, September 6, 2015.

See Henri Pirenne, *Medieval Cities: Their Origins and the Revival of Trade*, Princeton University Press, 1925, 1969. See also Stephen Alford, "Urban Safe Havens for the Unfree in Medieval England: A Reconsideration," *Slavery and Abolition* Vol. 32/3, 2011 pp. 363-375, and Gillian Weiss, "Infidels at the Oar: A Mediterranean Exception to France's Free Soil Principle," *Slavery and Abolition* Vol. 32/3, 2011, pp. 397-412.

Lauren King, "Liberal Citizenship: Medieval Cities as Model and Metaphor," *Space and Polity*, Vol. 14/2 2010, pp. 123-142. See also Samuel Bannister Harding and Albert Bushness Hart, *New Medieval and Modern History*, New York: American Book Company, 1920, p. 177.

K Hailbronner, J Gogolin, 'Asylum, Territorial' (Max Planck Encyclopaedia of International Law, 2013)



John George Stoessinger, *The Refugees and the World Community*, University of Minnesota Press, 1956, p. 3. The symbolic significance and deontic power of a passport for the protection of the holder's human rights is often neglected. Although primarily an aspect of a state's control over its borders, for the holder it signifies citizenship under the protection of a state. Although it does not of itself create any rights in a foreign country, it is a license to the protection of *that country's* rights. Stateless persons do not possess any of these rights, and until the creation of the international refugee protection regime, there was no obligation on the part of states to respect the rights of those without passports. The modern passport system was created at the Paris Conference on Passports & Customs Formalities organized by the League of Nations in 1920. Participants agreed, for the first time, on a set of standards for all passports issued by members of the League and requested members to respect the passports of other nationalities.. For the text of that agreement see: League of Nations "Resolution Adopted by the Conference on Passports, Customs Formalities, October 21st, 1920. See also Mark B. Salte, *Rights of Passage: The Passport in International Relations* (Colorado: Lynn Reinner Publishers), 2003. For a nuanced and critical view of this significance, see Lynn Rapaport, *Jews in Germany after the Holocaust: Memory, Identity, and Jewish-German Relations*, Cambridge University Press, 1997.

Theresa May in a keynote speech to the Tory conference, October 4, 2016, accessed at <https://www.youtube.com/watch?v=S67FFqF0XB8>

An excellent history of the League's efforts is contained in the : UN Ad Hoc Committee on Refugees and Stateless Persons, *A Study of Statelessness, United Nations, August 1949, Lake Success - New York*, 1 August 1949, E/1112; E/1112/Add.1, available at: <http://www.refworld.org/docid/3ae68c2d0.html> [accessed 7 March 2018]. See also Harri Sallinen, "Intergovernmental Advocates of Refugees: The Refugee Policy of the League of Nations and the International Labour Organization in the 1920s and 1930s," a Dissertation presented to the Faculty of Social Sciences of the University of Helsinki, 2013.

17

Stoessinger, p. 29.

18

League of Nations, *Convention Relating to the International Status of Refugees*, 28 October 1933, League of Nations,

On the League's neglect of peoples of color see Merze Tate "The American Negro in World War I and World War II" *The Journal of Negro Education*, Vol. 12, No. 3, (Summer, 1943), pp. 521-532. Tate was a member of the "Howard School of International Relations," a school of thought active in the 1930s. Theorists in the Howard School of IR, including Tate, Ralph Bunche, Rayford Logan, and Alain Locke, focused on studies of the League of Nations and more broadly on the interplay between Racism and Imperialism. The Howard School has been entirely neglected in the International Relations Literature, exposing a large gap in the "background knowledge" of International Relations scholars. For more on the "Howard School" see Robert Vitalis, *White World Order, Black Power Politics: The Birth of American International Relations*, Cornell Univeristy Press, 2017.

20

For an excellent overview see Shlomo Aronson, *Hitler, the Allies, and the Jews*, Cambridge University Press, 2004.

21

Stoessinger, p. 39.

One most oft-cited works on this Committee is Tommie Sjöberg, *The Powers and the Persecuted: The refugee problem and the Intergovernmental Committee on Refugees (IGCR) 1938-1947*, Lund University Press, 1991.

Goodwin-Gill, G. (1996) *The Refugee in International Law*, 2nd Edition, Oxford: Clarendon Press.

Claudena Skran, *Refugees in Inter-War Europe: The Emergence of a Regime*, Oxford University Press, 1995.

Mass dislocations of Asians also confronted the allied powers but were all but ignored in the emerging refugee protection regime.

“The Twentieth Century ended in 2017. Nobody Knows What Era We’re in Now” *Project Syndicate*, January 26, 2017.



Emanuel Adler sees the EU as a potent example of cognitive evolution and bounded progress. See Emanuel Adler “Europe as a Civilizational Community of Practice” in Peter Katzenstein, (ed.) *Civilizations in World Politics: Plural and Pluralist Perspectives* (London: Routledge), 2010; Adler *Cognitive Evolution*, May, 2018.

Approximately 50,000 Jews were detained in the camps, 28,000 of whom were still imprisoned when Israel declared independence. See Aharon Cohen, *Israel and the Arab World*, (NY: Funk and Wagnalls, 1970), p. 172; Howard Sachar, *A History Of Israel*, (NY: Alfred A. Knopf, 1979),

For details of the refugee situation in Europe, see Keith Lowe, *Savage Continent: Europe in the Aftermath of World War Two*, Viking Press, 2012, Ben Shephard, *The Long Road Home: The Aftermath of the Second World War*, Alfred Knopf, 2011, Mark Mazower, *Dark Continent: Europe's 20<sup>th</sup> Century*, Alfred Knopf, 1999, and Tony Judt, *Postwar: A history of Europe since 1945*, Heinemann, 2005 for detailed accounts of this crisis.

