

The Wrong of Refugee Containment

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Abstract:

Encampment continues to be one of the dominant modes of responding to refugee situations. I suggest that we would do well to conceive of the wrongfulness of refugee camps not just in terms of their effects, but also in terms of their function. I endorse the view that camps currently function primarily to contain displaced persons, and develop a novel conception of the wrong of encampment in terms of that function, drawing on Heidegger's account of the spatiality proper to different entities to argue that practices of containment reduce refugees to the status of objects to be, in effect, immobilized and stored away for an indeterminate amount of time.

Introduction

In December 2020, Bangladesh began a sustained campaign to relocate 100,000 Rohingya refugees from the overflowing camps near Cox's Bazaar to Bhasan Char, a previously uninhabited, low-lying silt island 37 miles from the Bangladeshi mainland. Jannat Ara, a Rohingya woman, reflected on her time on Bhasan Char: "Only Allah knows how I lived there for a year. [...] It is a jail with red roof buildings and surrounded by the sea from all sides."¹ Such appraisals of contemporary refugee habitation spaces — as prison-like, as spaces of confinement and abandonment — are strikingly common amongst displaced persons. And while they are perhaps not wholly surprising at this point,² the continued proliferation of asylum detention facilities and refugee camps around the world points toward a broader but less theorized development: refugee habitation spaces increasingly seem designed primarily to *contain* displaced populations.

¹ Hasnat and Yasir (2021).

² The United States' recent, well-publicized practice of detaining asylum seekers (including children) in cages along the southern border made painfully and unabashedly conspicuous the contemporary collapse of asylum processing toward the methods and discourses of the carceral system.

Encampment continues to be one of the dominant modes of responding to refugee situations. Indeed, despite auguries of their decline and policy commitments to finding alternatives, it is likely that there are more people living in refugee camps currently than ever before in human history.³ Moreover, the amount of time refugees are spending in camps and cognate spaces continues to grow as displacement-causing situations take longer and longer to resolve. The practical significance of encampment in today's world, then, has changed, and as such it warrants increased moral scrutiny. But how should we conceptualize the harms of refugee camps? I think we would do well to conceive of their wrongfulness not just in terms of their effects, but also in terms of their function. I endorse the view here that camps currently function primarily to contain refugees close to a country of origin, in a space separated off from local populations. Similarly, emergent practices of detaining and indefinitely 'processing' asylum seekers in camp-like spaces serve to prevent them from accessing the borders of affluent states where they might apply for asylum. Conceptualizing refugee camps and their emergent correlates in these terms will allow me to develop a novel account of the way in which encampment is harmful.

Most critiques of refugee camps take aim at either the poverty of living conditions or pervasive rights violations within them. I argue that there is a further — and perhaps deeper — source of harm: their function of containment. This harm is two-fold. First, containment is a source — via the way that function shapes camps' material and locative properties — of many of the more concrete rights violations and indignities endemic to camps (a fact which prevailing critiques of encampment often miss). And second, containment is itself a wrong, in that it treats the contained as objects — objects to be, in effect, immobilized and stored away for an indeterminate amount of time. One of the ways people can be treated as things rather than persons, then, is through the kinds of spaces they are compelled to inhabit. Encampment, accordingly, involves a kind of recognitive failure: it makes a mistake about the kind of entities persons are, and the relationship to the places we inhabit that (in part) characterizes us as humans.

This essay proceeds in six sections. I begin with a description of encampment and the diverse detention spaces that have emerged in recent decades to stem migration flows, endorsing

³ An unofficial April 2021 UNHCR report put the total number of refugees living in camps at 6.6 million (UNHCR, 2021).

the view that that these are best understood in terms of their political function of containment (section I). After considering dominant critiques of encampment (section II), I analyze containment as a spatial structure (section III), and show how that logic in turn underlies many of the concrete harms associated with encampment (section IV). I then draw on Heidegger's analysis of human spatiality to show how containment, qua function, betrays a mistaken conception of refugees, treating them in a way more befitting objects than humans (section V). Finally, I argue that the wrong of containment is distinctive and irreducible to more familiar harms like autonomy violations and social exclusion (section VI).

I. Containment as a Central Political Function of Encampment

Much philosophical work regarding refugees continues to map the ethical and political response to displaced persons in a language of inclusion and exclusion. That is perhaps because much of that work assumes the standpoint of some given state, and ask whether “we” are obliged allow refugees in or are justified in excluding “them.”⁴ But the discourse of exclusion and admission rarely poses the necessarily subsequent question: where do the excluded go if, as forcibly displaced persons, there is no place to which they can return? This question is as much topological as it is political: in a state system which covers the inhabitable globe, exclusion from any one state must, on a strictly physical level, mean inclusion in some other state. However, we live in a world in which nearly all states have an interest in excluding displaced persons. As such, the only manner in which all (and so any) states can successfully exclude is by carving out some space — legally and physically — from the body proper of a state for the purpose of containing displaced persons. Thus, states often exclude by containing displaced person in a circumscribed space: by confining them to camps, detention facilities, reception centers, and informal border encamp-

⁴ Parekh (2016) refers to this discourse as an “ethics of admission,” exemplified by figures like Walzer (2008), Carens (1992), Cole (2000), Wellman (2008), etc.

ments.⁵ The topological question of a refugee's 'place' in the world, then, increasingly gets answered in the form of the long-term habitation of refugees and asylum seekers in spaces of containment — in places whose core function is the restriction of mobility. From the standpoint of many refugees, this concept of containment will be just as if not more, experientially relevant as that of exclusion.

