

Migration as a Necessity: Contextualising the European Response to the Syrian Exodus

By

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Introduction

On February 7th, 2016, police arrested a former commander of the French Foreign Legion at a banned anti-migrant rally in Calais. General Christian Piquemal, 75, was one of about 20 protesters in the French port taken into custody after addressing supporters of PEGIDA, a far-right group based in Germany.¹ Piquemal was charged with “taking part in a gathering which did not disperse after warning”. Four other men were charged with carrying illegal weapons including a taser gun, knuckle dusters and a knife. PEGIDA, which is opposed to what it claims is the “Islamisation of the West” through immigration, continues to call for several rallies around Europe. It is not a German fringe movement any more but becoming more of a mainstream actor in European politics.

The French demonstration was outlawed by the interior minister, Bernard Cazeneuve, under the government’s state of emergency powers, introduced after November’s Paris terror attacks. Still, by the time he was arrested, Piquemal already had a chance to tell a crowd of about 150 people that he wanted to “prevent the decline of his country”. Calais is home to the infamous ‘jungle camp’ where currently close to 4,000 refugees and migrants are living in squalor in the hope of crossing the Channel and reaching the UK. After the arrests, the MP Marion Maréchal-Le Pen, from the far-right Front National, tweeted her support for Piquemal: “Support General Piquemal: unfairly and brutally arrested at Calais.” Thierry Mariani, of the centre-right Les Republicans party, also protested in a tweet: “The passiveness of the state in face of the agitation by ‘No Borders’ disgusts me.”²

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Against this backdrop of a tidal wave of anger rising against the hundreds and thousands of asylum seekers and ‘illegal migrants’ arriving at the shores of Europe, this article dares to state *why Europe must care*. And not just about accepting Syrian migrants and asylum seekers, but also about what others have been doing concerning the plight of this latest population of displaced war victims in the Middle East. Back in 1996, concerning the ethics of migration, Canadian scholar Joseph Carens argued that in the field of migration studies, there are two approaches to morality: the realistic one and the idealistic one.³ Applied to the area of international migration, he suggested that while the realistic approach inhibits us from challenging fundamentally unjust institutions, policies and practices concerning migration and in particular forced migration, the idealistic one fails to provide us strong enough tools to assess the needs of migrants and asylum seekers and to deal with the current and rather inconvenient realities that shape policies and practices in migrant receiving societies. Twenty years later, ethics of migration debate moved on to a much more variegated setting, the tenor of it being precariousness, uneven flows, and the thinning of the divide between forced and voluntary migration. The central question that guides the debate presented in the following pages, however, still tags along what Carens asked: what makes or would possibly make societies care about the plight of migrants and refugees. I strongly believe there is merit in attempting to answer this question especially in challenging times whence anti-immigration rhetoric is reaching new heights across the Globe while waves of displaced and dispossessed continue to move towards unknown futures.

Since the 1990s, migration and citizenship have become well-established scholarly fields in their own right.⁴ Still there remain a number of under-researched themes as well as taboo subjects, the study of which could likely change the entire topography of the field. For instance, substantive membership of migrants and refugees to the polity at large falls under the purview of ethics of migration rather than being included in mainstream migration or citizenship studies frameworks, and often it is only attended to in relation to Muslim diasporas in the West.⁵ Then there is the critical debate on whether we ought to recognize migration and mobility as a human right, and, when it might be legitimate to restrict emigration as, strictly speaking, granting permission to enter through a border, to the dictates of state sovereignty.⁶ My vantage point pertaining to all these three debates is the application of ‘ethics of care’ to migration research and policy.⁷ In this vein, I trace the regional and global underpinnings of what I call ‘migration as necessity’ that is currently engulfing Europe with reference to the Syrian crisis. My aim is to develop an idiom of collective moral responsibility as a strong alternative to the dominant political discourse of surveillance and security in the area of forced migration.⁸