Immediately after the Arab-Israeli war of 1948, The International Committee of the Red Cross, League of Red Cross Societies and the American Friends Service Committee provided emergency assistance to Palestinian Arabs. In November 1948, the UN established the United Nations Relief for Palestine Refugees (UNRPR) to aid Palestine refugees and coordinate the aid efforts of NGOs and other UN agencies. In 1949 UNRPR was replaced by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). The 1951 Convention relating to the Status of Refugees and the 1967 Protocol exclude Palestine refugees as long as they receive assistance from UNRWA. UNHCR provides assistance and protection to Palestine refugees outside UNRWA's areas of operations. See fn. 40.

attracted dedicated workers who gathered useful background knowledge and were later incorporated into the IRO. See Shephard (fn. 29) for a detailed study of UNRRA.

32

They even spent time and resources lobbying the U.S. Congress, which had initially refused to resettle refugees through the IRO and operated strictly on a racial system of national quotas. “If we scrap the national origins formula, we will in a course of a generation or so, change the ethnic and cultural composition of thiws Nation. The times are too perilous for us to tinker blandly with our basic institutions.” Stoessinger fn. 95. Contact theory p. 137  
<https://archive.org/stream/refugeeworldcomm00stoe#page/218/mode/2up>

Fn. 95. Congressman Wood of Idaho, as quoted by Senator Lehman, Chicago Tribune March 30 1948. Stoessinger

UN Ad Hoc Committee on Refugees and Stateless Persons, *A Study of Statelessness, United Nations, August 1949, Lake Success - New York*, 1 August 1949, E/1112; E/1112/Add.1, available at: <http://www.refworld.org/docid/3ae68c2d0.html> [accessed 20 March 2018] The authors considered all refugees as stateless, but did not consider all stateless persons as refugees. When the 1951 Convention was drafted, “de facto” statelessness was not considered, and in 1954 a separate Convention on the status of Stateless Persons was adopted. For historical commentary see Gilbert Jaeger, “On the history of the international protection of refugees”

The authors of the study consisted of the representatives of eleven member states, two UN agencies (the ILO and the IRO) and the Representative of the Assistant UN Secretary General. For the names of all authors see: UN Ad Hoc Committee on Refugees and Stateless Persons, Ad Hoc Committee on Statelessness and Related Problems, First

Session: Summary Record of the Fifteenth Meeting Held at Lake Success, New York, on Friday, 27 January 1950, at 10.30 a.m. , 6 February 1950, E/AC.32/SR.15, available at: <http://www.refworld.org/docid/40aa1d5f2.html> [accessed 20 March 2018]

35

Article 28 of the Convention exhorts contracting parties to issue travel documents to refugees lawfully staying in their territory for the purpose of travel outside their territory. This document does not entitle the holder to diplomatic protection of the issuing state nor is it documentation of refugee status as such.

See Lucy Mayblin, "Colonialism, Decolonisation, and the Right to be Human: Britain and the 1951 Geneva Convention on the Status of Refugees," *Journal of Historical Sociology* Vol. 27/3 (September 2014) pp. 423-441 For a transcript of debate on this point see pp. 431-32. She argues convincingly that the exclusion of non-Europeans from legal refugee status was intentional. For them to adopt the convention this exclusion was essential.

Gil Loescher's wonderful history tells the story. See "UNHCR's Origins and Early History: Agency, Influence, and Power in Global Refugee Policy," *Refuge: Canada's Journal on Refugees*, Vol 33/1 (2017), pp 77-86.  
<https://refuge.journals.yorku.ca/index.php/refuge/article/view/40450/36443>

M.J. Peterson, "The General Assembly," Chapter 5 in Thomas Weiss and Sam Dawes, eds., *The Oxford Handbook on the Organisation*. Oxford: Oxford University Press (2007).



ICEM was later reborn as the International Organization for Migration (IOM), an important ally of the UNHCR, assisting in resettlement of refugees. (did IOM exist earlier?)

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There are, in 2018, 148 state parties which have ratified either the 1951 Convention or the 1967 Protocol or both.

41

This even included aiding Palestinians. Assisting Palestinian refugees was the task of UNRWA, but UNHCR was keen to the fact that many Palestinian refugees, outside the purview of UNRWA, also needed protection. But the “Revised note on the applicability of Article 1D of the 1951 Convention to Palestinian Refugees,” UNHCR, October 2009 states that “if a Palestinian refugee leaves that area, such protection or assistance [of UNRWA] ceases, meaning that he or she is ipso facto entitled to the benefits of the 1951 Convention” <http://www.unhcr.org/4add88379.pdf>

For example, in the 1950s and early 1960s, most of refugees to the West were escaping Communist states, and they migrated as individuals. The exception was the exodus of 200,000 Hungarians fleeing the Soviet repression of the 1956 uprising. But because the treaty only applied to "events occurring" before 1951, Western officials managed to justify their acceptance with the argument that the “causes” of the uprising were rooted in events that happened before 1951.