The emergence of containment over the past century as a dominant mode of responding to large-scale refugee situations is not a wholly sanctioned — or even fully acknowledged — development. The United Nations High Commissioner for Refugees officially promotes three “durable solutions” for refugees: voluntary repatriation to country of origin, local integration in the country of first asylum, or resettlement in a third state. However, in any given year less than two percent of officially recognized refugees are able to avail themselves of any one of these solutions.⁶ In their place, encampment has become a *de facto* fourth durable “solution.” This was never meant to be the case: the word ‘camp’ is not even mentioned in the 1951 Refugee Convention. It was indeed apparently inconceivable to the drafters that, in the words of Hannah Arendt, refugees should end up being “put into concentration camps by their foes and internment camps by their friends.”⁷ Nonetheless, what was once considered a measure of last-resort became, over the next half-century, a widely accepted, unremarkable feature of the geo-political landscape — indeed, even a lauded humanitarian institution.

That is not to suggest that encampment has been without detractors. In recent decades, encampment has also been the object of trenchant moral critique from scholars, activists, and humanitarians, primarily in view of the often degrading living conditions and pervasive rights violations within camps. UNHCR policies have begun to shift as well: the 2014 “Policy on AI-

⁵ We might contrast this more spatially circumscribed form of containment with a broader, more regional form: the containment of asylum seekers and refugees to a region or country of origin through various restrictions on mobility, including basic border securitization, visa requirements, admissions quotas, as well as emergent forms of border externalization and extraterritorial border controls. My primary concern in this essay is the former type.

⁶ Betts and Collier (2017), p. 8.

⁷ Arendt (2007), 265.

ternatives to Camps” announced that the organization would attempt to avoid establishing new camps going forward where possible.⁸

This trajectory — in combination with the fact that refugees are increasingly choosing to live in informal urban settlements rather than official camps — might suggest that continued analysis of encampment and its harms is gratuitous. Yet, despite these trends, it is likely that there are currently more people living in refugee camps than ever before. While the percentage of refugees living in camps has remained fairly stable over the last decade, the actual number of persons in camps more than doubled from 2.4 million persons in 2010 to 5.0 million in 2017.⁹ New camps continue to be built around the world, and the refugees confined to them continue to languish in them for progressively longer periods of time.

Additionally, the widespread detention of irregular migrants and asylum seekers over the past decade has led to the global emergence of a variety of novel detention facilities bearing many of the essential properties of traditional camps. Indeed, while such spaces vary in form, size, conditions of habitability, level of institutional oversight, and legal and political standing, many manifest the same core political and spatial logic of containment. The Greek “hotspots” on the islands of Lesbos, Samos, Kos, and elsewhere are paradigmatic. These spaces were explicitly established in order to curtail the movement of asylum seekers into mainland Europe by containing them in closed detention facilities at migration choke-points and prohibiting onward movement while their asylum claims were being processed. Despite their nominal function, many residents have been awaiting resolution of their asylum claims for years in severely over-crowded, slum-like conditions that the former Greek Interior Minister Panagiotis Kouroumbilis claimed were suggestive of “a modern-day Dachau.”¹⁰ Similarly, the offshore “Regional Processing Centers” at the heart of Australia’s “Pacific Solution” — located in leased space on the extra-territor-

⁸ UNHCR (2014). Notably, the UNHCR’s official reasoning largely fails to acknowledge the moral harms of encampment, focusing instead on concerns about refugee dependency, the disturbance of local economies, and security threats.

⁹ UNHCR (2018). This is the last year the UNHCR published official aggregated data on refugee accommodation, and is likely an under-estimate, since it does not include data on Internally Displaced Persons. An unofficial April 2021 UNHCR report put the total number of refugees living in camps at 6.6 million (UNHCR 2021).

¹⁰ Makris (2016).

ial islands of Manus and Nauru — held thousands of asylum seekers in detention facilities run by private security companies without asylum hearings, in some cases for more than five years, across the last decade.¹¹ Creative containment practices can also be observed in Turkey’s 2019 establishment of a ten kilometer wide “buffer zone” along the Syrian border in which it aimed to squeeze up to three million Syrian refugees already residing in Turkey in a narrow, bitterly contested border space. Such practices are also on view in the United States’ marked expansion of migrant detention facilities at its southern border over the last few years and its implementation of the so-called “Remain in Mexico” policy for asylum seekers in 2019.¹²

Despite their heterogeneity, such detention spaces constitute a coherent political category: they are the product of a common political motivation (the arrest of migrant movement and the restriction of local integration) that gets expressed in a common spatial logic (containment). They are therefore distinctively akin to refugee camps, which, I have suggested, are organized according to the same political and spatial logic. Understanding the emergent patterns of refugee habitation practices and their common harms requires, I believe, seeing these two types of spaces as homologous. And the rapid proliferation of such detention spaces, along with the enduring prevalence of encampment, indicates that, far from dissipating, this logic of containment has become entrenched in the geo-political imagination and the international community’s repertoire of responses to the movement of displaced persons.¹³

¹¹ The detention facilities on Manus were closed in 2017, but those on Nauru remain open as of late 2021.

¹² U.S. Department of Homeland Security (2019).

¹³ We might wonder whether the remarkable proliferation of migrant-specific detention facilities in the last decade indicates that it would be more appropriate to analyze encampment and its correlates in terms of the carceral logic of prisons (see, e.g., Kelly 2017). There is, to be sure, a significant set of parallels between the political and spatial logics of containment and incarceration: many of the emergent spaces described at the end of the last section blur the thin and eroding line between the two, and there has been a marked collapse of the political discourse surrounding asylum processing toward a language of detention and discipline in the past decade. But they also differ in important ways. Most significantly, punishment is — justifiably or not — a central logic, motive, and force in incarceration, which is not necessarily (or even typically) the case in refugee containment. A more profitable analogy might be the description of encampment by some observers as a kind of “warehousing” of refugees. Merrill Smith defines warehousing as “the practice of keeping refugees in protracted situations of restricted mobility, enforced idleness, and dependency” — indefinite encampment being a paradigm case (2004, 38). This way of characterizing encampment is largely consonant with the central argument I will be developing here.

