

# Freeing Refugees: The Roles of Art

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In her great book *The Origins of Totalitarianism*, the philosopher Hannah Arendt poignantly captured the misery faced by refugees from the Bolshevik revolution and the Russian civil war of 1918–1920: ‘Once they had left their homeland they remained homeless, once they had left their state they became stateless; once they had been deprived of their human rights they were rightless, the scum of the earth.’<sup>2</sup> In the times in which we are living, there is a vastly more developed architecture for delivering protection and assistance to refugees,<sup>3</sup> but the risk that at least some refugees will be treated as the scum of the earth remains nearly as great. One might have hoped that those fleeing persecution would receive a welcoming hand from liberal democracies, but that is often not the case. While Western states may laud those refugees whom they carefully choose for resettlement on the basis of occupational and language skills, those who act on their own rather than wait for bureaucracies to rescue them are likely to be on the receiving end of denigration or abuse, and in Australia, to be locked in detention centres for long periods. Yet we know from substantial experience that those who arrive in Australia as asylum seekers are highly likely to be fleeing truly catastrophic environments that

no Australian politician would tolerate for any length of time, and that the vast majority of them are highly likely to be found to be ‘genuine’ refugees. And the irony of this situation is that while those who denigrate asylum seekers are often shocking in their coarseness and vulgarity, many refugees through the medium of artistic expression display a sensitivity that puts their critics to shame.

## Becoming a Refugee

One of the peculiarities of the human condition is that so many of an individual’s life chances depend on the arbitrary accident of birthplace. Indeed, one scholar has used the metaphor of the ‘birthright lottery’ to capture this oddity.<sup>4</sup> All too rarely do residents of lucky countries consider this aspect of their fortune. Instead, many seem to think that it simply reflects the natural order of things: that the serendipity that led someone to be born in Sydney or Melbourne rather than Mogadishu or Kabul somehow makes him or her a superior being as well. The phenomenon of the refugee disrupts this order, and some of those who deride refugees come perilously close to arguing that they should go back to ‘where they belong’ without reflecting on how such claims of stations in life might be morally justified.

Refugees are perhaps best viewed as a consequence of the failure, albeit at the margin, of a system of world order based on the idea of the sovereign state as the basic unit or building-block. The idea of sovereignty, classically dated

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2 Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt Brace Jovanovich, 1973) p. 276.

3 William Maley, ‘A New Tower of Babel? Reappraising the Architecture of Refugee Protection’, in *Refugees and Forced Displacement: International Security, Human Vulnerability, and the State*, eds Edward Newman and Joanne Van Selm, (Tokyo: United Nations University Press, 2003) pp. 306–329.

4 Ayelet Shachar, *The Birthright Lottery: Citizenship and Global Inequality* (Cambridge: Harvard University Press, 2009).

back to the Peace of Westphalia of 1648, is not as straightforward as one might think. Politicians who see border control as central to sovereignty typically do not understand how recent in provenance is that idea. Passports and visas as mechanisms for the regulation of population movement came into widespread use only in the late nineteenth and early twentieth centuries.<sup>5</sup> The language of sovereignty has historically been much more intimately concerned with what happens within borders than it is with population movement, to the extent that one well-known commentator has gone so far as to describe sovereignty as 'organised hypocrisy'.<sup>6</sup> The virtue of a well-functioning system of states is that it creates a body of substantial agents with responsibility for protecting ordinary people. Unfortunately, some states conspicuously fail this test, either because they consciously persecute their own people, or because they are incapable of giving them meaningful protection against other predatory forces. Those who flee such an environment are properly called refugees. Emma Haddad has reminded us of the need to 'take into account the very structure of the international system within which states act', adding that with its 'insistence on separate territorial states with clearly defined borders and populations, this structure is in large part responsible for the creation of refugees'.<sup>7</sup> There is a strong case for claiming that those states and populations that benefit from this system owe special duties to those whom the system fails.