The Cartagena Declaration on Refugees and the Protection of People Fleeing Armed Conflict and Other Situations of Violence in Latin America, Chapter 5. <https://www.cambridge.org/core/books/in-flight-from-conflict-and-violence/cartagena-declaration-on-refugees-and-the-protection-of-people-fleeing-armed-conflict-and-other-situations-of-violence-in-latin-america/83849F8A03A06A2F8D7A3E24A5E97580/core-reader>

Antonio Guterres, "People on the Move," *The Guardian*, December 11, 2007.  
<https://www.theguardian.com/commentisfree/2007/dec/11/peopleonthemove>

See Jeff Crisp, “Refugees, Persons of Concern, and People on the Move: The Broadening Boundaries of UNHCR,” *Refuge*, Vol 26/1 (2016). Pp. 73-76.

“Climate Change, Natural Disasters and Human Displacement: A UNHCR Perspective” (Geneva: UNHCR, October 2008), Antonio Guterres, “People on the Move” in *The Guardian* December 11 2007, and “Millions Uprooted: Saving Refugees and the Displaced,” *Foreign Affairs*, September–October 2008, and “Remarks at the High-level event at COP23, November 15, 2017. <https://www.un.org/sg/en/content/sg/speeches/2017-11-15/secretary-general-cop23-remarks>

An examination of these reports provides an archive of the evolution of UNHCR's practices which accompanied the use of new terms. See <http://popstats.unhcr.org/en/overview> Until 1970, UNHCR counted only "Convention Refugees" in its reports. From 1993, with the flood of displaced people from the Balkan wars and the former Soviet Republics, it began to count internally displaced people (IDPs) among the number of "uprooted persons." Once IDPs began to be tallied, they usually outnumbered Conventional Refugees by the millions. In 1997 UNHCR began to lump together all "others of concern" and include them in its tallies. This category included individuals who were stateless or asylum seekers and those do not "fall directly into any category, but to whom UNHCR extends its protection and/or assistance services, based on humanitarian or other special grounds." This included Palestinians outside of UNWRA's purview and victims of human trafficking. Beginning in the year 2000, UNHCR began to count asylum seekers—"individuals who have sought international protection and whose claims for refugee status have not yet been determined, irrespective of when they may have been lodged— separately from "others of concern" in its annual "Global Trends" report. And in 2004 it created a separate category for stateless persons and began to count them.

This is Jeff Crisp's term. See fn. 39, p. 76. See also Christian Mommers and Margit van Wessel, "Structures, values, and interaction in field-level partnerships: the case of UNHCR and NGOs," *Development in Practice*, Vol. 19/2 (2009) pp. 160-172.

UNHCR is also aware of the limitations of its data collection efforts. See, for example, "The Problems with Refugee Statistics," Annex to the Global Trends report <http://www.unhcr.org/3eeedc1e2.pdf> See also Jeff Crisp, "Who has counted the refugees?" UNHCR and the politics of numbers, Working paper No. 12, UNHCR, *New Issues in Refugee Research*, June 1999. <http://www.refworld.org/pdfid/4ff58e4b2.pdf>

Reflecting that deterioration, a virtual cottage industry of books on liberalism's decline began to appear. See for example: Fareed Zakaria, *The Future of Freedom: Illiberal Democracy at Home and Abroad*, W. W. Norton, 2007; Walter Laquer, *After the Fall: The End of the European Dream and the Decline of the Continent*, Thomas Dunne Books, 2012; Henry Luce, *The Retreat of Western Liberalism*, Atlantic Monthly Press, 2017; Stephen Levitsky and Daniel Ziblatt, *How Democracies Die*, Crown Press, 2018; Timothy Snyder, *The Road to Unfreedom: Russia, Europe, America*, Tim Duggan Books, 2018; Patrick Deneen, *Why Liberalism Failed*, Yale University Press, 2018, Yascha Mounk, *The People Vs. Democracy: Why Our Freedom is in Danger and How to Save It*, Harvard University Press, 2018



On the UNHCR see Anne Hammerstad, *The Rise and Decline of a Global Security Actor: UNHCR, Refugee Protection and Security*, Oxford University Press, 2014. For examples of the overall decline of international institutions see: Mark Weissbrot, “The IMF’s lost influence in the 21<sup>st</sup> Century and its implications,” CEPR Challenge, Vol. 59/4, July 25, 2016, <http://cepr.net/publications/op-eds-columns/the-imf-s-lost-influence-in-the-21st-century-and-its-implications>; Jeffrey Herbst and Gregg Mills, “The World Bank’s Diminishing Role in Africa,” *New York Times*, July 12, 2013. <https://www.nytimes.com/2013/07/12/opinion/global/the-world-banks-diminishing-role-in-africa.html>; Kenneth Rapoza, “These Two China Banks Lent More To Global Energy Projects Than The World Bank” *Forbes*, March 13, 2018, <https://www.forbes.com/sites/kenrapoza/2018/03/13/china-banks-lent-more-to-global-energy-projects-than-the-world-bank/#306d4bff7913>; Council on Foreign Relations, “Crisis of Relevance at the UN,” Sept. 17, 2010;