Developed in particular to explain the migration of those who suffer in search of either sheer survival or a way of rebuilding lives, the concept of *migration as necessity* draws renewed attention to the right to life above and beyond the migration studies framework. This angle allows us to demonstrate the limitations and constraints of the traditional takes on migration relating it either to individual choice or to labor mobility. In particular, existing political

debates bracket forced migration as a distinctly temporary phenomenon, and the emphasis is put on its management and when possible, curtailment. Instead, in the following pages I argue that we must reengage with debates concerning structure and agency to make a case for the recognition of histories of migration, and in particular cases of exodus. Only then could we attend to the social and political meanings and new realities created through mass movements of population. We must also pay close attention to the politics and ethics of forced migration and consider it as a historical constant throughout the development of capitalism, North and South. Through such a systematic reiteration of migration, it is possible to pave the way towards reinvigorated thinking on the subject. Here, contrary to the arguments put forward by Michael Walzer, Peter Meilaender and David Miller, among others, for state control of borders to be considered as a moral and methodological priority, and the underlining of the exclusion rights of 'democratic polities', I argue that neither of these approaches are helpful for us to discuss ethics in the context of migration as necessity. Turning to the work of scholars who advocate a relational ethics of care, and reading their work in the context of a collective moral responsibility to care, in this article I make an appeal to freedom of movement as a right when migration becomes a dire necessity and a global as well as historicized form of seeking social justice.

The Silence of Categories: Skilled, Unskilled, and None of the Above

Consequences of international migration and refugee flows for both the Global North and the Global South are often discussed from a very state-centric lens. Despite the concerns of human rights advocates searching for greater global social justice and protection for those who flee persecution, violence, and dire conditions, movement of people across borders thus far failed to change our understanding of the meaning of sovereignty or indeed the duty of care to be exercised by states. Migration, in particular forced migration, is increasingly interpreted as a security and control problem. This prism of security analysis is especially binding for politicians, for national and local police organizations, the military police, customs officers, border patrols, secret services, armies, judges, and social service providers such as in the areas of health care, housing and education.

The popularity of this security prism is the result of the creation of a continuum of threats and general unease in which many different actors exchange their fears and beliefs in the process of rendering immigration as the most risky and dangerous aspect of inside-outside interactions in society. The professionals in charge of the management of risk and fear directly benefit from the legitimacy they gain from measures against terrorists, criminals, spies, and counterfeiters including transnational political activists. As a result, people crossing borders, or people born in the country but with foreign parents become the very subjects of the presumed convergence between international and internal security. The consequent focus on immigrants, refugees and other 'foreigners' is directly related to their own immediate and

locally manufactured fears. Connecting multiple networks responding to various groups of people who are identified as risk or as burden, securitization of migration and the persistent framing of migration in relation to terrorism, crime, unemployment and religious zealotry, is the politics of fear that instills the belief that ‘they’ will take over and undo the system wherever they find entry into.⁹

In this context, skilled migration brings a sigh of relief and emerges as the only form of population movement that is desirable. Skilled and semi-skilled and selective migration has widely acknowledged economic benefits for both destination countries and migrants themselves. The exclusive control of skilled emigration from the Global South to the Global North has been the subject of much debate. The assumption of the transferability of skills lies at the heart of most of the initiatives pertaining to selective and speedy admission of skilled migrants. Immigration control and overall immigration policy discourse represents a fundamental pillar of support for such ‘preferences’ and definitively establishes border enforcement as a top priority. In this context, masses of people arriving at Europe who neither fit into skilled nor even the unskilled category has become a major public policy issue for governments in action.

With the arrival of successive waves of asylum seekers to the European Union (EU), member states faced both technical, i.e. policy and service related, and political challenges. The resources and institutional reception capacity of some Member States have been clearly overwhelmed, leaving arriving people homeless or in overcrowded and otherwise precarious shelter and livelihood situations. In return, each member state began to live with the fear that a country whose overburdened system cannot accommodate more applicants would prepare the conditions for new arrivals avoiding or passing through it in search of better conditions elsewhere in the EU. Faced with high numbers of arrivals, countries with less-developed reception systems or more limited experience integrating refugees effectively indeed did attempt to deflect migrant flows by facilitating their onward travel or closing borders.

