

Serena Parekh
Refugees and the Ethics of Forced Displacement
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Reviewed by Désirée Lim, 2017

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Serena Parekh's *Refugees and the Ethics of Forced Displacement* is a timely intervention into the philosophical literature on what the international community owes to refugees, here loosely defined as *all* displaced persons who lack any form of effective citizenship or political belonging, regardless of how they are legally categorized, or whether they are technically fleeing a "well-founded fear of political persecution" (2). Departing from more commonly asked questions about how many refugees ought to be resettled or given asylum by states, it focuses on the situation of those *currently* displaced. In particular, Parekh is concerned with how refugees are treated during the in-between period when they are outside of their home states, but have not yet found a state to resettle them. Importantly, many of those refugees are housed in large-scale refugee camps where they are denied basic rights and political participation.

Reframing the discussion, Parekh argues, is crucial for two reasons. First, encampment has become the *de facto* response to refugees, supported by states' funding priorities (38). Under present political conditions, resettlement on a sufficiently large scale is simply not a realistic option. This prompts the need to establish ethical standards that guide states' treatment of those who are trapped in long-term encampment, and very unlikely to be resettled. Second, the experience of encampment itself involves a distinct harm, which Parekh terms "ontological deprivation," that is analytically separate from the harm of statelessness itself, and may be addressed through policies that do not necessarily involve resettlement (6). These observations lead Parekh to the core claim that, if camps are going to be used to house refugees over the long term, they ought to "minimally protect the basic rights and dignity of their residents and allow some form of political participation and accountability" (2).

Having outlined the underlying goal of Parekh's book, I now summarize in more detail a number of arguments she employs to strengthen them. I explain her account of "ontological deprivation," followed by her suggestion that the harms suffered by refugees are best understood as a form of structural injustice.

Ontological Deprivation

As a starting point, what exactly is "ontological deprivation," and what makes it different from the sociopolitical harms of statelessness? The use of "ontological" in this context is

meant to signal the fact that the stateless who face conditions of encampment are likely to suffer a loss fundamental to their humanity (6). There are three closely intertwined dimensions to such deprivation: the loss of identity and reduction to "bare life"; expulsion from a common world; and finally, the loss of agency understood as the ability to "have your words and actions be recognized as meaningful and politically relevant" (85). Although I cannot do full justice to the nuances of each dimension, I aim to recap them in a concise manner.

Following Hannah Arendt and Giorgio Agamben, the reduction to "bare life," as Parekh characterizes it, involves the loss of a formerly meaningful political identity that causes a person to appear to others as an "abstract human being who, precisely because of this abstraction, does not appear to be fully human" (86). Put differently, once they are stripped of their political personae and citizenship, they become perceived primarily in terms of their *biological*, rather than political, existence (86). Though the terminology is somewhat obscure, I take it to mean that, without the political status of *citizens*, we lose our capacity to be viewed as humans *qua* individuals with unique identities, histories, and life-projects. Instead, we become collectively viewed by others as a "giant, nameless mass;" human only in virtue of our biology as opposed to our individuality.

Such deindividuation aside, refugees can also be understood as having been expelled from a *common world* inhabited by other humans. Typical instances of exclusion include *economic* exclusion, where the stateless are not permitted to actively engage in economic activity and are treated as passive recipients of charity; as well as *social and political* exclusion, where refugees are denied social integration or political rights in their state of residence (90). As we can see, the sense of "world" in play here does not refer to the earth or "natural" world, but the public realm of "shared meaning, experience, and fabrication," where individual beings are able to relate to one another, while simultaneously upholding their unique separate identities (91). Furthermore, exclusion from the public realm does not mean simply being ignored or set aside. Bearing the status of an excluded person, as the stateless do, exacts consequences for how one is treated by institutions, like states, the UNHCR, and NGOs. In this sense, the stateless experience what Agamben terms "inclusive exclusion": they are *excluded* as members of a public realm but paradoxically *included* insofar as they receive an identity and status by virtue of this exclusion (92).

