

THE BORDER SECURITY INDUSTRY AND THE SECOND REFUGEE CRISIS A COMMENTARY ON SERENA PAREKH'S *NO REFUGE: ETHICS AND THE GLOBAL REFUGEE CRISIS*

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When asked about the “refugee crisis”—and especially the crisis sparked by the 2011 Syrian civil war—Westerners tend to think about it in terms of either threat or tragedy. When presented as a threat, refugees are made out to be potential terrorists, sexual predators, criminals, economic burdens, or culturally unassimilable. Not everyone holds such prejudiced views about refugees, but even among those who don’t, they believe that enough of their co-nationals do—especially with regard to refugees that come from non-white or non-western countries—and they also believe that a large enough influx of refugees would lead to increased support for reactionary far right movements, which has the potential to undermine liberal democracy. On this view, refugees present us with the tragic choice outlined here by Michael Blake (2020). Western countries

can do justice for the world’s most miserable now, but at the cost of undermining the very institutions that put it in place to do that good. [They] can, instead, preserve liberal democracy, but at the cost of excluding some people with very good claims against that sort of exclusion. What it can’t do . . . is avoid sacrificing *something*. (140; author’s emphasis)

In *No Refuge: Ethics and the Global Refugee Crisis*, Serena Parekh (2020) offers a different perspective on the “refugee crisis.” Parekh agrees that “[f]or most people [the above description has been all there is to] the refugee crisis—the arrival of large numbers of asylum seekers, the struggle that ensued in Europe, and the political changes that resulted from governments’ handling of it.” But by focusing only on this part of the crisis, most Westerners have overlooked a second and more troubling crisis. This second refugee crisis is the crisis for refugees themselves. A crisis in which refugees “are unable to access the minimum conditions of human dignity while they wait for a more permanent solution” (3). What is more damning and what I believe Parekh convincingly shows in this book is that this second refugee crisis is one that “we have created: we have tolerated, financially supported,

and even encouraged” (Parekh 2020, 3). Until recently, much of the philosophical literature on refugees has focused on the first crisis and therefore dealt primarily with questions about who really counts as a refugee and when states acquire obligations to admit non-citizens. Rarely, however, do philosophers talk about the ethical implications of the second refugee crisis. This is a troubling development when, as Parekh reminds us, “most refugees remain in camps or urban settlements in the Global South—less than 10 percent seek asylum in the West, and less than 1 percent are chosen for resettlement” (104). In short, when philosophers debate the ethics of asylum and refugeehood, the conclusions or insights they come to will, at best, be applicable to about 10 percent of the world’s forcibly displaced.

In what follows, I would like to briefly outline Parekh’s argument. This outline will show how her reframing of the refugee crisis provides a much-needed intervention in the current philosophical literature. I then extend these insights into questions concerning immigration enforcement. In doing so, I argue that in order to adequately deal with the second refugee crisis we must be more receptive to the open borders position than Parekh seems to allow. The reason is that beyond the ignorance and moral bankruptcy that have kept Western states from responsibly acting on the second refugee crisis, there is also a strong and perverse economic incentive, one that has manifested itself as the border security industry, that keeps the second refugee crisis going or will generate similar crises until we decriminalize all forms of migration.

No Refuge: A Brief Sketch

No Refuge is an extremely smart and yet very accessible book. It is also, however, a very difficult read. Difficult not because of the book’s prose or style, or because the topic is too esoteric, but because each of the book’s six chapters begins with a gut-wrenching tale of vulnerable people just trying to survive and constantly finding themselves caught in an endless cycle of human rights violations, exploitation, and unwinnable choices. The stories are harrowing, but they are effective in putting a human face on each of the chapters’ themes and they serve as a reminder to the reader of how high the stakes are for the people we theorize about.

The book itself is divided into two parts. The first looks at the refugee crisis from the Western perspective; the second looks at it from the refugee’s. The principal claim of the book is that the refugee crisis tends to be thought of only from the first perspective, with Western countries asking themselves how this crisis will affect them and how generous they need to be. This kind of framework has the effect of covering over many of the important moral issues of today’s refugee crisis. To both uncover these overlooked moral issues and better address them, Parekh urges the reader to consider the refugee crisis from the second perspective.