The realisation that refugees could not simply be left to rot, combined with the failure to prevent the horrors of the Holocaust, contributed to the development of a specific legal regime to

define a refugee and to elaborate some of the rights which refugees could claim. This regime was embodied in the 1951 Convention Relating to the Status of Refugees, to which the Menzies Government acceded in 1954. Article 1A(2) classes as a refugee a person who 'owing to 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'. This definition has many complexities,<sup>8</sup> but it is important to note that there is no requirement that a refugee fear persecution by a state, and no requirement that an individual actually experience persecution before becoming a refugee. There is not even a requirement that one flee across a border: sometimes people become refugees because circumstances change in their country while they happen to be abroad (refugees *sur place*). The key refugee right is that of non-*refoulement* in Article 33.1 — 'No contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.'

This legal regime has protected very large numbers of people, but its weakness is that by focusing simply on persecution for a limited number of reasons, it fails to cover the circumstances of many people whom it would be grossly inhumane to force back to their country of nationality—for example, those who might be caught in the crossfire if their country happens to be a war zone. The result has been the emergence of definitions of 'refugee' that depart from the legal definition, but arguably coincide better with what an ordinary person might take a refugee to be. For example, one justly renowned study defines refugees as 'persons whose presence abroad is attributable

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5 John Torpey, *The Invention of the Passport: Surveillance, Citizenship and the State* (Cambridge: Cambridge University Press, 2000).

6 Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press, 1999).

7 Emma Haddad, *The Refugee in International Society: Between Sovereigns* (Cambridge: Cambridge University Press, 2008), p. 34.

8 Guy S. Goodwin-Gill and Jane McAdam, *The Refugee in International Law* (Oxford: Oxford University Press, 2007).

to a well-founded fear of violence, as might be established by impartial experts with adequate information.<sup>9</sup> The needs of refugees of this kind should never be overlooked.

Australia has a patchy record where refugees are concerned. On the one hand, it does annually resettle a number of refugees recommended to it by the Office of the United Nations High Commissioner for Refugees, and over time, very large numbers have benefited from this program and come to love Australia as a result. But that said, there are two notable weaknesses in the present operation of Australia's so-called Offshore Humanitarian Program. One is that the majority of places are not for 'refugees' in the strict sense of the term, but for those who meet the criteria of the 'Special Humanitarian Program'. One of these criteria is the presence of a sponsor in Australia, and of course, most refugees in the world have no prospect of obtaining such sponsorship. The other weakness is that those who are sick or disabled can be denied a visa,<sup>10</sup> and since it is often just such refugees whose needs are greatest, the claim that offshore resettlement places help the neediest refugees is spurious.<sup>11</sup>

On the other hand, Australia's recent treatment of asylum seekers who arrive without being bureaucratically approved has shown governments of diverse political backgrounds at their very worst. This is ironic, because it is to refugees of this kind, arriving at the border and seeking protection, that Australia actually owes obligations under the 1951 Convention. The demonisation of asylum seekers has much to

do with the rise of racist groups such as the One Nation party of Pauline Hanson, preoccupied with refugee movements, whose erstwhile supporters the major parties have on occasion sought to woo. This has led to what one might call 'soft Hansonism' across the wider political spectrum.<sup>12</sup> It has been augmented by an absurd panic about the activities of 'people smugglers', and a particular paranoia about refugees who happen to be Muslims.<sup>13</sup> The precise kinds of policies that have been used to deter or punish such asylum seeking have varied from government to government, but a staple of policy for nearly two decades has been the mandatory detention of 'undocumented arrivals'. This has often lasted for years before people have been recognised as refugees and received security clearances, and the psychological effects have proved devastating for those who came across the seas thinking we had boundless plains to share. A large proportion of them have come from the troubled land of Afghanistan.

## Refugees from Afghanistan

In April 1978, a communist coup in Afghanistan's capital Kabul triggered what were to be decades of disruption for that country. The new Marxist rulers responded with violence and terror when ordinary people resisted their radical policies; the USSR invaded Afghanistan in December 1979 in order to secure the position of what it saw as a vulnerable pro-Soviet elite; and thereafter Afghanistan was plunged into a trans-national war that ravaged many parts of the country. One of the main consequences of the war was

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9 Zolberg, Aristide R., Astri Suhrke and Sergio Aguayo, *Escape from Violence: Conflict and the Refugee Crisis in the Developing World* (New York: Oxford University Press, 1989) p. 33.