The final component of ontological deprivation is the loss of the ability to act. As a result of their reduction to "bare life" and their expulsion from the common world, stateless people are rendered "unable to speak and act in a meaningful way" (93). Of course, Parekh does not mean that they are literally silenced or immobilized. Rather, because they are situated outside of a political community and common world, the stateless lack a space in which their words and actions are recognized by others or matter to them (94). This means that they lack the appropriate *standing* for their words and actions to have impact on others. A deeper implication of the inability to act is the loss of Arendtian freedom, which is central to our humanity. For Arendt, freedom is a "fundamental human experience that is actualized primarily in political action, where a person discloses her uniqueness in conjunction with other people" (93). In other words, we can understand the lack of freedom as the failure to *express* and *present* one's unique individuality in a manner that finds echo in the interpersonal realm.

Structural Injustice

I turn to another key argument that Parekh makes: chiefly, that encampment and the resulting ontological deprivation are best understood as *structural* injustices. This means that they are not the result of the deliberate policies of a given state intentionally targeted at the displaced, or ill will on the part of international agencies, but arise from different sovereign states acting in their own best interests (6). Even though we should acknowledge prolonged encampment and its associated violations of dignity and rights as morally wrong, no states have actually acted on an *immoral* principle, as they are "acting to protect their citizens and the well-being of their states, and in principle at least, acting in the interest of the displaced themselves" (121). The point, therefore, is that a morally wrong state of affairs has been brought about through institutional agents acting in line with motivations that are neutral or even morally positive (126).

The structural conception of injustice is instrumental to how we ought to assign responsibility to states for the harms suffered by refugees. First, it excludes the charge of moral culpability or "guilt." Following Iris Marion Young, guilt applies only to cases where a harmful outcome can be traced back to the specific actions or deeds of an agent (124-25). For example, I am guilty of breaking your nose if it was *I* who punched you. But recall that no individual state is guilty of causing mass displacement or encampment; it results from a collection of states acting in accordance with accepted rules and practices. They are *connected* to moral harms, but not *guilty* of them (124).

Fortunately, moral culpability is not the only model of responsibility available to us. Even in the absence of guilt, we can turn to what David Miller calls *remedial* responsibility. On this view, we become remedially responsible in virtue of our connection to a situation in need of a remedy (123). Parekh notes that Western states are connected to the harms of the global refugee regime in several ways. We can first look to Western states' *participation* in the global system described above, as well as their ability to influence or lead policies and practices within the system (125). At the same time, they can also be responsible in virtue of having the *capacity* to supply a remedy for the situation, as well as receiving *benefits* from the harm. Western states not only have the power and resources to ameliorate the harms of encampment, but also benefit from refugee encampments in developing countries. In particular, they are able to avoid the politically weighty costs of hosting large numbers of ethnically and religiously diverse people within their territories, expending substantial state revenue on nonnationals, and having to resolve the environmental damage and disease burdens attached to large population increases (124).

Inferiorizing Treatment and Moral Culpability

As I am largely sympathetic to Parekh's arguments, the section that follows is not intended to cast doubt upon the above arguments, but contains suggestions for expanding the scope of her discussion.

First, although I agree that part of the "ontological deprivation" involves refugees being seen as "human" only in the *abstract* sense that lacks recognition of their individuality, we should also consider the fact that they may be viewed as *less than* human, and as our *inferiors* in some relevant regard. I don't think that this is only a matter of semantics. Although the line between the two is admittedly not always clear, it is one thing to be divested of one's unique identity and simply treated as one of many desperate *humans*, but being treated as morally *inferior* involves a deeper and more profoundly damaging misrecognition.