Most recently it successfully negotiated with Israeli authorities to resettle one asylum seeker in a Western country for every asylum seeker awarded temporary residency status in Israel. It would then negotiate with Western countries to accept 16,200 refugees from Sudan and Eritria until now stranded in Israel. See [https://www.haaretz.com/israel-news/israel-cancels-forced-asylum-seeker-deportations-after-deal-with-un-1.5973475?utm\\_campaign=newsletter-breaking-news&utm\\_medium=email&utm\\_source=smartfocus&utm\\_content=https%3A%2F%2Fwww.haaretz.com%2Fisrael-news%2Fisrael-cancels-forced-asylum-seeker-deportations-after-deal-with-un-1.5973475](https://www.haaretz.com/israel-news/israel-cancels-forced-asylum-seeker-deportations-after-deal-with-un-1.5973475?utm_campaign=newsletter-breaking-news&utm_medium=email&utm_source=smartfocus&utm_content=https%3A%2F%2Fwww.haaretz.com%2Fisrael-news%2Fisrael-cancels-forced-asylum-seeker-deportations-after-deal-with-un-1.5973475)

Often the term “irregular” entry is used, since asylum seekers have a legal claim to apply for asylum no matter how they enter an asylum granting country. Article 31 of the Refugee Convention clearly states that “The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened . . . enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.” Convention participants had wisely recognized that refugees who must flee their country to save their lives or escape persecution are rarely in a position to comply with the requirements for legal entry (possession of national passport and visa) into a country of refuge.

UNHCR has no enforcement capability. Australia was prominent among the countries questioning the viability of the Refugee Convention. See, for example, Adrienne Millbank, “The Problem with the 1951 Refugee Convention” Parliament of Australia, Research Paper 5 (2000) [https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/rp/rp0001/01RP05#major](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp0001/01RP05#major); Khalid Koser, “Australia and the 1951 Refugee Convention,” Lowy Institute for International Policy, 2015. And in Europe, EU members have been slow to resettle refugees. By September 2017, the EU had relocated only 27,695 of the 160,000 people stranded in Greece and Italy that they had promised to relocate two years earlier. See European Commission Statement following the decision at the Extraordinary Justice and Home Affairs Council to relocate 120,000 refugees, Brussels, 22 September 2015 [http://europa.eu/rapid/press-release\\_STATEMENT-15-5697\\_en.htm](http://europa.eu/rapid/press-release_STATEMENT-15-5697_en.htm) and Press Release of September 6, 2017 [http://europa.eu/rapid/press-release\\_IP-17-3081\\_en.htm](http://europa.eu/rapid/press-release_IP-17-3081_en.htm)

Half of the world's people forced to flee their country of origin are living in states, not covered by the Convention. The majority of these people are poor, and without documents, and they will not be resettled. Most live in the limbo of protracted homelessness. Nurit McBride, "The Legal and Administrative Challenges in Refugee Crisis Management for Developing States," Public lecture, Haifa Center for German and European Studies, May 17, 2017.

Only 189,300 refugees were resettled in 37 states in 2016, despite the authoritative UNHCR “Global Trends” report that recorded 65.6 million forcibly displaced people worldwide in the same year. Approximately 2/3 of those displaced people live in protracted displacement or exile.

In 22 democracies, support for anti-immigrant parties grew by 5% between 2007 and 2017 and on average won 16 per cent of the vote in 2017, up from 11 per cent in 2007. A Bloomberg analysis of election results from 1997 to 2017 in 22 European countries showed that support for populist radical-right parties was higher in 2017 than was at any time since 1987. On average, these parties won 16 percent of the overall vote in 2016-17 parliamentary elections in each country, up from 11 percent a decade earlier and from 5 percent in 1997. <https://www.bloomberg.com/graphics/2017-europe-populist-right/> Ipsos MORI polling data from 2016, covering 16,000 people in 22 countries, showed that half of the respondents believed that there were too many immigrants in their country and that they were changing their country in ways that they did not like. Only 20% believed that immigrants made a positive contribution. Over one-third of them believed that borders should be closed. <https://euagenda.eu/upload/publications/untitled-92767-ea.pdf>

[http://www.germany.info/Vertretung/usa/en/\\_pr/P\\_Wash/2015/12/08-RefugeeJobs.html](http://www.germany.info/Vertretung/usa/en/_pr/P_Wash/2015/12/08-RefugeeJobs.html)

62

Indeed, with their populations declining, immigrants provide a new and younger labor force.

63

Florence Jaumotte, Ksenia Koloskova, Sweta Chaman Saena, “Impact of Migration on Income Levels in Advanced Economies,” International Monetary Fund, October 24, 2016.

64

Detailed surveys report that the common factor uniting support for radical right wing parties across Western democracies is anxiety over the effects of immigration: what voters most fear is that immigrants will take their jobs and threaten their way of life. [https://www.europeansocialsurvey.org/docs/findings/IE\\_Handout\\_FINAL.pdf](https://www.europeansocialsurvey.org/docs/findings/IE_Handout_FINAL.pdf)

