The Refugee Crisis & The Responsibility Of Intellectuals

Political Philosophy, Ideology, And The Need To Speak Truth To Power

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September 01, 2016   Picture: Borja Suarez/Reuters.

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"In ancient times, great walls were built to keep invaders out, but in the twentieth century, they have been built to keep people in. This development is at the root of a major dilemma for liberal states. While denouncing such policies as a violation of human rights, liberal states also deplore the intrusion on the international scene of burdensome refugee flows; hence, they tacitly accept such no-exit policies as a solution to a potential problem. This is highlighted by a paradoxical turn of events, whereby the receiving countries sometimes demand that the refugee-generating countries do a better job of preventing victims of repression from leaving".

Aristide Zolberg, Astri Suhrke, and Sergio Aguayo. *Escape from Violence: Conflict and the Refugee Crisis in the Developing World*.[i]

In April 2014, journalist Wolfgang Bauer and photographer Stanislav Krupař posed as English teachers from the Caucasus to join a group of Syrian refugees in Egypt. The refugees hired a smuggler to transport them to the coast for the dangerous voyage to Italy across the Mediterranean. Bauer reports:

"The passengers dash toward the [boat], running through the water without much regard for each other. They push off from the muddy bottom, jumping up to hang off the railings, all together, all on the same side until the boat threatens to capsize in the surf. The crew defend themselves with sticks, beating the desperate refugees to stop themselves from going under. […] Standing on the beach, it takes us a while to figure out what's wrong. Then we see two coastguard speedboats behind the smugglers. Two shadows with red flashing lights. The smugglers throw the refugees into the surf, kicking them, hitting them, bags landing in the water".[ii]

Egyptian soldiers with spotlights round up the refugees. They fire shots with live ammunition and force the refugees to fall on their knees, lower their heads and place their identification papers – if any – on their heads. They kick some of the refugees and take them to a detention camp in a former prison, shoving sixty people into a bare, concrete room. The prison had been looted and burned with the fall of the Mubarak dictatorship, but has now been reopened. The prisoners hear screams from the new regime's torture chambers.

Bauer and Krupař reveal that they are journalists and are released with the intercession of the German and Czech embassies. The rest remain, charged with leaving the country illegally.

Hundreds of thousands of refugees seeking safety in Europe undergo similar ordeals. The UN Refugee Agency reports that by the end of July 2016, 3078 people had drowned crossing the Mediterranean. With 250,801 having made the journey, the odds of dying were one in 81.[iii] Most of these deaths pass largely unnoticed. The international media briefly observed that 880 people drowned at the end of May 2016 in three Mediterranean shipwrecks, then turned their attention to narratives identifying immigration with threats to security and to national identity.

Journalists such as Bauer give readers a glimpse into the plight of people fleeing violence, as does the BBC's important series *Exodus*, filmed partly by refugees on their journey to Europe. Refugees escape violence only to be met with more violence on their journeys from smugglers, police, or soldiers. Some of the luckier ones receive tepid assistance in the indefinite limbo of refugee camps and a chosen few receive asylum and a chance to restart their lives. How should people positioned to offer protection, aid, and advocacy respond?

In an October 15 report, Amnesty International decries the "catastrophic moral failure as rich countries leave millions to cruel and uncertain fates". It points to the failure to resettle hundreds of thousands of the most vulnerable refugees (the UNHCR resettled only 107,100 in 2015), to the fact that most of the burden of sheltering refugees falls on developing countries, and to the UNHCR's chronic underfunding.[iv] In contrast, many politicians and pundits respond to refugees with fear, hostility, or, most charitably, a firm commitment to the (perceived) interests of their community. Sun Columnist Katie Hopkins compares migrants to cockroaches and advocates following Australia's model of intercepting ships: "Once gunships have driven them back to their shores, boats need to be confiscated and burned on a huge bonfire."[v] Former British Secretary of State Philip Hammond decries "marauding African migrants" who "pose a threat to the EU's standard of living and social structure".[vi]

Political philosophers can help cut through this morass, but they need to take to heart anthropologist David Turton's admonition that research into

extreme human suffering is only defensible if one has "the alleviation of suffering as an explicit objective of one's research".[vii] Turton sees some value in providing policy makers with lessons gained from past experience, but notes the limitations of lists of "dos" and "don'ts" when applied in different circumstances. Instead, he advocates making explicit the unexamined assumptions grounding policies and showing how these assumptions are often self-serving.