In this sense, despite the fact that Europe’s 2015 started and ended with terrorist attacks in Paris, which had spillover effects in Belgium and several other EU member states, one could safely suggest that terrorism, and the public anxiety it generated, did not prove to be the year’s defining issue for the Continent. The massive growth in migrant and refugee flows entering European space has been Europe’s defining challenge in 2015 and remains as such. More than twice as many asylum seekers and migrants—859,000—arrived illegally on Greek and Italian shores during the first 11 months of 2015 than in the previous five years combined, according to standardized Frontex entry data. Meanwhile, at least 3,695 people are thought to have died or gone missing crossing the Mediterranean alone.

These are the highest numbers since record keeping of ‘irregular migrants’ began. As discussed in detail in the precious pages by several authors who worked at the front line of refugee reception across the Europe’s southern shores, this journey is fraught with danger and for those who do

make it, their future in Europe remains highly uncertain. Indeed, the question of who is responsible for those arriving has reignited deep internal divisions between Member States of the EU. Months of tense negotiations over efforts to relocate tens of thousands of asylum seekers from Greece and Italy resulted in a September 2015 majority vote among EU interior ministers approving the relocation of 120,000 refugees across the continent, overriding objections to the redistribution scheme from several Eastern Member States. Frontline states such as Greece, Italy and Spain continue to bear a disproportionate responsibility for receiving new arrivals, although most newcomers quickly move on to wealthier European Union (EU) countries with more generous protection regimes such as Sweden and Germany. In the process, a new front line of entry emerged in transit countries such as Hungary and Croatia. This latter group now face continuous pressure at their borders, and in the case of Hungary the reaction has been to erect barbed-wire fencing and try to contain (or physically push back) the asylum seekers from crossing over.

The flows themselves are complex and driven by a mix of factors. Although the majority of those arriving have protection needs (approximately three-quarters of the arrivals are expected to qualify for refugee status or other similar protection status), many are departing for Europe not from their countries of origin—where they face mass violence and war-time persecution—but from places of first asylum, such as Turkey and Jordan, that have become overwhelmed by protection responsibilities and themselves struggle with major socio-economic and public service issues for their domestic population. Globally, 86 percent of refugees are being hosted in the developing world, which is rife with its own challenges. Ninety percent of the millions of Syrians displaced outside their country's borders, for instance, are located in just three countries—Turkey, Jordan, and Lebanon.

As the sense of chaos at Europe's borders escalated—with 4,000 arrivals per day on the Greek islands and tent camps erected almost overnight in German cities upending any remaining sense of orderly reception—European destination countries found themselves seeking quick solutions. What is clear is that an effective and morally defensible response would need to be grounded in an understanding of the root causes of the flows and the needs of the kinds of migrants arriving *en masse*. In the face of seemingly endless spontaneous arrivals, current European system of protection caved under the pressure. It was neither ready nor willing to face up to the challenge posed by the Syrian exodus. The European Union's response over the course of 2015 was both slow in appreciating the nature of the arrivals, and ultimately heavily reactive. There is little evidence of long-term strategic planning over appropriate policies and burden-sharing concerning the resettlement of the Syrians. The short-sighted focus on collective moral responsibility by limiting it with the implementation of search-and-rescue operations was preceded by months of *ad hoc* policy decisions and internal feuding. These measures resulted in an existential crisis for European institutions *in toto*, most notably the Schengen system eliminating Europe's internal borders. And yet looking up from the southern side of the Mediterranean, this was inevitable.

The Context: Shadow Boxing at Fortress Europe?

A series of tragic deaths in the Central Mediterranean in April 2015 prompted the first major continent-wide policy response from the European Union.¹⁰ Initial efforts focused exclusively on the immediate emergencies. Appealing to a sense of moral duty, the European Union proposed conducting search-and-rescue operations and, the targeting of smuggling operations in Libya by destroying the barely seaworthy fishing boats used to ferry migrants to Italy. Still, the flow of migrants and refugees crossing the Mediterranean continued to increase dramatically, with the United Nations High Commissioner for Refugees (UNHCR) recording more than 487,000 arrivals by sea so far this year, up from 23,000 three years ago. What European policymakers refused to pay attention to were the factors pulling these masses of individuals to Europe such as conflict, violence, and total erasure of livelihoods in adjacent war zones. Europe shone as a beacon for sheer survival, and not wealth.