65



My description is admittedly stylized shorthand. I use the word “tribal” here to emphasize the sectarian, local, ethnic, and religious identitarian, “rule or die” attributes which separate their members from modern nationalists and from liberals. See Amy Chua, *Political Tribes: Group Instinct and the Fate of Nations*, Penguin, 2017, Thomas Friedman: Trying to rescue political parties from tribal warfare, *The New York Times*, December 19, 2017, Stephen Pinker, *Enlightenment Now: The Case for Science, Reason, Humanism, and Progress*, Viking, 2018, The use of the term has sparked some debate among the chattering classes. See, for example, Lawrence Rosen, “A Liberal Defense of Tribalism,” *Foreign Policy Magazine*, January 16, 2018, Robert Wright, “Why Pure Reason Won’t end American Tribalism,” *Slate*, April 9, 2018; Andrew Sullivan, “America wasn’t built for Humans,” *New York Magazine*, September 17, 2017. Sullivan writes: “Tribal loyalties turned Beirut, Lebanon’s beautiful, cosmopolitan capital, into an urban wasteland in the 1970s; they caused close to a million deaths in a few months in Rwanda in the 1990s; they are turning Aung San Suu Kyi, winner of the Nobel Peace Prize, into an enabler of ethnic cleansing right now in Myanmar. . . . Even in successful modern democracies like Britain and Spain, the tribes of Scots and Catalans still threaten a viable nation-state.” I use the term in a broader sense to include all those who would close their societies to the “other.” This also includes the extreme left as well as the extreme right. In 2018 it is the extreme right that has made anti-immigration its rallying cry.

See for example, Volker Ullrich, [Hitler: Ascent 1889-1939](#), Timothy Snyder, *On Tyranny: Lessons from the 20<sup>th</sup> Century*, Rob Riemen. [To Fight Against This Age](#), Lavitsky and Ziblat, fn. 49; Madaline Albright, *Fascism: A Warning*, Harper, 2018.

67

Post-modern theorists have long criticized normal science as well. But this critique should not be confused with the practices of tribal communities. Serious postmodern thinkers like Foucault accept the ideal of objective truth. They point out, however, that practices and institutions claiming to be based on scientific truths often turn out to seek power as much or more than truth. Foucault, in particular, worried that what we think of as scientifically enlightened ways of improving society are often covers for increasing power over the people we claim to be helping.

Their partisanship becomes stronger as traditional political parties weaken. See Julia Azari, “Weak parties and strong partisanship are a bad combination” *Vox*, Nov. 3, 2016.

Research on political discourse has mainly been focusing on cognitive factors shaping debate. A few scholars, however, have studied how emotions can determine political behavior. See, for example: Jon Elster, *Alchemies of the Mind*:

*Rationality and the Emotions*, Cambridge, UK/New York: Cambridge University Press, 1999; George E. Marcus *The Sentimental Citizen. Emotion in Democratic Politics*, The Pennsylvania State University Press, 2002; Rose McDermot, "The Feeling of Rationality: The Meaning of Neuroscientific Advances for Political Science". *Perspectives on Politics*, 2/4 (2004), pp. 691-706. On the concept of "hot cognition" see Norman H. Anderson, *Foundations of Information Integration Theory*. New York: Academic Press 1981. On its impact on political opinion and decision-making see David P. Redlawsk, "Hot Cognition or Cool Consideration? Testing the Effects of Motivated Reasoning on Political Decision Making," *Journal of Politics*, vol. 64/4 (Nov. 2002) pp. 1021-1044. [https://www.unc.edu/~fbaum/teaching/articles/Redlawsk\\_2002.pdf](https://www.unc.edu/~fbaum/teaching/articles/Redlawsk_2002.pdf)

70

David Roberts, "Donald Trump and the rise of tribal epistemology" *Vox*, May 19, 2017.

71

See Raymond S. Nickerson, "Confirmation Bias: A Ubiquitous Phenomenon in Many Guises", *Review of General Psychology*, 2/2 (1998) 175–220. <http://psycnet.apa.org/record/1998-02489-003?doi=1>

Chei Sian Lee and Long Ma, "News sharing in social media: The effect of gratifications and prior experience," *Computers in Human Behavior*, Vol. 28/2 (2012), pp. 331-39; Anne Oeldorf-Hirsch and S. Shyam Sundar, "Posting, commenting, and tagging: Effects of sharing news stories on Facebook," *Computers in Human Behavior* Vol. 44/2 (2015), pp. 240-49.

Liberals often come to their positions on the basis of evidence, but they also seek out evidence that supports their positions. Theoretically, they reexamine their positions when confronted with evidence that does not support them. On the “doubling down” phenomenon, see Craig Silverman, “The Backfire Effect,” *Columbia Journalism Review*, June 17, 2011. [https://archives.cjr.org/behind\\_the\\_news/the\\_backfire\\_effect.php](https://archives.cjr.org/behind_the_news/the_backfire_effect.php)

The studies' subjects were mainstream liberals and conservatives. Extremists on either side were not studied. The social cognition model of political ideology claims that conservatives tend to have stronger epistemic needs to attain certainty and closure than liberals. This implies that liberals and conservatives respond differently to dissonance-arousing situations. Two experiments show that conservatives are more strongly motivated to avoid dissonance-arousing tasks than liberals. See experiments by H. Hannah Nam, John T. Jost, Jay J. Van Bavel, “ ‘Not for All the Tea in China!’ Political Ideology and the Avoidance of Dissonance-Arousing Situations,” *Plos One*, April 19, 2013; Lee D. Ross, Yphtach Lelkes, and Alexandra G. Russell, “How Christians reconcile their personal political views and the teachings of their faith: Projection as a means of dissonance reduction,” *Proceedings of the National Academy of Sciences of the United States of America*, March 6, 2012, Pew Research Center: Journalism and Media Staff, “Cable News,” *Pew Research Center*, May 25, 2007.