Political philosophers writing on refugees have largely failed to do this, instead working within the assumptions that produce and reify border controls between and within states which – to quote the title of the anthropologist Michel Agier's important book – allows for "managing the undesirables".[viii] Judged by Turton's standard, the language and conceptual tools of political philosophy are in many respects superfluous and wrongheaded. They are superfluous because they do little to reach people who are not moved, outraged, and shamed after reading Bauer or after watching Syrian English teacher Hassan nearly die on an overcrowded dinghy setting for Greece from Izmir, Turkey. How can a person witness the journey of eleven-year-old Israa and her family from Eastern to Northern Europe and not be moved to help? This is not a rhetorical question, for Hopkins, Hammond, and their ilk have repeatedly demonstrated the response to human suffering is sometimes not compassion, but fear, hate, and opportunism. Sadly, philosophy is helpless here: little can be said to people who lack empathy and have no interest in evidence or in moral debate.

A charge that cuts closer to home for philosophers is the possibility that their very approach to refugee flows is wrongheaded. Political philosophers have mostly dwelled on two issues: who counts as a refugee and the responsibilities toward people fleeing violence.[ix]

The first issue is important and philosophers may play a useful role in determining a morally adequate account of what it means to be a refugee. Article 1 of the 1951 Refugee Convention (as amended by the 1967 Protocol) defines a refugee as

> "A person owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the

protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it".

Though there is some dissent, political philosophers have for the most part advocated expanding this definition to include people fleeing violence even if they do not belong to a persecuted group, as well as people displaced within the boundaries of their state and victims of environmental disasters and degradation. Some philosophers have argued that even those afflicted by extreme poverty should be considered refugees. Insofar as these discussions bring awareness and clarity about who has a claim to help, they are welcome.

At the same time, the "who is a refugee" debate risks fiddling while Rome burns. Even with the most restrictive definition of "who is a refugee," there are millions of people in desperate need. Not only are these people not receiving help, states actively conspire to prevent them from claiming protection. States do not adopt restrictive accounts of refugee status because of their philosophical merit. Rather, they wish to limit the actual and potential burden of extending protection. Political maneuvering during the negotiation of the 1951 Convention succeeded in securing a narrow definition along with geographical and temporal limits to avoid responsibility to those living outside of Europe and to those fleeing conflicts after the Second World War. And despite the generosity of most political philosophers' definitions, the "who is a refugee" debate has a more sinister side: it can also lend moral legitimacy to policies that turn desperate people back toward danger if they significantly restrict who has a moral claim to protection.

This danger of abetting restrictionist state policies becomes particularly salient for discussions of state responsibilities toward people fleeing violence. We see this in defenses of limiting European obligations. Recently Slavoj Žižek has defined the debate about refugees from Africa and the Middle East seeking asylum in Europe in terms of a double blackmail between "left liberals" who "state that Europe should show solidarity, should open its doors widely" and "anti-immigrant populists" who claim that "we should protect our way of life, pull up the drawbridge and let Africans or Arabs solve their own problems."[x] Žižek rejects supposed "taboos of the

left" such as the refusal to protect "our" way of life, the reluctance to acknowledge the superiority of "Western" cultural values such as egalitarianism and an allegiance to fundamental human rights[xi], and the failure to criticize Islam.[xii] He invokes what he considers the failure of multiculturalism which he holds has contributed to a clash of civilizations in which "it is a simple fact that most of the refugees come from a culture that is incompatible with Western European notions of human rights".[xiii] Žižek has made a lucrative career out of provocative assertions blended with obfuscating jargon, platitudes, and pop culture. Despite vague allusions to a future communist alternative to capitalism and to global solidarity, there is little in his bluster to distinguish him from (Sun Columnist) Hopkins and (former British Secretary of State) Hammond.

Žižek's views have parallels in the liberal, analytic political philosophy literature, most recently exemplified by David Miller's *Strangers in Our Midst*.[xiv] Miller broadly defines the category of refugees as those whose human rights can only be protected from persecution, natural catastrophes, or private acts of violence through migration. He insists that we have obligations to not send refugees back to where their human rights are violated, but denies that refugees have a right to choose where they live. In particular, he considers it permissible to house refugees in camps or to send them to other states where their safety is guaranteed.[xv] In cases where receiving states "sincerely and reasonably" believe they have accepted their fair share of refugees, then a "tragic conflict of values" arises in which some people entitled to asylum may not have a corresponding right to protection.[xvi]