10 Joint Standing Committee on Migration, *Enabling Australia: Inquiry into the Migration Treatment of Disability* (Canberra: Parliament of the Commonwealth of Australia, 2010) pp. 129–138.

11 Matthew J. Gibney, *The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees* (Cambridge: Cambridge University Press, 2004) p. 192.

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12 See Chandran Kukathas and William Maley, *The Last Refuge: Hard and Soft Hansonism in Contemporary Australian Politics* (Sydney: Issue Analysis No. 4, Centre for Independent Studies, 1998), and William Maley, 'Fear, Asylum, and Hansonism in Australian Politics', *Dialogue*, vol. 29, no. 2 (2010), pp. 10–19.

13 William Maley, 'Australian Approaches to Dealing with Muslim Militancy', in *Muslims in Australia: The Dynamics of Exclusion and Inclusion*, ed. Samina Yasmeen (Melbourne: Melbourne University Press) pp. 270–290.



D, The Taliban Commander, Mollah Borjan, pencil on paper, 21x49cm



massive population displacement.<sup>14</sup> By 1 January 1990, out of a pre-war population estimated at 13.05 million, a staggering 6.2 million Afghans were living outside the country as refugees.<sup>15</sup> The bulk of the refugees were located in Pakistan and Iran, and the vast majority in Pakistan were ethnic Pushtuns from regions adjacent to the 'Durand Line' that separated Afghanistan and Pakistan. Comparatively few refugees sought to move to more remote parts of the world: they entertained high hopes of returning to Afghanistan, and when the communist regime finally collapsed in April 1992, there took place the largest and fastest spontaneous repatriation of refugees in UNHCR's history.

Unhappily, the decade following the collapse of the communist regime was to prove turbulent and disruptive. The state had collapsed, but a ferocious struggle ensued for control of the symbols of state power, most importantly the capital city, Kabul. Divided between various armed groups after April 1992, it witnessed fierce battles and gruesome massacres.<sup>16</sup> The emergence of the Pakistan-backed Taliban movement, which seized Kandahar in 1994, Herat in 1995, and Kabul in 1996, brought its own brand of carnage, and to capture the flavour of what the Taliban were capable of doing, it is useful to quote an account (by the UN's Rupert Colville) of a Taliban massacre in Mazar-e Sharif in August 1998 that largely escaped international attention:

Some were shot on the streets. Many were executed in their own homes, after areas of the town known to be inhabited by their ethnic group had been systematically sealed off and searched. Some were boiled or asphyxiated to death after being left crammed inside sealed metal containers under a hot August sun. In at least one hospital, as many as 30 patients were shot as they lay helplessly in their beds. The bodies of many of the victims were left on the streets or in their houses as a stark warning to the city's remaining inhabitants. Horrified witnesses saw dogs tearing at the corpses, but were instructed over loudspeakers and by radio announcements not to remove or bury them.<sup>17</sup>

Most of the victims of this massacre were ethnic Hazaras. This frenzy of killings was in all probability the worst single massacre in the entire history of modern Afghanistan. It was in the immediate aftermath of these killings that a substantial flow of Hazara refugees from Afghanistan commenced. More than any other event, the Mazar-e Sharif massacre created the impression that for Hazaras, there could be no confidence of a secure future in Afghanistan. Hazaras are physically distinctive, having a Central Asian rather than southern European appearance, and they are also overwhelmingly Shiite rather than Sunni Muslims.<sup>18</sup> This combination left them fatally exposed to radical Sunnis among the Taliban, who found no difficulty in spotting Hazaras and targeting them.

The majority of Afghan refugees who have reached Australia by boat have been Hazaras.<sup>19</sup> There is nothing surprising in this. Compared to many other Afghans, Hazaras have a strong

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14 Susanne Schmeidl and William Maley, 'The Case of the Afghan Refugee Population: Finding Durable Solutions in Contested Transitions', in *Protracted Displacement in Asia: No Place to Call Home*, ed. Howard Adelman (Aldershot: Ashgate, 2008) pp. 131–179.