Before delving into the main body of the work, Parekh uses the preface as a slight detour to address the elephant in the room. This elephant is the worry, which a number of well-intentioned people share, that refugees are a serious threat. Using her fear of flying as an

analogy, Parekh goes through and skillfully explains to the reader why fears about refugees are misguided and based on something more akin to turbulence than truth. She begins by informing the reader that we have decades worth of experience showing that refugees are some of the least likely people to be terrorists, which should come as no surprise once we learn about the intense level of screening refugees are required to undergo. Refugees are also not more likely to be criminals or sexual predators, and this has been confirmed and reconfirmed by various studies. Lastly, Parekh explains to the reader why refugees are not an economic burden, but often an economic gain, and why the idea that non-Western refugees are somehow culturally unassimilable is a myth.

For readers who remain unpersuaded by the arguments Parekh provides in the preface, it is unlikely they will accept much (although not nothing) of what she goes on to argue in the main body of the text. People who refuse to believe that refugees do not pose a threat probably will also not accept the idea that states have obligations to take in refugees that can outweigh their right to exclude, regardless of how such obligations might have been accrued. Fortunately—and this is one of the many virtues of Parekh’s book—there are some key ethical insights that even the more xenophobic will find hard to argue against. These are arguments that are found in the second half of the book, and they deal specifically with what is owed to the forcibly displaced who are unlikely to find durable solutions (i.e., refugees who are unlikely to be admitted into another country).

For those of us who are sympathetic to the arguments in the preface, the first part of the book, which consists of chapters 1-3, offers a helpful outline of the relevant philosophical literature and the different positions philosophers have taken with respect to the ethical questions surrounding refugees. These questions ask about who counts as a refugee and when, if ever, may a state deny admission to someone legitimately seeking refuge. As with most philosophical debates concerning the movement of people across borders, these questions are motivated by an inherent tension between respect for the sovereignty of a state (e.g., a state’s right to self-determination) and a commitment to respect the human rights of all persons (e.g., an individual’s right to freedom of movement).

After outlining the various positions, Parekh notes that even on more nationalist accounts, where states are thought to have an inherent right to deny admission to non-citizens (including refugees), there are still times when states must morally refrain from exercising this right. One of these times is when the state is the primary cause of the refugee’s displacement. We find such real-world examples in the cases of displacement that resulted from the U.S.’s war in Vietnam and more recently its interventions in the Middle East. Another time is when people find themselves in dire need of refuge, and it would cost the state very little to provide it. This second case does not require that the state be causally responsible for the refugee’s plight to accrue a duty to help. This duty derives from the larger moral principle of humanitarianism.

Parekh is correct in suggesting that a version of these two justifications is most often cited when one is making a case that a state should help refugees. The first justification, which we can call a causal account of blame, has a commonsense feel to it. It is a version of the old “Pottery Barn rule”: you break it, you bought it. The second, as Parekh points out, is how most of us tend to think about our duties to refugees. We do not see ourselves

as perpetrators, but nonetheless feel we ought to do something “to *rescue* refugees from the terrible circumstances that their governments place them in” (Parekh 2020, 103; author’s emphasis).

On this ethical framework there are only two sorts of obligations one might incur with respect to refugees. The first is very strong but applies only to a minimal set of actors (i.e., those who are directly responsible for their plight). The second can apply to a great many more actors (i.e., all who can provide help) but is weak and is considered more like charity than an actual obligation. Parekh is unsatisfied with either of these two options and wants to make a case for a third possibility. This would be an obligation that applies to a great many more actors (i.e., all who can provide help), but is strong enough to demand serious action, even from actors who are not directly responsible for the plight of refugees. This obligation is the result of states participating in, and often benefitting from, a system of global structures that together have created or contributed to the second refugee crisis. Explaining and outlining the second refugee crisis is therefore crucial to Parekh’s overall argument and is the subject of the book’s second half.