Miller worries that the 2015 refugee flows may have made this tragic conflict a reality. He contends that violence in North Africa and the Middle East has placed the "European migration system under unprecedented stress", warning that the "generous initial response" of ordinary Europeans "may not survive the experience of immigrants entering local communities in large numbers and competing for jobs and housing."[xvii] Though acknowledging that European military action abroad may trigger some responsibility to refugees from these regions, he complains of a "moral double bind, under which states involved are blamed for the effects of interventions that go wrong (for instance, in Iraq) and at the same time blamed for failing to intervene when intervention seems to be required (for

instance, in Syria)".[xviii] He suggests following the Australian government in adopting a policy of returning boats to their point of embarkation or sending them to offshore detention centers with the goal of placing successful claimants in third (presumably non-European) countries.[xix] He also insists on taking steps to reduce migrant flows by convincing "local authorities in the sending states to clamp down on people-smuggling operations and to better police their territorial waters".[xx]

It is of course possible to reject Miller's view that the European migration system is in fact under "unprecedented stress" and to reject his proposals. For example, Joseph Carens takes seriously Miller's position that there are limits to the responsibility to turn away refugees, but insists that the limit is almost never reached.[xxi] Carens denies that rich democratic states are in fact unfairly burdened, noting that neighboring states in Africa and the Middle East host far more refugees. He uses the case of the Jewish refugees on the MS St. Louis as a moral benchmark with which to judge our policies. Cuba, the United States, and Canada all denied them entry, condemning many to the Nazi death camps. Mechanisms such as air carrier sanctions and the use of third countries to prevent people from lodging claims to asylum are morally unacceptable – they do not reach this benchmark, for they would have prevented the MS St. Louis passengers from reaching safety.[xxii]

To Carens' rebuttal, we might add that Miller's advocacy of using local governments recalls the treatment of journalist Wolfgang Bauer and the Syrian migrants by the Egyptian military. Moreover, Australia's policy of intercepting ships and offshoring asylum seekers has involved widespread human rights abuse. Recently, Somali refugee Hodan Yasin and Iranian asylum seeker Omid Masoumali set themselves on fire to protest their indefinite detention.[xxiii] Experts from Stanford's International Human Rights and Conflict Resolution Center have warned that employees of the Spanish contractor Ferrovial may be liable for crimes against humanity for providing services to Australia's Nauru and Manus Island camps in Papua New Guinea.[xxiv] A recent report from the United Nations Special Rapporteur on Torture has found that the Australian government "has violated the rights of migrants and asylum seekers to be free from torture or cruel, inhuman or degrading treatment."[xxv]

There is value in rebutting Miller's specific proposals, but what is needed is a critical analysis of the worldview underlying Žižek and Miller's callous insistence on the limits of responsibility. The discourse of "who is a refugee" and "what are the limits of state generosity" treat European (and other) states as largely benevolent entities. In fact, European states are not just blameworthy for a failure of generosity; they are guilty of creating, sustaining, and participating in a regime that actively confines people to bleak lives in refugee camps and seeks to prevent them from escaping from violence. Intellectuals who legitimize this regime abet Europe's continued oppression of refugees beneath a veneer of democracy and liberalism.

We need a critical political philosophy that analyzes the structural conditions and causes of refugee flows. Miller's arguments are based on a naive account of human rights that does not consider how lip service to these rights helps legitimize a regime that condemns millions to death and destitution while absolving powerful actors from moral responsibility. He treats refugees flows in terms of a simplistic relationship between individual refugees and state benefactors, distorting the reality of today's migration systems by stripping away the context and causes of actual refugee flows.

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One indication that Žižek and Miller's positions are ideological is their endorsement of the myth that there is a *European* refugee crisis. Europe suffered from refugee crises after both world wars and during the Yugoslav Wars in the 1990s. 9.5 million people were displaced in Europe in 1926; 30 million were displaced during the Second World War, with eleven million survivors outside of their countries in need of assistance when it ended. 3 725 300 people (15.83% of the population) from the former Socialist Federal Republic of Yugoslavia were refugees or internally displaced.[xxvi] These were European refugee crises because the refugees were Europeans. If there is a European refugee crisis today, it is a manufactured crisis, a result of decades of allowing the Far Right to dictate how migration is understood. There is no

crisis of capacity or resources; rather, there is a crisis of political will in which too many politicians and intellectuals have capitulated to xenophobia. Angela Merkel's refusal to allow terrorism to compromise Germany's humanitarian commitment to refugees is courageous mainly because it has become unusual.[xxvii]