I'll now briefly elaborate on what exactly it means to treat someone as a moral inferior. One way of doing this, as expressed by Andrea Sangiovanni, is treating them as "marked out for special types of exclusion, disdain, or contempt on account of properties of their physical aspect, character, or background" (Sangiovanni 2017, 74). To illustrate this in practice, a paradigmatic case of treating people as inferior is to exclude them from certain public spaces on account of their race, which black people experienced during the Jim Crow era. I want to argue that refugees are treated as inferiors in a structurally similar manner. Their exclusion on multiple fronts is at least partially traceable to negative stereotypes that paint refugee populations as fundamentally different and threatening "others." Some of these stereotypes apply to refugees *qua* needy foreigners; for example, they are out to steal jobs in receiving states, or they will be a strain on welfare systems. Others apply to refugees in virtue of the ethno-religious properties commonly associated with them; specifically, they are dangerous terrorists by dint of being widely perceived as "Muslim." For example, according to a Pew Research Center survey, 46% of American respondents viewed Syrian refugees as posing a "major threat" to the US (Smith 2017). A recent consequence of this widespread belief was US President Donald Trump's executive order, carried out in the name of "national security," to temporarily ban all refugees from entering the US, even though no person accepted into the US as a refugee has been implicated in a major terrorist attack.

With regard to the present case, many host governments believe that they can reduce the security threat posed by refugees, exert control over refugee communities through rigorous policing, and protect their own population by establishing camps (Roberts 2010, 50). The fact that encampment is partially motivated by security-related fears that spring directly from demeaning stereotypes is not one explored by Parekh. Thus, though she correctly argues that refugees are excluded from the "common world," it may supplement her view to consider the possibility that refugees are excluded *because* they are viewed as inferiors. Furthermore, being viewed as inferior goes beyond the Arendtian loss of unique identity; it entails not just *namelessness*, but the elicitation of fear and aversion in response to a "marked" or "polluted" identity.

Second, I wonder if focusing exclusively on the structural conception of injustice has the effect of letting states off the hook too easily. Again, Parekh is correct to emphasize the suitability of structural injustice as a means of conceptualizing the harms of encampment. But this does not necessitate abandoning the concept of "guilt" or moral culpability altogether. There can still be many instances of encampment-related harms that individual actors can be said to be morally culpable for through their acts or omissions.

Take, for example, a statement issued by Human Rights Watch and Amnesty International about the severe abuse, inhumane treatment, and neglect suffered by 1,200 refugees who had been forcibly transferred to encampments on the remote Pacific Island nation of Nauru. It drew attention to how the Australian government's failure to address serious abuses appeared to be a "deliberate policy to deter further asylum seekers from arriving in the country by boat." Anna Neistat, a senior director for Amnesty International responsible for conducting the investigation on the island, was quoted as saying that "Australia's policy of exiling asylum seekers who arrive by boat is cruel in the extreme . . . [f]ew other countries go to such lengths to deliberately inflict suffering on people seeking safety and freedom" (Human Rights Watch 2016).

Here, an *individual agent* was appropriately singled out as responsible for particular harms by virtue of their failure to address abuses specifically committed under their authority. We

should not let the notion of structural injustice overshadow those instances where the assignment of moral culpability is warranted. It may be true that Australia's treatment of refugees is to some extent guided by globally accepted rules and practices, and not guided by blameworthy intentions, as Parekh has emphasized. But this is compatible with the recognition that there *are* instances of behaviour, on the part of states, that meet the criteria for guilt or culpability, and we should not shy away from pointing them out, as Human Rights Watch and Amnesty International have done. Both forms of responsibility can coexist in a complex relation; one need not detract from the importance of recognizing the other.

Refugees and the Ethics of Forced Displacement is an important contribution to the philosophical discourse on refugees, especially because it brings to light the ethical considerations that ought to underpin the treatment of an oft-neglected group: refugees who endure conditions in long-term encampments and are unlikely to be resettled. I have raised a number of issues with how Parekh defines "ontological deprivation" and her emphasis on viewing it primarily as a form of structural injustice, but this does not at all detract from the book's immense value in helping us understand the harms faced by many refugees today.

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