15 William Maley, *The Afghanistan Wars* (New York: Palgrave Macmillan, 2009) p. 60.

16 See Afghanistan Justice Project, *Casting Shadows: War Crimes and Crimes against Humanity 1978–2001* (Kabul: Afghanistan Justice Project, 2005); Human Rights Watch, *Blood-Stained Hands: Past Atrocities in Kabul and Afghanistan's Legacy of Impunity* (New York: Human Rights Watch, 2005); and William Maley, 'Human Rights in Afghanistan', in *Islam and Human Rights in Practice: Perspectives Across the Ummah*, eds Shahram Akbarzadeh and Benjamin MacQueen (New York: Routledge, 2008) pp. 89–107.

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17 Rupert Colville, 'One Massacre That Didn't Grab the World's Attention', *International Herald Tribune* (7 August 1999).

18 William Maley, 'Hazaras', in *The Oxford Encyclopedia of the Islamic World* ed. John L. Esposito (New York: Oxford University Press, 2009), vol. II, pp. 385–386.

19 Alessandro Monsutti, 'La migration afghane en Australie et en Nouvelle-Zélande', *Afghanistan Info*, no.61, 2007, pp.15–17.

tradition of mobility,<sup>20</sup> but they have also been subject to regular discrimination and persecution since at least the 'Hazara Wars' of 1891–1893. One might have hoped that the overthrow of the Taliban regime in late 2001 would have turned the situation around for Hazaras, and for some years after the transition began, there was considerable optimism amongst Hazaras that they had finally turned the corner. But the weakness of the Karzai regime, and the resurgence of Taliban violence, served to kill off these hopes and prompt new refugee movements. Tragically, massacres of Hazaras have resumed. A recent Reuters report ('Police find 11 beheaded bodies in Afghan south', 25 June 2010) gives a grim flavour of what risks lie in wait for the unlucky:

Afghanistan, June 25 (Reuters): The bodies of 11 men, their heads cut off and placed next to them, have been found in a violent southern province of Afghanistan, a senior police official said on Friday. A police patrol discovered the bodies on Thursday in the Khas Uruzgan district of Uruzgan province, north of the Taliban stronghold of Kandahar, said police official Mohammad Gulab Wardak. 'This was the work of the Taliban. They beheaded these men because they were ethnic Hazaras and Shi'ite Muslims,' he said.

It is particularly alarming that this has occurred in Uruzgan, the province in which substantial numbers of Australian troops are deployed to boost local security.

Hazara fears at present are gravely aggravated by the widespread claims from both Western political figures and Afghan President Hamed Karzai that some kind of reconciliation with the Taliban is required. These range from the widely publicised statement of the then British foreign secretary, David Miliband, that 'Dialogue provides an alternative to fight or flight',<sup>21</sup> to President Karzai's oft-repeated description of

the Taliban as 'brothers'. With the terms of such 'reconciliation' still unclear, there is a risk that one outcome of current political processes (should they amount to anything) could be a 'spheres of influence' agreement that would concede local dominion to the Taliban in some provinces. The situation for Hazaras in such provinces would likely be dire. No one should be the least surprised if, faced with the prospect that the Taliban might return to power, many more Hazaras move to escape.

In the face of severe social dislocation over a number of decades, many Afghans have returned to their literary and artistic traditions as a way of salvaging meaningful components of their lives. As well as calligraphy, Afghanistan has a very rich oral tradition, based on storytelling and poetry;<sup>22</sup> it has distinctive musical traditions;<sup>23</sup> it has a long tradition of miniature painting in the classical Persian style;<sup>24</sup> and it has a recent experience of representational art,<sup>25</sup> and even more recently of cinema.<sup>26</sup> Refugees from Afghanistan often have fled with almost no material possessions, but many carry memories or understandings of their own cultural experiences that enrich them in ways that are waiting to be tapped. Artistic expression provides one channel for accessing these riches.

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20 Alessandro Monsutti, *War and Migration: Social Networks and Economic Strategies of the Hazaras of Afghanistan* (New York: Routledge, 2005).