Almost every corner of Europe felt it was saddled with an unprecedented onslaught: from frontline states such as Italy and Greece (and later, countries along the Western Balkan route) that were overwhelmed by immediate arrivals, to wealthier nations such as Germany and Sweden that found themselves responsible for disproportionate intakes of asylum seekers, to Central and Eastern European states with scant histories of ‘multi-cultural’ immigration that faced the prospect of integrating Muslims for the first time in modern history, Europe is currently in a panic mode. The initial crisis in the Central Mediterranean was followed by the crisis of human trafficking between Turkey and the Greek Aegean islands. These islands present a much shorter sea route from Turkey to Greece, which is favored by increasing numbers of Syrians and others, combined with large-scale instability in Libya. The result was a dramatic shift and proliferation of smuggling routes. Exponential increases in the numbers of migrants crossing into Greece and traveling north through the Western Balkans to reach other EU Member States thus created a mighty river of human corridors on the move.

As the flows to Greece and north through the Former Yugoslav Republic of Macedonia, Serbia, Hungary, Austria, and onward escalated, Europe found itself confronted simultaneously with three interrelated crises: (1) an immigration and border-control crisis in both the Central and the Eastern Mediterranean Europe; (2) a growing protection and legal crisis as national asylum systems had to attend flows comprised of a dozen different nationalities, including but not limited to Syria, Iraq, and Afghanistan; and (3) a humanitarian crisis as tens of thousands of migrants sought to undertake the journey by foot to their EU country of aimed destination. The EU initially promoted a formula to distribute 40,000, and eventually 160,000, successful asylum seekers across the European Union over a two-year period, a plan that now seems insignificant in the face of the nearly 1 million arrivals in 2015 alone. However, the failure of EU efforts so far both to convince states to make places available for refugees *and* to persuade significant numbers of refugees to participate in the relocation scheme (just 232 had been relocated as of mid-December of 2015 out of 4,097 places made available—both a far

cry from the pledged 160,000), has made it clear that migrants and refugees who have already traveled so far will go to great lengths to settle in their preferred destinations and not to be reshuffled.

The EU-Turkey agreement on migration and border management signed in November 2015 just before the latest round of Turkish elections—which promised significant investments in Turkey, visa-free travel, and kick-starting EU-accession negotiations that had languished for years in exchange for Turkey's help in reducing the maritime flows to Greece, among other things—was meant to set the stage for shrinking the flows to a more manageable levels. Furthermore, individual commitments by the EU and national governments (including France and Germany) to make 'real money' investments in improving living conditions and livelihoods for Syrian refugees in first-asylum states (such as Turkey and Jordan) were made in the hope of slowing the exodus and chaos in the MENA region. Meanwhile, more than 4.4 million people have been displaced internally in Iraq, Libya, and Afghanistan combined, in addition to the growing millions of internally displaced in Syria—and with ongoing and increasing instability in places such as Yemen and Eritrea, the prospect of the routes for human trafficking to be eliminated remains close to nil.

Overall, these developments led to several important policy shifts: many European countries began to switch from offering full and categorical refugee statuses based on nationality to case-by-case determinations and temporary protection status that also limits family reunification; they began to limit benefits for those awaiting status determinations; and ever greater efforts are being made to encourage return, including the use of accelerated procedures and in some cases direct indefinite detention and extradition.

Suffice it to say that though the largest numbers of the dispossessed come from Syria—accounting for more than 50 percent of arrivals in 2015—they are closely followed by exodus from Eritrea, Afghanistan, Kosovo, Nigeria, Iraq, and several West African states including Senegal, Gambia, and Mali. Of those submitting asylum claims, Syrians and Eritreans are the most likely to be granted protection. Afghans, Iraqis, and Somalis are also likely to be granted refugee protection though on a much more selective basis. The other groups are forced to continue a clandestine existence once they reach the Continent.