TRANSCRIPT: ABC News anchor David Muir interviews President Trump, January 25, 2017

<https://abcnews.go.com/Politics/transcript-abc-news-anchor-david-muir-interviews-president/story?id=45047602>



<http://www.pewforum.org/essay/the-growth-of-germanys-muslim-population/>

AfD strength has been the *weakest* where population growth due to refugee resettlement has been the *greatest*. Why does the East resettle fewer asylum seekers? Because those asylum seekers are distributed according to population size and the individual state's tax base. Richer, more populous states receive more asylum seekers, and those states have the fewest AfD supporters. The four poorest German states are in the East where most AfD supporters reside. Aside from the city-states, such as Hamburg and Bremen, the Eastern states are the least densely populated.

80

<http://www.pewresearch.org/fact-tank/2015/09/30/on-views-of-immigrants-americans-largely-split-along-party-lines/>

81

National Academies of Sciences, Engineering, and Medicine. 2015. *The Integration of Immigrants into American Society*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/21746>; [https://read.oecd-ilibrary.org/social-issues-migration-health/indicators-of-immigrant-integration-2015/summary/english\\_6673aaf3-en#page1](https://read.oecd-ilibrary.org/social-issues-migration-health/indicators-of-immigrant-integration-2015/summary/english_6673aaf3-en#page1)

<http://criminology.oxfordre.com/view/10.1093/acrefore/9780190264079.001.0001/acrefore-9780190264079-e-93> In the German state of Lower Saxony, overall crime decreased between 2008 and 2018, but suggests a high correlation between the influx of migrants and number of crimes in 2015-16. <http://www.dw.com/en/german-study-links-increased-crime-rate-to-migrant-arrivals/a-42006484><http://www.dw.com/en/german-study-links-increased-crime-rate-to-migrant-arrivals/a-42006484> Other studies showed no correlation. <http://www.dw.com/en/study-contradicts-efforts-to-link-migrants-to-crime/a-19390414>

<http://www.politifact.com/truth-o-meter/article/2018/jan/22/donald-trumps-team-misleads-tying-international-te/> Over the last four decades, 20 out of 3.25 million refugees welcomed to the United States have been convicted of attempting or committing terrorism on U.S. soil, and only three Americans have been killed in attacks committed by refugees—all by Cuban refugees in the 1970s. Zero Americans have been killed by refugees in a terrorist attack in the United States by refugees from the six Muslim-majority countries, which are now banned.

<https://www.theatlantic.com/international/archive/2017/01/trump-immigration-ban-terrorism/514361/>

between 2001 and 2015, more Americans were killed by homegrown right-wing extremists than by Islamist terrorists. Between 2001 and 2018 there were 33 right wing terrorist attacks and 12 jihadist attacks  
<https://www.newamerica.org/in-depth/terrorism-in-america/what-threat-united-states-today/>

85

The *Oxford Dictionary* made 'post-truth' word of the year for 2016, defining it as "relating to or denoting circumstances in which objective facts are less influential in shaping public opinion than appeals to emotion and personal belief. See Sergio Sismondo, "Post-Truth," *Social Studies of Science*, Vol. 4/1 2017, pp. 3-6; C. G. Prado (ed.), *America's Post-Truth Phenomenon: When Feelings and Opinions Trump Facts and Evidence*, Santa Barbara: Praeger, 2018.

86

*The Education of Henry Adams*, 1907, p. 338.

87

“Politics and the English Language,” in *Horizon*, London, April 1946  
[http://www.orwell.ru/library/essays/politics/english/e\\_polit](http://www.orwell.ru/library/essays/politics/english/e_polit)

In a recent poll from [Pew Research Center](#), 88 percent of respondents said fake news is a source of at least some confusion. But 23 percent admitted to sharing fake news, and 14 percent said they shared a story they knew was fake. See “Many Americans Believe Fake News is sowing confusion,” *Pew Research Center Journalism and Media*, December 16, 2016. <http://www.journalism.org/2016/12/15/many-americans-believe-fake-news-is-sowing-confusion/>

Bruno Latour in his article “Why Has Critique Run out of Steam? From Matters of Fact to Matters of Concern” <http://www.bruno-latour.fr/sites/default/files/89-CRITICAL-INQUIRY-GB.pdf> situates the rise of the post-truth era in Constructivism, arguing that in debunking facts, “a certain form of critical spirit has sent us down the wrong path” and that what is sorely needed is the “cultivation of a stubbornly realist attitude” that allows us to get closer to the facts. He urges constructivists to not fight empiricism but to renew it. Steve Fuller in “Embrace the Inner Fox: Post-Truth as the STS Symmetry Principle Universalized,” <https://social-epistemology.com/2016/12/25/embrace-the-inner-fox-post-truth-as-the-sts-symmetry-principle-universalized-steve-fuller/> and “Is STS All Talk and No Walk?” <https://social-epistemology.com/2017/04/26/is-sts-all-talk-and-no-walk-steve-fuller> places the blame on the field of Science and Technology Studies and its detailed accounts of the construction of knowledge and “democratic epistemology.” He argues that Latour does not take enough responsibility for Constructivism’s contribution to a post-truth environment. See also Bernard Williams *Truth and Truthfulness: An Essay in Genealogy* (2002)



A major study by [Yochai Benkler, Robert Faris, Hal Roberts, and Ethan Zuckerman](#) of social-media sharing patterns in the United States shows this polarization. Researchers examined more than 1.25 million articles between April 1, 2015, and Election Day, November 8, 2016. They found that liberals and conservatives clustered around news sources that bolstered their own beliefs and the beliefs of their communities. The right-wing sites were able to push the traditional media into focusing on immigration and to frame it on their terms: fears about crime and terrorism. See “Study: Breitbart-led right-wing media ecosystem altered broader media agenda,” *Columbia Journalism Review*, March 3, 2017 <https://www.cjr.org/analysis/breitbart-media-trump-harvard-study.php>