My primary claim in this first section, then, is that encampment and correlative habitation practices are conceptually unified and at least partly defined by their political function of containing refugees and asylum seekers in spatially circumscribed sites in order to restrict their mobility and access to external political spaces.¹⁴ This is not to suggest that containment is the *only* motivation behind such habitation practices. Camps often provide emergency relief and security to people on the move, furnish aid to the displaced, and at least attempt to protect their basic rights. My claim is not incompatible with a recognition of these other, laudable functions. Rather, my claim is simply that we cannot understand refugee camps and cognate detention spaces apart from some notion of containment.

This is not a wholly novel claim.¹⁵ Nor is it incontestable, though my aim is not to marshal a full defense of it here. Rather, my principal aim in this paper is to ask the following: if the containment of refugees is indeed a core function of much refugee habitation, does that fact impact the moral appraisal of those practices? While others have identified containment as a core protocol of the contemporary refugee regime, none have mobilized that insight into a correlative account of the harm of encampment. I will argue that containment both constitutes a wrong, and is also the cause of many other substantive harms. If containment is indeed an essential function of encampment, then such arguments should put us in a position to recognize not just the contingent, but also the necessary fact of refugee camps' harmfulness.

II. Common Critiques of Encampment

Critiques of refugee encampment tend to be made on the basis of one or two kinds of claim. The first is that living conditions in many camps are abysmal: food shortages and lack of water are often routine, overcrowding and poor sanitation are ubiquitous, and sexual violence is pervasive. The severity and prevalence of these harms lead many to conclude that camps typical-

¹⁴ This definition owes much to McConnachie (2016, 398).

¹⁵ See, especially, McConnachie (2016) and Malkki (2002), but also Agier (2002), Robson (2020), and IRC (2020), as well as, in a less direct manner, Alenikoff (1992) and Shacknove (1993). There are also evident parallels between the language of containment and that of 'quarantine' that is common to analyses of the biopolitical character of encampment (e.g. Agier (2011)), as well as that of 'warehousing' (e.g. Smith (2004)) that I discussed above.

ly do not — or perhaps cannot — protect displaced persons’ basic rights.¹⁶ The second kind of claim is that camps themselves (as opposed to their conditions) violate refugee rights — particularly, their rights to freedom of movement and to engage in economic activity.¹⁷ The United Nation’s 1951 Refugee Convention guarantees all refugees — including those in camps — the right to engage in wage-earning employment (Article 17) and to freedom of movement and choice of residency within a given state’s territory (Article 26). Displaced persons are routinely deprived of these core rights via restrictions on movement in and out of camps and legal constraints on employment.¹⁸

Both arguments are integral to understanding refugee camps and appraising their moral status, but we may have concerns if they are meant to constitute arguments against encampment *as such*. First, however disturbingly pervasive degrading living conditions may be in camps, those conditions are ultimately contingent, rather than necessary, features of camps. And that fact has allowed proponents of encampment to argue, first, that there is significant variability in conditions and rights protections within refugee camps (in effect, that not *all* camps are so bad), and second, that even if all existent camps did have miserable conditions, it would still be at least conceivable that, with sufficient funding, a camp could be built that did not.¹⁹ The second kind of argument, in showing that the violation of these rights is a structural feature of many camps, evades the above worries. But it falls prey to a similar concern: not all camps (and their analogues) severely restrict refugee movement, and some camps have recently begun to allow

¹⁶ See, for example, Verdirame and Harrell-Bond (2005) and Agier (2011), as well as much of the extensive anthropological literature on encampment.

¹⁷ See, for example, Smith (2004); Parekh (2020); Betts (2021).

¹⁸ There are, of course, other kinds of arguments against camps — Milliband (2017) and Betts and Collier (2017), for example, argue that camps are an inefficient way to provide aid to refugees. These are, however, prudential rather than moral considerations, and my focus is on the latter.

¹⁹ This sort of reasoning seems to lie behind the UNHCR’s occasional designation of new camps, such as Azraq in Jordan, as “model camps” designed to solve the problems of other camps.

refugees with work permits to leave for arranged periods of time to labor in special economic zones.²⁰

Both sets of arguments, then, do not seem to provide reasons to think that encampment itself is problematic, inasmuch as their applicability depends on contingent properties that may fail to obtain in some camps. In this essay I take a different approach, locating the harm instead in the *function* of encampment: the containment of refugees and asylum seekers. Containment, I argue, is *pro tanto* harmful. And if it is indeed a defining function and so a necessary feature of encampment, articulating its harms should provide a more exhaustive argument against the continued use of refugee camps and correlative detention practices.²¹

Moreover, even if containment turns out not to be an essential feature of encampment, analyzing it will still be valuable. Containment will still be a further source of harm in many refugee spaces, one that can help us make sense of the wrongfulness of certain kinds of habitation practices — for example, the case of Bhasan Char that I began with — that are not fully-captured by the arguments canvassed above (a point I will return to in section VI). Understanding the harm of containment will, then, at least provide us with greater explanatory power in articulating the wrong of practices like encampment.

To see the the wrong of containment, I turn first to the ways in which the political function of containment gets expressed in the spatial organization of camps (section III), and subsequently to the ways that spatial configuration generates many of the particular harms that are associated with encampment (section IV). I then argue that containment not only generates other kinds of harms, but is itself harmful (section V).