A second myth is that Europe's role in refugee flows has been that of a generous, but largely passive spectator. The relationship of Europe to refugees is not one of a benevolent benefactor reaching the limits of its moral obligations to needy strangers. Rather it is that of a perpetrator whose armed interventions have contributed to many people fleeing their homes. The United States and its European allies bear a direct responsibility for the plight of refugees from Afghanistan, Iraq, and Libya. 2.7 million Afghanis refugees live abroad, fifteen years after the 2001 invasion. Contra Miller, the 2003 Iraq war was not an "intervention", but an invasion in which UK, Spain, and Poland joined the United States in creating the conditions in which 4.4. million Iraqis are still internally displaced and many more have fled the country. Similarly, there are 471,653 people of concern to the UNHCR in Libya, mostly people displaced by the intervention that President Obama considers his worst mistake.[xxviii] Britain and France shoulder some of the blame. And even if a humanitarian intervention in Syria was or is ill-advised, Syrian refugee flows owe much to the efforts of Western powers to destabilize Assad's regime and to their support of rebels which has prolonged the conflict. Even in cases where it is difficult to attribute direct responsibility for refugee flows, we must not ignore the global arms trade – a major source of sustained civil war made possible by European and other manufacturers.[xxix]

Europe is comfortable intervening abroad when it sees its interests at stake, but retreats behind a fiction of closed-off, independent nation-states when it wants to escape responsibility for the consequences of its interventions. All the while, it plays an active role in condemning millions of people to the purgatory of refugee camps or the slums of less developed countries' cities. According the UNHCR, there are 65.3 million forcibly displaced people. 40.8 million of these people are internally displaced within the boundaries of their country. 16.1 million refugees are under the UNHCR's mandate and 86% of these (13.9 million) are hosted in less developed religions. The top six host countries are Turkey (2.5 million),

Pakistan (1.6 million), Lebanon (1.1. million) (with 183 refugees per thousand inhabitants), the Islamic Republic of Iran (979,400), Ethiopia (736,100), and Jordan (664,100). Germany leads Europe with 316,155 refugees and an additional 420,625 pending asylum cases, a significant but hardly crushing number given its per capita income (41,209 US$) and its 80.62 million inhabitants. Of the 65.3 million people of concern to the UNHCR, only 3.2 million are awaiting a decision on their application for asylum.[xxx]

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This is not simply a matter of numbers. As Matthew Gibney and Serena Parekh noted earlier this year in *The Critique*, there is an asymmetry between the recognized legal obligations to people at the border seeking asylum and to people in other countries trapped in refugee camps.[xxxi] Many states recognize the legal obligation to provide at least a pretext of fairly assessing their claims to asylum; they consider obligations to contribute resources to the UNHCR or to other states to host refugees a matter of charity or strategy. The main outcome of the recent World Humanitarian Summit was not aid, but the uneasy maintenance of an agreement to allow Europe to return refugees to Turkey.[xxxii] As long as human squalor and desperation is out of sight, it is out of mind, so they uphold a deeply unjust migration regime in which people are quarantined in camps. The question who is the refugee is most likely to help people seeking asylum at national borders where there is a process for determining status. It is largely irrelevant for many of the people fleeing violence, whether across state borders or within their own states.

Miller finds short term camps an acceptable strategy as long as they provide "physical security, adequate food, [and] medical care."[xxxiii] The prospect of short term camps has little resonance with their reality. Nor has he heeded Stephanie Silverman's warning that the refugee camps he advocates are in many respects *de facto* detention centers.[xxxiv] In fact,

refugee camps are one part of a strategy of outsourcing migration controls to regimes not constrained by the niceties of respecting human rights. In his chronicle of the lives of some of the 340,000 inhabitants of the Dadaab refugee camp in Keyna, reporter Ben Rawlence reports:

> "The camps lie seventy miles inside Kenya across the barren scrub of the border country and the crossing is dangerous. The police in Kenya jokingly refer to undocumented Somalis as "ATM machines". Rape is routine. Bandits are the preferred attackers, for they simply take what you have and let you on your way. The police are evaluated on the number of people they arrest and so they fill the hot stinking concrete cells of the border towns with asylum seekers, charge them with being "illegally outside a designated area", an offence under the Kenya Refugee Act, and collect up to $250 in ransom before deporting the failed refugees back to Somalia with bruised legs and a warning: "Think again before coming to Kenya".[xxxv]

The Kenyan government has recently threatened to close the camp, citing fears that the al-Shabaab militant group has been using the camp for recruitment.[xxxvi] Refugee camps often reproduce the cycles of violence that brought them into existence. Serena Parekh has noted that Syrian refugees have abandoned camps in Jordan *to return to Syria* because camp conditions are so terrible. Indeed, many refugees continue on to Europe precisely because of the deplorable conditions in Turkey, Egypt, and other states.[xxxvii]

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Confinement to camps takes place not only on the borders of developing states, but within Europe. Despite France's attempt to forcibly evict the people living in the Calais refugee camp, 5000 people continue to subsist there, including 350 unaccompanied minors.[xxxviii] Unaccompanied children live behind barbed wire on the Greek Island of Lesvos.[xxxix] The depressing irony behind the camps is that humanitarian efforts serve a dual

function of providing aid to desperate people and controlling borders by disciplining migrants, reducing them to passive, permanent victims, dependent on handouts rather than allowing them to join new communities.