21 David Miliband, 'How to Win the War in Afghanistan', *New York Review of Books* (29 April 2010).

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22 For example, Margaret A. Mills, *Rhetoric and Politics in Afghan Traditional Storytelling* (Philadelphia: University of Pennsylvania Press, 1991) and Wali Ahmadi, *Modern Persian Literature in Afghanistan: Anomalous Visions of History and Form* (New York: Routledge, 2008).

23 Hiromi Lorraine Sakata, *Music in the Mind: The Concepts of Music and Musician in Afghanistan* (Washington DC: Smithsonian Institution Press, 2002).

24 Hafizullah Emadi, *Culture and Customs of Afghanistan* (Santa Barbara: Greenwood Press, 2005), p. 100.

25 Mohammad Alam Farhad with Arley Loewen, 'Drawing Back the Curtain: Art and Artists of Afghanistan', in Arley Loewen and Josette McMichael (eds), *Images of Afghanistan: Exploring Afghan Culture through Art and Literature* (Karachi: Oxford University Press, 2010) pp. 251–261.

26 Mark Graham, *Afghanistan in the Cinema* (Urbana: University of Illinois Press, 2010), pp. 85–110.

## Refugee Art

There are manifold connections between the artistic life and the refugee experience. In some cases artists have become refugees because their artistic expression has enraged the powers that be—the painter Oscar Kokoschka comes to mind—or because they have served as voices for the vulnerable in circumstances of misery or despair. In totalitarian societies, the control of artistic expression can be a powerful tool to symbolise the claims of the state to control different spheres of social life.<sup>27</sup> Thus, in the Soviet Union the philosophy of socialist realism in art and literature marginalised painters such as Kasimir Malevich and writers such as Anna Akhmatova, while in Nazi Germany, the denunciation of ‘decadent art’ became code for the persecution of Jewish artists. But this is not the only way in which the artistic and refugee experiences can come together. Art can also be an outlet for the deepest sentiments and the innermost fears that drive people to flee from the familiar to the unknown. There are a number of reasons why this might be the case.

One is that artistic endeavours such as painting can overcome some of the barriers to communication that arise from the diversity of spoken languages. I say ‘some’, because different cultures develop their own ways of conveying emotions, as the complexities of understanding facial expressions across cultures make clear.<sup>28</sup> Nonetheless, images can be crafted that convey messages that would be extremely difficult to formulate in words.

Another is that art is more than simply the recording of visual images, more than simply a snapshot of afterimages on the artist’s retina. In part it reflects the artist’s choice of subject: Picasso’s *Guernica* is a different painting from Breugel’s *Hunters in the Snow* and Munch’s

*The Scream*. But it also reflects the artist’s own dispositions, a point famously embodied in E. H. Gombrich’s theory that ‘making’ occurs before ‘matching’.<sup>29</sup> A ‘*Guernica*’ painted by Munch would be a very different painting from Picasso’s original. There is something very personal about artistic expression, which is why factory prints somehow lack the charm of original works. Originals, whether masterpieces of art or simply naïve art, offer to the viewers the heart and soul of the artist.

But perhaps most importantly, art can offer a form of release for those who have been traumatised, as is the case with so many refugees. By depicting their experiences through artistic means, the victims of trauma can put some distance between their past horrific experiences and the rhythm of contemporary life. These techniques were used with refugee children from Afghanistan during the 1980s, and have been used in many contexts since.<sup>30</sup> It continues to be a relevant device for assisting the process of recovery from trauma. Refugee art in this sense is thus of more than aesthetic or political interest. It offers a pathway for escape from the demons created by those who either persecute refugees, or lock them up as they seek to escape to freedom. It is something we should all admire, celebrate, and cherish.

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27 Igor Golomstock, *Totalitarian Art In the Soviet Union, The Third Reich, Fascist Italy and the People’s Republic of China* (New York: Overlook Press, 2011).