²⁰ See, e.g., Jordan's 2016 refugee compact with the European Union. These caveats to the general rule of movement and economic restriction might appear to indicate that unconditional containment is, likewise, not a universal feature of camps. Yet even in such cases a logic of containment clearly persists, with camps still keeping refugees in a space segregated from the broader population in order prevent local integration. For example, Jordan's special economic zones allow refugees to leave camps to work for one month at a time only, after which they are required to return to the camps, and aid is typically tied to camp residency (ILO, 2018). Such moderate permissiveness is by no means the norm — it remains quite rare, and for the most part is only accorded to urban, and not encamped, refugees (Betts, 2021).

²¹ This is not to suggest that the non-contingent harm-generating features of some X are necessarily more significant than any contingent harm-generating features of X (or that the arguments I canvassed above are in any sense wrong). Indeed, in many cases contingent harms might strike us as far more grievous than non-contingent ones. My point, rather, is that, as non-contingent features, they will necessarily cover all possible instances of X, which is argumentatively significant.

III. The Spatial ‘Logic’ of Containment

In the most general sense of the term, to *contain* something is to produce a topological structure marked by a distinction between inside and outside through the establishment of a boundary, and to hold some relevant entity to the inside.²² Camps and their correlates reflect this general fact about containment: “inherent in the concept of a camp is the imposition of a boundary between the camp space and the world beyond and thus the containment of residents within those bounds” (McConnachie 2016, 398). To understand camps primarily in terms of their function of containment, then, is to understand them as particular kinds of places that institute a particular kind of relationship between the persons in those places and their spatial environment.

But of course, all places contain things in some sense. Indeed, Aristotle famously defines place in the *Physics* in analogy to a vessel — in terms, that is, of its capacity to contain the body or bodies within it (209b28). As such, any place can be described in terms of its capacity for physical containment: a classroom, for example, contains various desks and chairs, some number of air particles, and, at times, students. What is distinctive about camps, in contrast, is that this mere *capacity* of places to contain instead becomes a defining *function*. This is not the case with most places we inhabit. The principal function of a classroom is not to contain students; rather, a classroom is meant to furnish an environment that facilitates learning and socializing, in part through the way it is configured as a space — by, for example, arranging desks and chairs in certain ways, facilitating movement into other spaces, etc. Most places we inhabit aim at something beyond containing a set of bodies, and as such they are typically conducive to and capable of supporting diverse expressions of agency (economic, political, basic movement in and out of them). Camps, conversely, aim primarily at keeping something in, and so are not only organized but also experienced as spaces of enclosure and restriction rather than permeable horizons of meaning and activity (a point I will return to in section V).

This distinction between capacity and function indicates as well why geographically bounded nation-states do not contain — and so harm — their inhabitants in the same way camps do. Simply put, most states do not aim to contain a given population, which is well-evi-

²² See Malpas (2019, 172) for a comparable definition.

denced by the fact that almost all states acknowledge a (usually more than nominal) right to exit. Corroboratively, when a state *does* aim explicitly at containing its residents, and structures itself spatially in order to promote that end — as, for example, with the DDR’s use of the Berlin Wall — we tend to think that something has gone quite wrong.

Importantly, that function of containing things in turn becomes a central principle by which camps are organized spatially. Their function of containing refugees is visible in both the internal, material elements of camps (the various structures, objects, and people that make up camps, as well as the spatial arrangement of those elements), and their external relation to other places (their location within a particular state or broader geo-political region, their proximity to other settlements or economic centers, etc.). And that inscription of containment in the physical environment of camps in turn shapes the experiences and possibilities of encamped refugees. Indeed, as I will now try to show, containment — as a spatial ‘logic’ or principle of organization operative within camps — underlies many of their more obvious and egregious harms.

IV. Harms Caused by Containment

The spatial logic of containment is often a significant causal force in generating and sustaining the degrading living conditions and pervasive rights violations of so many camps. This is readily evident in something as simple as a camp’s location. The location of a camp or detention center, it should be noted first, is rarely adventitious or trivial, but often serves as a means of containing and isolating refugee populations. A revealing example is Dadaab in Kenya, which for much of this century was the largest refugee camp complex in the world. Dadaab is located in the arid, inhospitable Northeastern Province of Kenya near the Somali border (from which most of the camp’s residents have fled), miles of parched scrubland from the nearest major Kenyan settlements. Its desert location and distance from significant transportation routes ensures that the camp experiences chronic food shortages, delays and resultant rationing, that water scarcity is a perennial problem, and that refugees — many of them former subsistence farmers or herders — cannot even attempt to provide for themselves. Its proximity to the border and remoteness exposes it to external security threats, including raids from al-Shabaab, and ensures a lack of consistent oversight and protection. The distance to major economic centers means that, regardless

of legal restrictions on economic activity or movement, residents simply do not have access to labor markets, resulting in widespread, institutionally enforced idleness and dependency, which, the UNHCR has acknowledged, is a major statistical predictor of in-camp violence.²³ And its isolation guarantees the continued invisibility of refugees — both their inability to keep their plight in view to outsiders, and their lack of access to mechanisms of legal redress for rights violations and abuses.²⁴

While these kinds of harms and rights violations are well-documented, the example demonstrates the extent to which those harms are often a product of camps' central function of containing refugees — in this case, expressed in the camp's location. Other camps evidence the same locational structure. Azraq camp in Jordan — the UNHCR's "model" camp that was purpose-built in 2014 to house Syrian refugees — is located in a stark desert 20 kilometers from the nearest settlement. In the Republic of Georgia, the Prezeti camp for internally displaced people is so isolated and remote that residents complain that their children are followed by packs of wolves on their way to school.²⁵ And the recent trend of moving asylum seekers and refugees to detention centers on remote islands — Australia's asylum detention facilities on Manus and Nauru, for example, or Bangladesh's recent efforts to relocate 100,000 Rohingya refugees to the only recently emerged island of Bhasan Char — makes this logic unblushingly apparent. In such cases it is not necessarily restrictions on movement or economic activity that inhibit refugees' access to the means to improve their lives, it is the logic of containment (manifested in the camps' isolation) that makes it nearly impossible for refugees to access employment, means of subsistence, legal protections, and numerous other basic entitlements.²⁶

²³ UNHCR (2002) and (2003).