Admitting refugees is a necessary part of any solution to this humanitarian quagmire, but it is far from sufficient and risks treating the symptoms rather than the causes. In her insightful analysis of how the focus on resettlement fails to exhaust the moral obligations toward refugees, Serena Parekh usefully draws on Iris Young's discussion of structural injustice:

> "It is helpful to think about many of the harms associated with the treatment of the forcibly displaced as *structural injustices*. The way that Iris Young describes it, structural injustices are not the result of deliberate harm or explicitly unjust policies, but the unintentional outcome of the actions of different agents each working for her own morally acceptable ends. It refers to situations in which something is *morally* wrong, but there is no clear causal explanation or clear intention on someone's behalf to cause the harm".[xl]

Structural injustice is a useful way of thinking about obligations to refugees, but I understand Young's account a little differently. Young does not see focusing on structural injustice as obliterating individual responsibility. Nor is it necessarily a product of agents independently working toward morally acceptable ends. Often it arises from policies designed to favor the interests of the powerful over marginalized groups.

Parekh concedes that some policies such as the United States' decision to pay Mexico to prevent Central American refugees from reaching its frontiers to claim asylum are active, intentional harms. In fact, these sorts of harms are endemic to Europe's management of the refugee crisis. European leaders decry "human trafficking", often confusing it with human smuggling, knowing that the only way to lodge a claim to asylum for most of the world's refugees is to employ a smuggler. There is nothing unintentional about Europe's attempt to block people from claiming asylum as witnessed by the plan for NATO to deploy warships to help with the European Union's attempts to control migration flows.[xli] The asymmetry between asylum claims at the border and paltry efforts to improve the lives of other refugees is built into the system by deliberate policies. This has

always been part of the response to large groups of people fleeing violence. Humanitarian organizations may have good intentions, but as anthropologists such as Ruben Andersson and Michel Agier have demonstrated[xlii], their workers are aware of the double-edged role that they play in regulating and controlling as well as assisting migrants.

"There is nothing unintentional about Europe's attempt to block people from claiming asylum".

What, then, is to be done? We have both individual *and* shared responsibility to transform this system through collective action. In terms of feasible policy proposals, the distressing truth is that we don't know how to do this. The scope of the problem – 65.3 million forcibly displaced people – and the hostility that is regularly encouraged against the world's most vulnerable people is grounds for deep pessimism. Most of these people are effectively stateless and Hannah Arendt's prescient observation that state membership is needed for the right to have rights bodes ill for their future.[xliii] States should resettle more people and, as a practical matter, we can hope that more states will behave like Germany rather than like Hungary toward refugees.[xliv] But this will still leave tens of millions of people in dire conditions.

What about the role of intellectuals such as political philosophers who hazard to make moral evaluations? We have an obligation to do our best to reveal the vicious nature of the migration regime and not to communicate a vision of the world that is convenient for those who have the power to shape unjust institutions. We must take care to not provide fodder for the xenophobes, racists, and political entrepreneurs who thrive off fear and hate. Political philosophers also need to acknowledge how much needs to be done to create a just system. Though advocating open borders is widely disparaged as utopian, we must not forget that border controls are themselves part of a violent regime producing refugees. Philosophers like to pretend that the justice of border controls can be resolved by determining the relative strength of migrants' freedom to move and their interest in a better

life and sovereign states' right to control membership. They neglect the reality of border enforcement through detention and deportation, often outsourced to states with appalling human rights records. Even if abstract principles support rights to restrict migration, in practice this is only accomplished through brutal means.

Only by opening borders and welcoming strangers can the camps for people fleeing violence become temporary shelters on the journey to reconstruct their lives; the alternative is to abandon hope for millions of people facing persecution, the destruction of their homes, the murder of their families and community members, torture, rape, and destitution. More open borders are not a sufficient moral response, but they are a necessary part of it. One major responsibility for intellectuals is to articulate and advocate for more freedom of movement to give refugees genuine options to determine their fates.

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