All main routes of migration receive mixed flows composed of three primary groups: 1) individuals whose protection claims are likely to be recognized by European authorities, such as Syrians and Eritreans; 2) individuals fleeing instability or violence in their home countries who may not qualify for refugee status but are still at risk for other reasons including Somalis and some Syrians; and 3) migrants who feel compelled to leave their countries for largely economic reasons—Western Balkans and sub-Saharan nationals, for example. Meanwhile, despite the distinct legal categories into which new arrivals are slotted, individuals have complex and overlapping motivations for leaving their countries of origin that defy simple legalized categorization. Even those fleeing conflict or oppressive regimes, it is often difficult to pinpoint a single precipitating factor, especially one that aligns with

the legal grounds for claiming asylum. The 1951 Geneva Convention offers a single definition of a refugee: someone fleeing a well-founded fear of persecution due to race, religion, nationality, membership in a particular social group, or political opinion. Ultimately, opportunity differentials continue to drive most of these forced migration movements, even for refugees. For many, reaching Europe means the chance to build or regain a normal life that has been disrupted by political or economic turmoil, conflict, and mass persecution. Thus while international law draws a clear line of demarcation between asylum seekers and other migrants (requiring categorically different treatment of the former group), this distinction is difficult to sustain in the face of practical realities of crisis-driven exodus.

Motivations to move may also shift as conflicts wear on. While more than 4 million Syrians have initially found safety in neighboring countries, these countries have yet to provide the full legal status or rights entitled to refugees under the 1951 Refugee Convention—starting with the all-important right to internal mobility, right to work and access to already limited public services. With few opportunities to resume a normal life or economic self-sufficiency in first-asylum countries, and little hope that conditions will improve in the future, many Syrians are continuing to search for their own solutions by moving onwards to Europe and beyond.

The diversity of these current flows of ‘irregular migration’ or ‘migration as necessity’—both in terms of the nationalities of those arriving and the needs and motivations of individuals on the move—creates an unforeseen challenge for European asylum authorities trying to determine who is a “genuine” refugee, who may qualify for another form of protection, and who does not have legal grounds to stay in the European Union. This is largely due to the fact that each arrival must receive an individual assessment of his or her claim for protection, often a lengthy and resource-intensive process. As a result, backlogs of claims awaiting adjudication have begun to grow in many Member States as authorities lack the means to keep up with the rising number of cases. But even those whose claims are denied stand a chance of remaining in the European Union, as return rates for failed asylum seekers remain low. In a nutshell, the current heavily legalized and individual-assessment oriented protection system is truly at odds with the realities Europe has to come to terms with.

The Syrians are Coming....

Contrary to common public perception, and as documented in detail in the pages of this Special Issue, the accumulation of Syrian migrants along the land and sea borders of Europe is not an unprecedented phenomenon. Full-scale Syrian civil war erupted in March 2011, and as to be expected, this led to a steady escalation in the number of Syrians seeking protection elsewhere. The successive waves of Syrian arrivals had already revealed fissures in the Common European Asylum System (CEAS), which provides common standards governing processing and reception in each of the 28 EU Member States’ national asylum systems. However, the near-exponential surge that

started in the spring and summer of 2015 has nearly collapsed the entire system. In this context, perhaps the question is not about why Europe could not be more efficient in responding to the Syrian crisis but whether it ever wanted to accept war-time dispossessed from the Middle East in the first place.

The ongoing violence and instability in the MENA region have not only precipitated mass movements of forced migration but also made return practically impossible.¹¹ Similarly, the deterioration of conditions in countries of first asylum in the region itself led Jordan and Lebanon to tighten their borders, therefore limiting access to nearby safe havens for the displaced. In addition, continued lack of opportunities to work or resettlement for most refugees in major areas of concentration such as Turkey became a major driver of onward, continuing, multi-step movements of forced migration. Finally, geopolitical changes that have closed off alternative destinations, such as Libya, Egypt or even Gulf Countries with their very strict immigration and labour regimes, rendered Europe, East, South and North, as the only destination left for seeking survival.