An internet troll is a person who posts inflammatory or offensive comments on line in order intentionally antagonizes those with whom he disagrees. An Internet Bot is a software application that runs automated and structurally repetitive scripts tasks (scripts) over the internet at a much higher rate than would be possible for a human alone. Impervia Incapsula, a website devoted to Internet security and rapid content delivery reported that more than half of all web traffic in 2016 was made up of bots. <https://www.incapsula.com/blog/bot-traffic-report-2016.html>

93

Recent revelations of Cambridge Analytica's methods of information manipulation exemplify some of the tactics used in this war. They reveal sophisticated "bio-psycho-social" profiling of millions of social media and internet users to manipulate the delivery of misinformation and propagate false narratives at an individual level. In 2017 Cambridge Analytica's website stated that it had psychological profiles based on 5,000 separate pieces of data on 220 million American voters. <https://ca-political.com/?hstc=163013475.6a1c5d0782636d10fd740cf5cf5b65a6.1524847552770.1524847552770.1524847552770.1&hssc=163013475.1.1524847552771&hsfp=1631607939>

94

From *The Crooked Timber of Humanity: Essays in the History of Ideas*, Princeton University Press 1990, p. 175 J

See Jean Paul Sartre, "Anti-Semite and Jew, Schocken Books, 1948. [http://abahlali.org/files/Jean-Paul\\_Sartre\\_Anti-Semite\\_and\\_Jew\\_An\\_Exploration\\_of\\_the\\_Etiology\\_of\\_Hate\\_1995.pdf](http://abahlali.org/files/Jean-Paul_Sartre_Anti-Semite_and_Jew_An_Exploration_of_the_Etiology_of_Hate_1995.pdf)

*Cognitive Evolution* Manuscript, Chapter 10, p. 33.

See Elliot Turiel, *The Development of Social Knowledge: Morality and Convention*, Cambridge University Press 1983 and *The Culture of Morality: Social Development, Context, and Conflict*, Cambridge University Press (2002); William M. Kurtines, Jacob L. Gewirtz (eds.) *Moral Development: An Introduction*, 1991. For a current political view of normlessness in the United States, see E. J. Dionne Jr., Norman J. Ornstein and Thomas E. Mann, *One Nation After Trump: A Guide for the Perplexed, the Disillusioned, the Desperate, and the Not-Yet Deported*, St. Martin's Press, 2018.

98

*Cognitive Evolution* manuscript, May 2018, p. 411.

99

Soroush Vosoughi, Deb Roy, Sinan Aral, “The spread of true and false news online,” *Science*, March 9, 2018, p. 3. See also Chengcheng Shao, Giovanni Luca Ciampaglia, Alessandro Flammini, Filippo Menczer “Hoaxy: A Platform for Tracking Online Misinformation,” *Proceedings: WWW2016*, 25<sup>th</sup> International World Wide Web Conference, pp.745-750, April 11-15, 2016. They found that a rumor that proves false takes 13 hours before it is “fact-checked.” Similar articles are cited in Craig Silverman, “Recent research reveals false rumours really do travel faster and further than the truth,” *First Draft*, Harvard Kennedy School Shorenstein Center on Media, Politics, and Public Policy, May 6, 2016. <https://firstdraftnews.org/recent-research-reveals-false-rumours-really-do-travel-faster-and-further-than-the-truth/>

100

See note 82.

101

“The Perpetuation of Our Political Institutions” (Address by Abraham Lincoln before the Young Men's Lyceum of Springfield, January 27, 1838). <https://quod.lib.umich.edu/j/jala/2629860.0006.103/--perpetuation-of-our-political-institutions-address?rgn=main;view=fulltext>

*Cognitive Evolution* manuscript, May 2018, p. 413.

103

Gregory Korte and Alan Gomes, “Trump ramps up rhetoric on undocumented immigrants: ‘These aren’t people. These are animals.’” *USA Today*, May 16, 2018.

104



Orban does not use the concept of European “Christian Democracy” in the traditional sense of rule by Christian Democratic parties who are socially conservative but blend free market ideologies with strong labor rights and a welfare state. Orban sees Christian democracy as a bulwark against Muslim migrants and pluralism in Europe. See Marc Santora and Helene Bienvenu, “Secure in Hungary, Orban Readies for Battle with Brussels,” *New York Times*, May 11, 2018. [https://www.nytimes.com/2018/05/11/world/europe/hungary-victor-orban-immigration-europe.html?emc=edit\\_th\\_180512&nl=todaysheadlines&lid=372532790512](https://www.nytimes.com/2018/05/11/world/europe/hungary-victor-orban-immigration-europe.html?emc=edit_th_180512&nl=todaysheadlines&lid=372532790512)

105

New York, Oxford University Press, 1996.

106

Adler does not dispute the idea that there may be different paths to progress; he does not claim that cognitive evolution is the only route.

107

*“On Interdependence,” Lecture presented at the Bologna Center and the International Relations Program of the University of Bologna, Forli, October, 1999.*

108

Adler makes this point specifically about scientific knowledge. See *Cognitive Evolution* Manuscript, May 2018, p. 408

109

*Cognitive Evolution* Manuscript, April 15, 2018, Chapter 10, p. 35.