²⁴ An invisibility that is strikingly evident in the simple fact that most camps — many of which have been in existence for decades or host populations equivalent to medium sized cities — are not plotted on standard national and international maps. See Rawlence (2016) for an insightful, grounded look at life in Dadaab over the past decade.

²⁵ Dunn (2015).

²⁶ Of course, non-encamped refugees also struggle to attain these goods, which might seem to put pressure on the claim that it is containment that *causes* those deprivations. But my claim here is not that containment is the only factor that conditions refugees' access to such goods. Rather, it is merely that it is often a factor, one that is in many cases more operative than concomitant legal, political, and socio-economic restrictions, but one that is also significantly under-theorized.

These deprivations are compounded by the way the logic of containment gets inscribed in the internal configuration and materiality of camps. The function of containment is of course evident in the fences, walls, police checkpoints, and concertina wire that surround many camps and limit refugees' access to the means to improve their lives. But it is also evident in the paucity, temporariness, and non-durability of so much camp infrastructure — after all, if the primary aim of encampment is not the well-being of refugees or the restitution of something like a normal life for them, but their mere containment, then durable homes, schools, hospitals, community centers, places of worship, and economic centers will be functionally superfluous. Together, these features are a major causal force behind one of the most pervasive and corrosive features of camp life: enforced idleness, which is both a direct consequence of the logic of containment (inhabitants typically cannot leave camps, and their lack of infrastructure means that there is often little to do inside them), as well as a means of achieving that end (simply put, immobilizing something makes it easier to contain).²⁷

The core habitation practices of the contemporary refugee regime continue to produce and sustain refugee spaces that serve first and foremost as physical containers for human bodies. This is harmful to refugees at two distinct levels. As I have just shown, many of the well-documented everyday indignities and rights violations of camps are products of their logic of containment. Thus, containment *engenders* a variety of distinct harms. But, as I argue in the next section, containment also itself *constitutes* a wrong. Since containment is a non-contingent property of camps, showing that it is itself wrongful should, as I noted above, furnish us with a more exhaustive moral challenge to encampment and correlative practices.

V: The Wrong of Containment

²⁷ As Ben Rawlence observes, the “geography of a refugee camp is about two things: visibility and control — the same principles that guide a prison.” (2016, 113). The UNHCR has long acknowledged that idleness and dependency are significant statistical indicators of various camp protection problems, including gender-based violence, exploitation, and criminal activity (UNHCR (2002) and (2003)). The International Rescue Committee’s recent report “The Cruelty of Containment” likewise identifies prolonged idleness and inadequate infrastructure in Greek detention facilities as major causes of a widespread mental health crisis amongst detained asylum seekers (IRC (2020)).

As we have seen, to contain something is to institute a particular kind of relationship between a place (the container) and the things or persons in that place (the things contained). Containment, then, is a two-term relation. Thus far, we have focused primarily on one of those terms: the places that contain and how they do so. But what of the second term? What does containment — when it serves as the the function, rather than a mere capacity of a place — imply about and mean for the things that are contained? I argue in this section that to contain a person is to wrong them, by treating in a manner more appropriate to objects than persons.

To do so, I draw on Heidegger’s analysis of the way different sorts of entities inhabit or occupy space in *Being and Time*. I argue that containment distorts what is distinctively human about our way of being in place: we do not merely *occupy* places at the level of simple physical extension, but *inhabit* or *dwell* in them in a rich and globally-affecting manner. Containment thereby constitutes a deficient mode of being in place, and places that aim primarily to contain distort something basic about what it is to be human.

The relevant theoretical observation here is Heidegger’s claim that different types of entities (or, ontological kinds) occupy space in different ways. Heidegger develops this position in order to clarify what is distinctive about the way humans — or, in his terms, Dasein, the kind of entity that human beings are — inhabit their world. In doing so, he develops a general account of the structure of what he calls “being-in,” contrasting the way Dasein is in its world with the way other classes of entities can be said to be in some place.

According to Heidegger, when speaking of material objects the word ‘in’ typically refers either to a location in physical space, or to some relation to another material object. For example, we might say that the pen is ‘in’ the desk, which is in turn ‘in’ a room, which is ‘in’ the house, which is ‘in’ some city, etc. The pen and the desk and the room and the house all have the same manner of being ‘in.’²⁸ Heidegger calls this mode of being-in that is proper to material objects “insiderness” [*Inwendigkeit*], which he glosses as the way in which “an entity which is itself extended is closed round [*umschlossen*] by the extended boundaries of something that is likewise

²⁸ Heidegger (2008, 54). All references are to the Macquarrie and Robinson translation, and cite the marginal (Niemeyer) pagination.

extended.”²⁹ Human beings, he will claim, are not ‘in’ their world in the manner of “insiderness.” That is, such a conception of being-in in terms of physical containment can satisfactorily account for the way material objects are in place, but not the way human beings are.³⁰

Indeed, it seems clear that humans are never merely ‘in’ their world in the same way that pens are in a drawer — that is, as one extended body is mutely contained by another extended body. We are often, of course, in things — a room, a house, a city — in that way, but our manner of being-in also exceeds that purely physical description. This is because we *relate* to the places we are in and the various objects that comprise them not simply by lying alongside them, the way pens lie alongside one another at a certain measurable distance from the sides of the drawer, but also by exploring them or ignoring them, by picking them up or putting them down, by taking our distance from them or drawing near — in short, by *concerning* ourselves with them in a wealth of different ways. Thus for Heidegger the depth of our relation to the world around us can never be adequately rendered solely in terms of our physical presence in it:

Being-in...is a state of Dasein’s being; it is an existential. So one cannot think of it as the being-present-at-hand of some corporeal thing (such as a human body) ‘in’ an entity which is present-at-hand.³¹

It might be helpful, by way of clarification, to think of the difference between asking ‘where is it?’ and asking ‘where are you?’ An answer to the latter question would involve not only one’s location in extended space or in relation to other physical objects, but would also invoke our relation to a complex totality of involvements, meanings, and possibilities. Thus, for example, ‘where is the pen?’ can be adequately answered by ‘in the drawer.’ That is the fullest description of the object’s relation to its physical environment that we need to give; it accounts entirely for what it means for a pen to be ‘in’ the drawer. Conversely, to answer the question ‘where are

²⁹ Ibid., 101.

