



Book Reviews / Compte rendus

Serena Parekh

No Refuge: Ethics and the Global Refugee Crisis. New York, NY: Oxford University Press, 2020, 269 pp.

In Mohsin Hamid's celebrated novel, *Exit West*,¹ a young couple flees violent conflict in South Central Asia, trekking through magical doors to Europe and North America. The interiority of refugee experience is excavated, seared by familial, emotional, and spiritual wounds. "Encampment" as the reality of refugees adrift—finding only transient shelter across continents—shreds any claims to meaningful legal status. The scale of this reality raises grave ethical questions about the gap between what is owed to forced migrants and what part of this obligation societies will honour. Serena Parekh, a political philosopher at Boston University, is certainly concerned, in *No Refuge*, about doors turning into walls. But this is located within a crisis engendered by the "structural injustice" of a post-World War II system of dealing with displacement enacted by liberal western states.

Her essential premise is that "refugees around the world are largely unable to get refuge, that is, they are unable to access the minimum conditions of human dignity while they wait for a more permanent solution" (p. 3). Most of the estimated thirty-three million people seeking protection across borders (as part of the over 103 million forcibly displaced worldwide)² will subsist in badly resourced camps or unaided internationally, in urban centres, in the global south. The overwhelming majority stay in limbo, indefinitely. From Myanmar's Rohingya exodus to Bangladesh and Somalis crossing the border to Kenya's Dadaab refugee complex, to millions of Syrians who have spent a decade in Lebanon and Turkey, and many more millions of Palestinians generationally living in sites across the Middle East, an "age of encampment" prevails.³ The numbers would be worse still if internally displaced people (IDPs) and those wanting to flee severe repression, such as in Xinjiang (China), crossed borders.

Asylum being a fundamental human right, what are forced migrants to do if the barriers are insuperable? Parekh's answer is human smuggling. It's the "price we

¹ Moshin Hamid, *Exit West: A Novel* (New York: Riverhead Books, 2017).

² UNHCR Refugee Population Statistics Database (current as of mid-2022), *Refugee Data Finder*. www.unhcr.org/refugee-statistics.

³ Nanjala Nyabola, "The End of Asylum," *Foreign Affairs* (19 October 2019). www.foreignaffairs.com/world/end-asylum.

Canadian Journal of Law and Society / Revue Canadienne Droit et Société, 2023, Volume 38, no. 2, pp. 289–291. doi:10.1017/cls.2023.12

© The Author(s), 2023. Published by Cambridge University Press on behalf of the Canadian Law and Society Association. This is an Open Access article, distributed under the terms of the Creative Commons Attribution licence (<http://creativecommons.org/licenses/by/4.0>), which permits unrestricted re-use, distribution and reproduction, provided the original article is properly cited. 289

ask refugees to pay to seek asylum—with their lives, their time, their bodies, their children, their money”—driving a system that deems people illegal without due process (p. 129). This is not about “human trafficking,” she argues, which involves moving people involuntarily, often under threat of abuse. Asylum seekers “willingly put themselves in the hands of smugglers” as the cost of what they seek (p. 144). The *tactics* of traffickers and smugglers overlap, but the latter result from a damaged system: “refugees refuse to remain passive subjects waiting for their fate to be determined by a faceless international bureaucracy” (p. 145). That death by drowning, suffocation, thirst, or fatigue looms as large as serious mental and physical injury attests to the choices forced upon refugees.

This brings *No Refuge* to its core critique. A convergence of factors that involve United Nations agencies, nation states (especially western), and humanitarian agencies has fostered “structural injustice”—direct and indirect practices that systemically violate the rights of refugees. Direct harms range from state action that forces migration to policing acts of beatings, torture, and harassment in refugee journeys. These can be attributed to specific actors as violations of legal norms. Less conspicuous are injustices caused by states making their own policies around “resettlement, immigration, and border security, and ignoring the effects that these policies have had on those seeking refuge” (p. 161). As in other forms of structural injustice, such as Jim Crow laws and climate change, damaging outcomes are not necessarily intended by all the actors; remedial action is about accepting responsibility to limit future harms.

Parekh counsels against what Hannah Arendt called “reckless despair,” and for coming to terms with individual and collective action for a radical shift. This would entail rethinking encampment, the securitization of asylum seeking (often with violent policing), and the economic exclusion of claimants (ostensibly as a deterrent). Yet even the hallowed tenet of *nonrefoulement* is routinely navigated by simply blocking claims, with judicial endorsement, as recently occurred in Canada.⁴ The special treatment accorded to Ukrainian refugees is highly unlikely to be a model for other claimants—including the no less desperate ones fleeing Sudan’s latest civil conflict.

As a withering account of how we treat forced migration, *No Refuge* is outstanding. One can see why the imagined sojourners in Hamid’s novel needed magical doors. Parekh’s approach is not without problems, notably in distinguishing between “direct” and “structural” harms. Many of the policing and security practices that she highlights as “direct” harms are also systemic and institutional. Again, holding policymakers to account legally is vital not only in response to direct harms but also in pushing for systemic change. One might quibble as well about a fine distinction between smuggling and trafficking on the

⁴ The controversial “Safe Third Country Agreement” with the United States was upheld by the Federal Court of Appeal: *Canada (Citizenship and Immigration) v Canadian Council for Refugees*, 2021 FCA 72. The case is before the Supreme Court of Canada, with the Agreement freshly tightened further: Frédéric-Xavier Duhamel and Ann Hui, “New Canada-U.S. Border Deal Will Lead to Heightened Risks for Asylum Seekers, Advocates Say,” *Globe and Mail* (24 March 2023). www.theglobeandmail.com/canada/article-roxham-road-trudeau-biden-reaction.

basis of clients' voluntary intent; there is agency of sorts in both instances, mixed with desperation. None of this detracts from the core value of this account, which will appeal to a wide readership within and beyond academia.

Dr. Aryn B. Sajoo 

School for International Studies, Simon Fraser University

asajoo@sfu.ca