110

*Cognitive Evolution* Manuscript, April 15, 2018, p. 371.

111

This could be described, in Adler's terms as a period of weak homeorhesis and small but strong resilience of those communities of practice committed to protecting refugees.

<http://www.thegatewaypundit.com/2018/05/8-illegal-aliens-from-migrant-caravan-have-been-allowed-to-apply-for-asylum/>

<https://www.frontpagemag.com/fpm/269778/daca-declared-dead-border-anarchy-intensifies-lloyd-billingsley>

114

<https://www.nytimes.com/2018/05/02/opinion/trump-asylum-immigration-caravans.html>

115

[https://www.washingtonpost.com/opinions/trump-is-manufacturing-an-immigration-crisis-heres-why-that-helps-him/2018/05/03/2db611d2-4f0e-11e8-af46-b1d6dc0d9bfe\\_story.html?utm\\_term=.cefa61eb85cc](https://www.washingtonpost.com/opinions/trump-is-manufacturing-an-immigration-crisis-heres-why-that-helps-him/2018/05/03/2db611d2-4f0e-11e8-af46-b1d6dc0d9bfe_story.html?utm_term=.cefa61eb85cc)

116

<https://www.vcstar.com/story/opinion/editorials/2018/04/09/guest-editorial-trumps-latest-ruse-get-his-wall/500287002/>

117

Quoted in: [www.nytimes.com/2018/04/04/us/politics/caravan-conservative-media-immigration.html](http://www.nytimes.com/2018/04/04/us/politics/caravan-conservative-media-immigration.html)

118

These allies are too numerous to list here. I mention, as examples, only a few of those who work internationally: UNHCR, Doctors without Borders, Catholic Charities, Caritas, International Rescue Committee, Refugee Transitions, International Relief and Development, Oxfam International, Mercy Corps, Unicef



*Cognitive Evolution* manuscript, April 15, 2018, p 375.

From “West India Emancipation,” speech delivered at Canadaigua, New York, August 3, 1857.

Cited in Adler, ms. P. 18

Adler ms. P. 369. His level of analysis is the resilience of social orders, not communities of practice in the sense that I am using the term here.

123

Conducted in Izmir, Turkey and in Berlin, Germany between 2015 and 2018. See our Facebook group, “In Solidarity with Refugees in Izmir,” <https://www.facebook.com/groups/1649586398649913/>. See also “ReVi (Volunteers of Izmir) <https://www.facebook.com/groups/reviizmir/> See also Berkeley Refugee Resources, <https://bev.berkeley.edu/refugees> I am particularly grateful to Gamar Adam, a Sudanese refugee in Israel, for sharing his story. I am also inspired by the research of Evelyn Hu-DeHart who examined the history of the Chinese in the Spanish Empire, first in Manila in the 16th century, then in Cuba in the 19th century. She argued that Diasporic communities did not and do not orient their lives solely around a national imaginary. They must contend with the structural inequalities of the world system and how those inequalities focus on nation, class, status, gender, and ethnic origin. Lecture to the German Historical Institute, “Making Immigrant Knowledge from Collective Memories: Watching the Process Unfold in Spain,” Berkeley, April 20, 2018.

124

*Cognitive Evolution* manuscript, September 2017, pp. 273-75.

125

Rick Noack, "Syrian migrants captured a bomb suspect in Germany after he escaped police," *The Washington Post*, October 10, 2016.

126

Kenneth R. Rosen, "They are in a state of in-between: What life is like for Sudanese refugees in Israel," *Pacific Standard*, May 14, 2018.

127

Marie Gillespie, Lawrence Ampofo, Margaret Cheesman, Becky Faith, Evgenia Iliadou, Ali Issa, Souad Osseiran, Dimitris Skleparis, *Mapping Refugee Media Journeys Smartphones and Social Media Networks*, The Open University / France Médias Monde, May 16, 2016.

for example, UNHCR has recently prepared 150,000 shelter kits with bamboo, rope, and plastic sheeting for Rohingya refugees in Bangladesh and taught them how to build shelters ahead of the monsoon season. Refugees first build these shelters for themselves and then for their neighbors. In Idomeni, Greece, refugees and their allies organized cleaning, shelter, hot food, childrens' activities, legal advice and medical help for 12,000 people in a makeshift "pop-up" camp when the Macadonian border closed. Organizational feats like these take place daily wherever refugees find themselves.

<https://meshpoint.me/>

130

*Refugee Innovation: Humanitarian Innovation that starts with Communities*, July 2015.

131

Ibid. p. 19.

132

See Stefano Guzzini's contribution to this project.

133



Quoted in Adler ms. p. 6.

134

See papers by Reus-Smit and Barnett for a discussion of these terms.

135

*Cognitive Evolution* manuscript, April 15, 2018, Chapter 10, p. 34. Adler speaks of post-truth practices, but argues that every community of practice is built on norms.

136

See endnote 88.

137

Pew Research Center: Journalism and Media Staff, “In Wartime, the People Want the Facts,” January 29, 2002;  
Michael Barthel and Jeffrey Gottfried, “Majority of U.S. adults think news media should not add interpretation to the facts, Pew Research Center, Factank, November 18, 2016.

See endnote 71.

See Lawrence Rosen, "A Liberal Defense of Tribalism," endnote 64.