³⁰ While Heidegger does not use the term “containment” in *Sein und Zeit*, his description of *Inwendigkeit* indicates its aptness (see Malpas (2006 and 2012) and Casey (1996) for corroborating readings).

³¹ Heidegger (2008, 54).

you?’ with ‘I am home’ is to invoke a much deeper structure of meanings and possibilities: what I might be doing at the moment, how I might feel, what sorts of social arrangements I am likely to be implicated in, what forms of agency I might be able to express, etc. My home is never merely some extended body that encloses and contains me; rather, it is a place of respite, a reserve of quiet and comfort after moving through the din and bustle of the city, or perhaps it is an oppressive and claustrophobic space from which I desperately desire escape. And what this suggests is that to ‘be in’ some place is a structurally different phenomenon for humans and material objects.

Heidegger, then, is trying to draw out this difference between the spatiality proper to material objects and that proper to persons.³² For him, these are distinct ontological kinds — the way they *are*, including the way that they *are in*, is categorically different. Importantly, the spatiality of these different kinds of entities is not a contingent property, but a “constitutive” one — that is, they are the ontological kinds that they are at least in part because of the way they are ‘in.’³³ Thus, Heidegger seems to be making the bold and intriguing suggestion that there is a substantive connection between an entity’s manner of being-in (their spatiality) and the kind of entity they are (their ontological status). As I noted earlier, Heidegger defines Dasein — the kind of entity that human beings are — as being-in-the-world; that is to say, in terms of its unique way of being-in. Likewise, he claims that “all entities whose Being ‘in’ one another can thus be described [as ‘insiderness’] have the same kind of Being.”³⁴ Thus the spatiality of a particular entity — the way of being-in that is proper to it — is indicative of what kind of entity it is.

Of course, the spatiality of different entities is always a potential object of human understanding and discourse — we can discuss, philosophize about, or act in accordance with an implicit conception of the different ways that entities are ‘in’ the world or in some place. And that

³² A word on Heidegger’s use of the term ‘proper’ might be appropriate here. As I take it, ‘proper’ simply denotes what I have tried to spell out in these last three paragraphs — namely, that different ontological kinds have different ways of being-in, and that, because that manner of being-in is constitutive of the kinds of entity they are, it is ‘fitting’ or ‘proper’ to it. Notably, this would seem to imply that certain ways of being-in are, conversely, ‘improper,’ ‘unfitting,’ or ‘inappropriate’ to certain kinds of entities. This is precisely the latent normativity of the term that I will attempt to draw out in the rest of this section.

³³ Ibid., 101.

³⁴ Ibid., 54.

means that we can also *misunderstand* the spatiality of various entities. Thus, Heidegger observes that while persons have a way of being-in that is proper to them, and which they cannot help but have, we nevertheless “*can take*” — in our discursive and practical engagements — persons as material objects through the way we conceive of their spatiality.³⁵ To understand humans merely in this way, though, is to miss something important about the kind of entities that we are: “to do this, one must completely disregard or just not see the existential state of being-in.”³⁶ That is, we can treat humans as though their way of being in a place is equivalent to the way a pen occupies a drawer, but in doing so we must overlook or disregard something of what it is that makes them human.

Heidegger’s ostensible target here is any reductive, purely physicalist account of human spatiality. Thus Jeff Malpas, following Heidegger, claims that to understand some entity’s ‘being-in’ *merely* on the level of measurable bodily extension, “as having the character of ‘being-contained,’” as he thinks both Aristotle and Descartes do, is to conceive of that thing as an *object*.³⁷ But I think Heidegger’s analysis provides resources for a different sort of critique as well.

I have argued that camps and their correlates are defined by a spatial logic of containment. But to organize and maintain a place in accordance with a function of containment implies a conception not only of the kind of place that could contain, but also the kind of entity that could be so contained. Thus, betrayed in the instantiation of containment as the organizing logic of some place is a conception of the kind of thing that is to be contained — as something that, at the very least, can be contained in this way.³⁸

In general, we construct and maintain places as places for certain kinds of things — we would never, for example, build a city for a mouse, nor would we ever construct a one foot cubic

³⁵ *Ibid.*, 55.

³⁶ *Ibid.*, 55.

³⁷ Malpas (2006, 72). Note the clear echo, in Heidegger’s definition of “insiderness” above, of Aristotle’s “container model” definition of place in the *Physics* (1983, 212a20-21).

³⁸ This is not to suggest that any person need have this conception ‘in mind.’ Rather, that conception is implicit in the structure of the camp and the actions that configure and maintain that space as a place *for* refugees. As Heidegger’s language suggests, our “taking as” can be a *failure* to “see” as much as a conscious, intentional representation (2008, 55). What matters here, then, is that the logic of the camp itself betrays (and constitutes) a failure of ontological recognition.

box as a bedroom for an adult human. Thus, when we build or maintain a place to be inhabited by humans, or remand people to those places, we commit ourselves (if only implicitly) to a certain conception of what it is to be human — our rough physical attributes, our basic needs, our ways of engaging with our physical environment, etc. We do so even if we are not interested in responding to those needs or properties: we might for cruel reasons build, say, a cell for a person that is too short to stand up in and too narrow to lie down in, but to do so is either to disregard what it is to be a human, or to have a very clear conception of what a human is and to design a structure that conspicuously fails to accommodate their basic physical properties. Thus built places, especially where they are organized in accordance with a specific function, tend to betray an at least implicit conception of the kind of entity that could inhabit that place.