The longer people remain displaced or in limbo, with little prospect of return, the greater the burden on host countries. If the receiving countries are themselves facing political and economic struggles, migration as necessity continues as a steady flow with undefined end destiny. Turkey declares that it has spent more than US\$6 billion hosting refugees and it is housing close to 3 million of them alone.¹² In Lebanon, where tensions have been particularly acute about their status and access to public services in a system that was already strained prior to their arrival, Syrians comprise close to one-quarter of the population and by some counts Syrian children exceed the entire capacity of Lebanon's public schools. More than half of Syrians in Lebanon and one-sixth of refugees in Jordan are living in extreme poverty. Services in host communities are inundated, and opportunities to access essentials like education or health care have become limited for refugee and host communities alike. Initial generosity toward short-term 'guests' does not always translate to support for permanent neighbors, especially in the face of serious socio-economic problems and high unemployment rates at large.

Geopolitical and economic changes over the last decade, such as armed conflicts and political crises Libya and Egypt had led to disrupted regional labor markets and migration flows within northern Africa as well. Libya in particular was a regional hub for migrant labor before the Arab Spring. Estimates put the migrant worker population in the country in 2011 at close to 2.5 million, including many sub-Saharan nationals.¹³ Many migrants who returned to work in the country since the overthrow of the Gadhafi regime have become stranded in an increasingly unstable Libya and chosen to cross to Europe in an effort to escape the growing conflict. An increasing number of them are stateless and non-status people such as Palestinians with no place to go.

The chaos at European borders means that even if individuals may not qualify for formal protection, there may be a long lag time before their claims are adjudicated, during which time many travel onward through

Europe. Classic patterns of chain migration are also responsible for some of the new flows, as settled migrants and refugees try reunify with family and friends. This is indeed an area where we will see steady increase. The refugees and migrants currently arriving on Europe's shores are almost 70 percent male, and nongovernmental organization (NGO) reports strongly suggest that those arriving are "first movers" with family still abroad who intend to join them through legal channels once their claims are granted, or without permanent status if need be.

Numbers, Lists and Headcounts of the Dispossessed

As of 2014, UNHCR estimated that 59.5 million people have been forcibly displaced from their homes, and of those 19.5 million are refugees outside their countries of origin.¹⁴ Given the largesse of the issue at hand, existing approaches to protection have proven singularly unable to address the conundrum of long-term displaced populations who do not qualify as refugees. Almost half of the refugees under UNHCR's care in 2014 had been displaced for five years or more. For most, return to their origin country or resettlement in a third country remains a distant possibility. In 2014, for instance, approximately 105,000 refugees were resettled through UNHCR, representing less than 1 percent of all refugees displaced globally. Humanitarian responses in refugee situations have been criticized for focusing too heavily on the care and maintenance of refugee populations, leaving refugees essentially warehoused in camps for years on end, their lives in limbo, with little focus on long-term, sustainable solutions. These are commonplace observations in the field of refugee and forced migration studies.

Another commonplace observation pertains to the fact that the international community has failed to engage in burden-sharing to host countries in conflict regions, which care for the vast majority of the world's refugees. Neither assistance funding nor resettlement places—insufficient before the latest surge in displacement—have increased apace with the level of need. And the resources that *are* available are finite. In Lebanon, for example, the World Food Program (WFP) announced in July 2015 it would have to reduce food vouchers given to Syrian refugees by half.¹⁵ Support for livelihoods development and host-community resilience has been particularly low, adding to the prospect of long-term vulnerability in the affected countries.