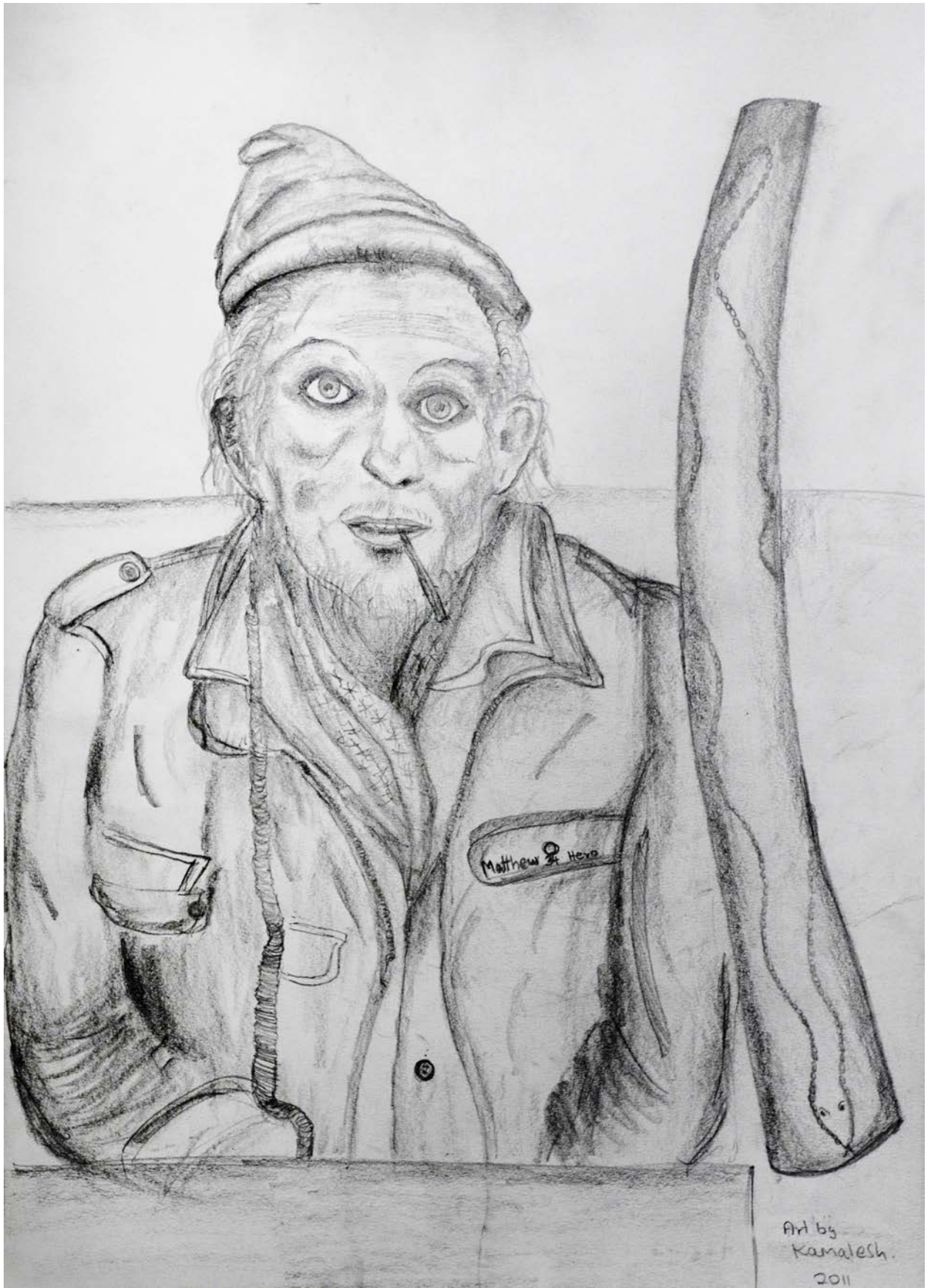
28 Anna Wierzbicka, *Emotions across Languages and Cultures: Diversity and Universals* (Cambridge: Cambridge University Press, 1999).

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29 E. H. Gombrich, *Art and Illusion: A Study in the Psychology of Pictorial Representation* (London: Phaidon, 1960).

30 Debra Kalmanowitz, and Bobby Lloyd (eds), *Art Therapy and Political Violence: With Art, Without Illusion* (New York: Routledge, 2005).





K, Portrait of H, pencil on paper, 29x41cm