In Heidegger's terms, when we put people in certain kinds of places, or when we construct places according to a certain spatial logic (e.g. of containment), we are 'taking them as' a certain kind of entity — one that plausibly occupies space in that way. Given the constitutive connection between spatiality and ontological kind that Heidegger insists upon, the way that we conceptualize the mode of being-in proper to a particular entity will betray something of what kind of entity we take that thing to be. My central claim here, then, is that when our predominant aim is to contain a person, we implicitly 'take that person as' an object, one that occupies space in a way fundamentally different from the way humans do.

We are now in a place to see how the logic of containment constitutes a wrong. When we take or treat someone as an object to be contained or stored away for an indeterminate amount of time, we make a fundamental mistake about what kind of entity that thing is. It is a mistake at an ontological level: as Heidegger says, we must either "completely disregard or just not see" what it is that makes that person a person rather than an object.³⁹ Encampment, then, betrays a failure to recognize and appropriately respond to the humanity of refugees — to the way of being-in-

³⁹ Heidegger (2008, 55). The language of 'mistake' here is not meant to imply that containment always constitutes an unintentional error. Indeed, as Heidegger says, we can intentionally "disregard" the being-in of humans, as is the case in places of containment whose spatial properties are meant to constitute a form of punishment — that is, a recognition and exploitation of human spatiality. Some forms of solitary confinement seem to fit this description (see, Guenther (2014)). Rather, the usage of 'mistake' here is meant to extend Heidegger's claim that we can "take" humans as objects through the way we conceive of their spatiality, and that such taking as involves a kind of failure: a 'mis-taking' — or perhaps more resonantly, a 'mis-recognition' — of the entities involved.

the-world that is constitutive of that humanity. Places like refugee camps that aim predominantly at the containment of persons are, thus, dehumanizing; beyond whatever concrete harms they may engender at the level of refugees' lived experience, the function and spatial logic of such places itself constitutes a *pro tanto* wrong.

That said, a properly phenomenological analysis of refugee containment also demands an investigation of what such a category mistake means for the lived experience of the contained. We saw earlier how practices of containment in refugee situations engender various sorts of concrete harms. We can see now an explanation of why that is: humans do not inhabit the places they are in in the same way a material objects occupy some physical container, and to treat them as such will be deleterious to their well-being.

As we have seen, for Heidegger, the difference between the human way of being-in and an object's lies in the way we are always engaged and absorbed in our environment as a space of possibilities. Indeed, for Heidegger, the places we inhabit can be understood as configurations of possibilities in the form of affordances for purposive and meaningful activity. Part of the harm of encampment, then, lies in the way containment severs refugees from the wider world of affordances and restricts them to an artificially barren affordance-landscape. Take the example of Bhasan Char: despite official Bangladeshi promises, Rohingya refugees sent to the island found improved housing but little that afforded meaningful possibilities for subsistence activity, work, education, or recreation.⁴⁰ Because the space has been produced (and continued to be maintained) first and foremost as a physical container for human bodies, rather than as a genuine world of activity and possibility, the refugees remanded to it were suspended in a state of perpetual and pervasive idleness, one enforced by the nature of the space and what it afforded them in the way of meaningful agency. Life became, as Ben Rawlence observed amongst Somali refugees in Dadaab, "only waiting."⁴¹ Such harms are both a consequence and an expression of the failure — inherent in refugee containment — to fully recognize and respond to refugees' human way of being-in, indeed of the pervasive willingness in the contemporary response to forced displacement to treat refugees more like dry goods in a shipping container than human persons.

⁴⁰ Human Rights Watch (2021).

⁴¹ Rawlence (2016, 107).

VI. Objections

We might wonder whether the harm of containment is actually located in the fact of being contained, rather than in some other properties of the kinds of spaces in which displaced persons are typically contained. We can, for example, imagine a counterfactual case in which a refugee camp was not only perfectly adequate, but indeed quite luxurious, say, a five-star hotel with all the relevant amenities. Would such a space of containment still harm those relegated to it?

Recall the case we began with: the continuing relocation of Rohingya refugees in Bangladesh to the island of Bhasan Char. As I suggested in section II, the notion of containment developed here can help make sense of the wrong of such habitation practices where other theories may be less apt. Bhasan Char was intended to have stronger infrastructure and more reliable access to basic goods than other Bangladeshi camps. The conditions are by no means luxurious, but even if they were, such a space would still, I think, be harmful. We might think of the long history of the domestic containment of women as a point of comparison: the fact that some of the home-spaces in which women have historically (and are still routinely) confined are dignified or even luxurious does not ameliorate the injustice of such treatment. This suggests that there is a harm in encampment that is not reducible to the physical conditions of camps themselves. As one Congolese refugee aptly put it, “Even if we had better conditions, we are still in jail.”⁴²

The thornier issue here is whether the wrong of containment is conceptually reducible to some other, more basic harm, such as restrictions of freedom of movement, autonomy violations, or social and economic exclusion. In response, note first that even if the wrong of places like Bhasan Char can be adequately captured by other accounts of harm, we have at the very least drawn into relief a further and I think significant wrong: the cognitive failure involved in creating spaces whose central function is containment. There is a distinctive kind of wrong involved in treating refugees as objects to be contained, as things to be corralled into a circumscribed space and maintained separate from other populations. Just as the impulse behind gendered containment betrays a failure to recognize and properly respond to the rich subjectivity and capaci-

⁴² Quoted in Dunn, 2015.

ties of women, so too does the logic of containment behind encampment betray a failure to recognize and attend to the humanity and dignity of refugees.