In the second part of the book, we learn that the second refugee crisis is, perhaps ironically, the result of Western states taking seriously the principle of non-refoulement while at the same time wanting to take responsibility for as few refugees as possible. The principle of non-refoulement says that states ought not to send asylum seekers (i.e., refugees who have made it into a state’s territory) back to a place where they would be persecuted or killed. Western states have largely abided by this principle, but at the same time they do not wish to take in or be responsible for very many refugees. This has created a situation in which Western states do everything they can to prevent refugees from accessing their territory because when they gain access to their territory it becomes a lot more difficult for states to expel them. This has given rise to draconian immigration enforcement policies and to various schemes for keeping refugees as far away from the territory of Western states as possible. For example, these schemes include paying non-Western states to warehouse refugees or subsidizing the immigration enforcement of other countries to serve as a buffer. According to Parekh, and as I will explain further below, this reaction from Western states has left refugees with “three more or less terrible options: squalid refugee camps, urban destitution, or dangerous migrations to seek asylum in the West” (105).

Chapter 4 of the book is devoted to explaining the first two options: refugee camps and urban settlements. We are told in this chapter that refugee camps are today the standard way in which refugees are expected to get help and they can be found throughout the world. These camps provide refugees with some basic lifesaving aid and are meant to be temporary. Despite their limited resources and temporary nature, refugees find themselves living in these camps for decades and in conditions that are extremely precarious. In this chapter, Parekh details the various human rights abuses and forms of sexual exploitation that refugees suffer as a regular part of life in these camps. These precarious conditions, however, are not the fault of the refugees themselves but a foreseeable result of host states not allowing refugees to interact with their local population or to gain employment outside of the camp. Refugees are expected to remain within these camps, which offer few options

for employment, commerce, or other forms of interaction that make a minimally decent life possible. Living in a refugee camp, as Parekh (2020) describes it:

forces refugees into a situation of enforced idleness, limiting their ability to maintain their agency and sense of control over their lives, not merely for a brief period but for, on average, twelve years, sometimes much longer. Refugees often see their bargain as trading in their autonomy, their ability to guide their own lives, for the sake of security and food. (112)

For many refugees this trade-off is unacceptable. Instead of living in camps they choose instead to live informally as urban refugees. This option has its advantages. Refugees who live outside of the camps can work informally and thereby earn a living. There are also, however, some serious drawbacks. Because the work is informal, these refugees tend to earn about half of the state's minimum wage, they constantly face horrible work conditions, and since they are not registered in a UNHCR camp, they are ineligible for material assistance such as housing, food, healthcare, or education.

Neither refugee camps nor urban settlements seem like attractive options. Add to this the following three important facts we are made privy to in the book's introduction. First, in 2019 there were about 70.8 million displaced persons throughout the world. Second, of those displaced only about one percent were ever resettled. Third, the average number of years a person is likely to remain a refugee is seventeen. Knowing these three things, it is no wonder that refugees would not want to choose to live in either camps or urban settlements. Instead, many will decide to test their luck and try to get into a Western state where, if they are successful, they could claim asylum and gain the right to not be returned. For this reason, many refugees have decided to embark on the dangerous mission to clandestinely enter a Western country and seek asylum there.

This third option for refugees is the topic of chapter 5. In this chapter we learn about the deterrence policies that Western states—specifically the United States, Australia, and Europe—have put in place to prevent or discourage refugees from accessing their territory.

[Today] every Western country has redefined asylum seekers as unauthorized migrants. Detention, in some cases in terrible conditions, is now routinely used as a strategy both to control unauthorized immigrants, including asylum seekers, and to deter those who might follow their example. The harsher the policy, the stronger the message: you are not welcome; do not seek asylum here. (130)

Yet because there are no other viable avenues for refugees seeking asylum in Western countries to pursue, the harsh enforcement policies have very little deterring effect on refugees. Often all they do is make the journey for the world's most vulnerable more dangerous and more expensive. These policies have the unintended consequence of creating economic opportunities for human smugglers. In fact, most refugees that made it into a Western country today did so through the services of a human smuggler. These

smugglers often take advantage of the refugee's vulnerability by having them undergo unsafe voyages at sea or through deserts to maximize their profits, and they funnel billions of dollars into other criminal organizations. Yet as bad as human smugglers are, we must remember they are a symptom of the broken refugee system, not its cause.