All the same, the non-recognitive harms of containment seem, at first glance, more difficult to distinguish from autonomy violations and the unjustified limitation of free movement. Refugee camps seem to necessarily restrict displaced persons' ability to make meaningful choices about their lives — most obviously, the choice of where to live. But that doesn't mean that the harm of containment is always reducible to violations of autonomy. We might think, for example, that agoraphobics are harmed in confining themselves to their homes. But that harm does not obviously consist in a violation of autonomy, since the agoraphobic chooses to stay at home.⁴³ Nonetheless, it seems that their possibilities, projects, relationships, and certain forms of functionality are diminished because of their self-imposed containment. Similarly, a refugee who makes an informed decision to enter a camp for protection or support — such as the refugees who volunteered to be relocated to Bhasan Char — will still, despite the lack of an evident autonomy violation, be harmed by its logic of containment, inasmuch as their possibilities are likewise constrained. Of course, in the case of Bhasan Char, Bangladeshi authorities did subsequently prevent the refugees on Bhasan Char from leaving, so their freedom to move constrained. But we can imagine a Bhasan Char in which that was not the case, where refugees were free to leave if they so chose. Would such a place still wrong those consigned to it? I think it would. Bhasan Char is so distant from mainland Bangladesh as to make participation in the social and economic life of the host state — and more generally, the pursuit of meaningful possibilities and projects — practically impossible for the refugees consigned to it. Host states do not, of course, have an obligation to provide refugees transportation to economic centers — but they may have an obligation not to locate camps, in seeking to contain refugees, at such a remove from their social and economic spheres as to make them practically inaccessible.

Finally, what of social and economic exclusion? The refugees on Bhasan Char do indeed experience social and economic exclusion, but that was also true of the camps in which they had

⁴³ This claim does not depend on the contestable assumption that the agoraphobic in this case is acting autonomously in choosing to not leave their house. All that matters is that the relevant harms in this case do not seem to be articulable in terms of violations of autonomy, which will be the case irrespective of whether the agoraphobic is autonomous.

previously lived. Yet their relocation to Bhasan Char seems harmful in a new and distinctive way. Moreover, we can imagine a Bhasan Char in which refugees have some access to external social and economic opportunities — as is, for example, the case with some refugees in Jordan who can apply for permits to work in special economic zones outside their camps (a condition tied, notably, to camp residency). Indeed, consider a situation in which a person is subjected to a form of containment comparable to that described here, but is nonetheless able to participate in various aspects of civil society remotely — that is, they are contained, but not excluded from the social, economic and political worlds in which we all normally participate. While such persons would not be excluded from the forms of social and economic opportunities they are already aware of, their containment does deprive them of access to the wider spaces in which social, economic and political possibilities are discovered. Many of our activities and projects are initially encountered by stumbling upon them out in the world. As such, physical access to a broader social world is necessary not only for the *pursuit* of projects and possibilities, but also their initial identification *as* possibilities. Kieran Oberman (2016) has made a similar argument in support of a general right to immigration; I believe the same insight can be mobilized to explain the harm of certain kinds of refugee habitation practices: practices of containment treat refugees as the kinds of things who can lead full lives by having their basic needs provided to them, rather than the kinds of entities who need access to a wider world in order to identify and pursue the possibilities and projects that are, in part, constitutive of their humanity.

From a Heideggerian perspective, the latter two objections also betray a distorted conception of human subjectivity. We are not merely free, willing subjects who can only be harmed via constraints on our will; rather, we are agents who are profoundly and richly entangled with the worlds in which we act and the landscape of affordances that call us to our possibilities and that thereby shape what we can do and what we can be. From that perspective, one might autonomously decide to enter a camp in order to survive, but that will not be a decision to *live* in the full sense of being-in that Heidegger describes.

It may be the case that, in our non-ideal world, containment nearly always overlaps with restrictions of free movement, autonomy violations, and social and political exclusion. But this may simply mean, as I noted earlier, that the harms of encampment are significantly over-deter-

mined — not that a notion of wrongful containment is superfluous. Indeed, one of the benefits of thinking about camps in terms of their function of containment is simply that it expands the conceptual language through which we can understand and describe their harms.

Conclusion:

I have argued that we should understand the pervasive encampment and detention of displaced persons in terms of their function of containment. That function is in turn expressed in the spatial organization of camps, and I have enumerated some ways in which that spatial logic of containment informs concrete harms endemic to refugee camps. Lastly, I argued that containment itself constitutes a harm — specifically, a form of ontological misrecognition — in that it treats displaced persons in a manner more befitting objects.

Though containment has become a core response to the ‘problem’ posed by displaced persons, it often does little to address refugees’ needs, rights, and futures beyond the bare minimum of keeping them alive. Heidegger’s reflections on containment as a diminished mode of being in place draw out the stakes of this misrecognition: humans are simply not the kinds of creatures who relate to their world in such a way that they can be indefinitely remanded to a space of limited agency and possibility without a significant loss of well-being — indeed, without seriously undermining their ability to live dignified human lives. If it is true that we learn a good deal about a civilization by looking at how it treats its most vulnerable populations, we must wonder what it says about our current order that we continue to put people who have lost their homes and their most fundamental legal and political protections in shipping containers in far-flung camps and say that we have done our duty. Such treatment is, quite simply, dehumanizing, and as such, we have strong *pro tanto* reasons to eliminate the use of camps and their corre-

lates, and to find places for refugees and asylum seekers that do not aim primarily at their containment.⁴⁴

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