In chapter 6, Parekh lays out the case for understanding this second refugee crisis as a structural injustice. In making this case, Parekh begins by noting that there are two sets of harms that afflict refugees. The first set are those that force refugees to flee their homes in the first place. This set creates something like the duty of rescue we encountered in the first part of the book. In these cases, we can identify a clear perpetrator, but we also find that those who are not causally responsible may have a duty, one based on the principle of humanitarianism, to provide refugees with some help. The second set of harms are "all the things refugees must do in order to survive, including living in squalid, insecure camps, subsisting despite neglect and vulnerability in urban centers, or pursuing asylum on dangerous routes with human smugglers." This second set of harms is more often the result of indirect, uncoordinated, and sometimes unintentional actions of different individuals and states exercising what they take to be their rights and pursuing what they take to be their own best interest. This is what makes this second set of harms structural rather than a malicious conspiracy of a few:

While individual policies in isolation may not be problematic, when looked at as a whole these policies and actions have the cumulative effect of more or less ensuring that the vast majority of refugees will not be able to access the conditions that would allow them to lead a minimally decent life, one that includes autonomy, dignity, and basic material goods. (Parekh 2020, 159)

As with causal accounts of blame, solutions to structural injustice focus on those who have some responsibility. However, unlike causal accounts that tend to be backward-looking in assigning responsibility (i.e., finding those directly responsible), structural accounts are forward-looking. They are less about shaming specific bad actors and more about limiting future harms. In this respect, from a structural perspective, there is no contradiction in holding many more actors responsible for addressing the harms of the refugee crisis and at the same time focusing less on assessing blame or seeing who is more morally culpable.

Parekh then uses the conclusion to the book to suggest some ways to address the second refugee crisis as a structural injustice. One recommendation is that because much of the injustice of the current system results from Western states individually pursuing their own best interests, these states have an obligation to begin to work collectively to support and expand resettlement and asylum processes. A second recommendation is to focus more on integrating refugees who might never find a durable solution such as resettlement in another country or a safe return to their country of origin. Achieving integration would require host states to allow "refugees to live with the local population and attend school, use hospitals, and work just like anyone else who lives there" (183). It would also require economic measures, such as giving cash transfers directly to refugees and offering tax or

trade incentives to companies that hire refugees. A third form of integration would be political, which could be achieved through something like disaggregated citizenship. This is where the social rights of citizenship are separated from the political rights, so that even refugees can be “allowed to participate politically in some, though not all, ways” (Parekh 2020, 187).

Halting The Border Security Industry

I am very sympathetic to both Parekh’s approach and her overall recommendations. I believe that philosophers working on the ethics of migration—especially those concerned with questions about what is owed to the forcibly displaced—need to take seriously the second refugee crisis and begin to think about these injustices in more structural terms. Yet despite my agreement with Parekh, I remain convinced that if we want these structural changes to take place, we need to be less reticent about advocating for open borders. I understand why Parekh mostly side-stepped the thorny question of open borders in this book. There is little to gain from entering into this contentious and often too over-idealized debate. Instead, Parekh does a wonderful job of showing how we do not need to be convinced about the correctness of the open borders position to recognize the injustices plaguing millions of displaced persons and why it is that, even if not directly, we are nonetheless responsible for (and often benefit from) the structures that create and perpetuate these injustices for refugees.

So why then do I insist on harping on about open borders? I believe, practically speaking, that states will not do anything for the globally displaced until they are properly incentivized to do so. Conversely, states will not stop harming the globally displaced, or even stop being in denial about their role in creating and perpetuating this unjust system, until they are properly disincentivized from doing so. This is a point that Parekh (2020) herself acknowledges early in the book, when she notes in passing how “during the Cold War both communist and capitalist societies could claim a political victory if people from one country claimed asylum in the other” (9). During the Cold War there was an incentive structure that motivated developed countries to help some (although by no means all) refugees. In today’s post-Cold War world, however, the incentive structure has shifted dramatically. There are now powerful economic (and not just xenophobic) incentives to increase border enforcement and perhaps the only way to bring an end to this vicious cycle is to decriminalize all forms of migration.

The immigration enforcement business, commonly referred to today as the border enforcement industry, is booming. To give you an idea of just how much this business has grown, consider that at the end of World War II there were seven borders considered “militarized” around the world. By the time the Berlin Wall—perhaps the most infamous militarized border in modern history—fell in 1989, there were only fifteen militarized borders around the world. Today there are seventy-seven, and nearly two-thirds of those borders were militarized after 9/11 (Hjelmgaard 2018). When the political theorist

Joseph Carens (1987) made his now well-known argument for open borders, he began by reminding his readers that borders have guards and that these guards have guns. What he should have gone on to emphasize was that these guards are paid handsomely and that their guns are very expensive.

Militarized borders create jobs and demand for durable goods that include weapons, sensors, watchtowers, fencing, and much more (Miller 2019). So long as certain forms of migration are criminalized and there are people desperately seeking entry, the border enforcement industry will be a great investment for both capital and the state. As Parekh (2020) notes, asylum seekers (regardless of how they ought to be recognized under international treaties) make up a significant part of those seeking clandestine entry. There is currently no incentive to actually solve the second refugee crisis. Solving the second refugee crisis would dramatically reduce the number of people that the border enforcement industry needs to locate, apprehend, detain, put in cages, and deport in order to justify its existence. At each one of these steps, the border security industry generates a lot of money and provides middle class employment to citizens who might otherwise be unemployed or under-employed. And it is important to note that these jobs are not reserved only for citizens in Western states. The immigration enforcement of developed states has now been exported to countries like Mexico, Guatemala, and El Salvador (Sager 2018). As General John Kelly once “put it, ‘[U.S.] border security cannot be attempted as an endless series of ‘goal line stands’ on the one-foot line at the ports of entry or along the thousands of miles of border between this country and Mexico . . . I believe the defense of the Southwest border starts 1,500 miles to the south, with Peru” (Miller 2019, 7). And in this way, countries whose own citizens are victims of draconian immigration enforcement policies come to welcome the jobs, weapons, technology, and money brought to them by the border security industry.

In short, there is a lot of money being made in militarizing borders and this only incentivizes the proliferation of more draconian enforcement policies, not less. The cat-and-mouse game, as Parekh (2020) describes it, that is played out between immigration agents and human smugglers turns out to be good for business all around. Neither the smugglers nor the border security industry has an interest in decriminalizing migration because doing so would put both of them out of business. Therefore, if we are serious about helping the globally displaced, are worried about the kinds of indirect harms that result from states pursuing their own best interest, and recognize the perverse economic incentives that lead to the proliferation of draconian enforcement policies, then there might not be any other solution to the kinds of structural injustices that worry Parekh than to decriminalize human movement across borders and thereby eliminating the *raison d'être* of the border security industry.

To be clear, this recommendation is not based on the notion that freedom to cross international borders is the ideal solution for all displaced persons. Parekh is correct that there are many cases—maybe most—where movement across borders is not what refugees need, but I contend that decriminalizing migration will (a) give the forcibly displaced more viable options than they currently have and (b) it will shift the larger incentive structure away from increased enforcement and toward helping refugees where they are. Instead

of Western states using border enforcement as some deranged form of Keynesianism, in a world of open border these same states—perhaps ironically driven by their own racism and xenophobia—would be strongly motivated to find durable and humane solutions for the forcibly displaced that would not require them to trek hundreds of miles and deal with duplicitous human smugglers all for a chance at a minimally decent life. As Parekh (2020) points out, the number of people on the move today is really not as daunting as it is often made out to be. In a world of billions of people, we could find durable and humane solutions for the tens of millions that are currently displaced, but we will do so only if Western states are properly motivated.

Conclusion

In conclusion, I would like to reiterate my agreement with much of what Parekh (2020) has written in this book. I support her call for looking at the larger structures, and not just the individual actors, that create and sustain the current refugee crisis. I agree that appeals to national sovereignty are not morally weighty enough to justify the draconian enforcement policies that we see most Western states putting in place to prevent or deter immigrants (and especially refugees) from gaining entry into their territory. Where I would like to push Parekh's account a little further is with respect to the perverse economic interests these very same enforcement policies have created. And while I agree with Parekh that we do not need to accept the open borders position to see the injustices of something like the second refugee crisis and understand how it is that we are morally responsible for it, I don't see any way out of this crisis (or preventing another like it) without decriminalizing migration and thereby, even if indirectly, calling for a world without borders.

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