Furthermore, countries not immediately affected by the crisis in the MENA region have been slow to offer resettlement places. As discussed in the pages of this Special Issue, recent offers by traditional resettlement countries like Australia, Canada, and the United States to provide additional places for Syrians are just a drop in the bucket in comparison with the millions who have been displaced. Finally, the principles of protection enshrined in the Refugee Convention (in particular the requirement that refugees be located *outside their country of origin*) have resulted in territorially based national asylum systems—refugees must gain access to a state's territory in order to exercise their rights to claim asylum. At the same time, wealthy

nations have undertaken a large-scale and concentrated effort to secure and “push out” their borders. As a result, refugees are forced to rely on increasingly risky and dangerous routes, often requiring the use of smugglers, to gain entry to asylum systems in Europe and elsewhere.

Although the absolute scale of protection needs facing forced migrants arriving at Europe is still smaller than that in many countries of first asylum in the Middle East, the unplanned, fast-changing, and unevenly distributed nature of these flows are causing various degrees of panic in European societies with rigid, formal, highly organized immigration and integration systems, labor markets, and social services. Emerging struggles in many European countries to provide for new arrivals at a set standard are epitomized by the conditions on the Greek islands, where the locals and international volunteers stepped in to provide food and shelter. Several international aid organizations, normally operating in countries characterized by ‘failed states’ such as Iraq, Somalia or Pakistan of current times, have now launched assistance programming in Europe. These include the International Rescue Committee, World Vision, Save the Children, and Doctors without Borders. Given that hardly any large-scale or structurally solid solutions to the growing protection challenge have emerged so far, what has begun to happen at Europe’s borders may not be a ‘crisis’, but rather the new normal.

Migration flows are *not* inherently difficult to predict, nor are the push factors driving refugees and migrants to Europe’s shores. Without the ending of mass political violence in Syria, related violence in neighboring Iraq, and events that effect the well-being of the general populace along the shores of North African states, neighboring countries in the Global South such as Jordan, Turkey, and Lebanon, could only manage to take in so much of the dispossessed of the MENA region. Furthermore, both Lebanon and Jordan have already restricted access to their territory for Syrians, driving new flows to Turkey where authorities have been relatively ineffective and at time openly unwilling to stop people moving across the border into Turkey and then some on to Europe. In the absence of a large-scale increase in support for these countries of first asylum, both in terms of legal status and resettlement opportunities, the dispossessed populations will continue to seek more stable conditions and longer-term solutions elsewhere, leading to the continuation of either open or clandestine irregular migration flows.

For instance, political oppression in Eritrea, including forced conscription, continues to drive flows. Similarly, growing instability in Egypt and escalating conflicts in Libya and Yemen prove to be new sources for forced migration flows. Yet the EU continues to be in denial, hoping that it could close onto itself. Elsewhere in the world, migration and in particular forced migration is commonly used as a clear *indicator* of brewing political conflicts or large-scale natural disasters, rather than a policy target for curtailment in and of itself. Against this changing political landscape in their surrounding regions, countries in Europe have to re-examine their approach to their protection responsibilities. Giving in to the populist impulses to erect bigger fences or higher walls, or simply watching people drown at seas and then picking up the dead bodies only serve to deepen the pockets of

smugglers. These ‘measures’ do not reduce the flows themselves. In the same vein, providing protection can no longer be seen as a purely national responsibility; responses that mobilize both financial and political resources at the regional—and global—levels will need to become the new standard. Last but not the least, individual legal assessment of asylum applications is a dream never to come true and a real nightmare for the masses on the move for survival.

Legal Ethics of Migration, Duty of Care and Collective Moral Responsibility: A Difficult Conversation

Immigration and asylum remain key political issues in the European Union, overshadowing even the departure of Britain from the Union, the Brexit. Yet the policies of either the EU states or the supranational bodies related to the Union seem to have had little success in dealing with ‘unexpected’ and ultimately ‘unwanted’ flows of the dispossessed reaching Europe by land and sea. There seems to be three types of reasons for these ‘policy failures.’ Factors concerning the social dynamics of the migratory process have not been attended to, i.e. the blind refusal of these current flows as part of a ‘necessity migration’ is most prevalent. Failing to reckon with globalization of regional conflicts and the remnants of the history of the North-South divide is another reason for ineffective and panicked responses. Finally, the political system that European Union is built upon does not evenly distribute the ‘burdens’ of necessity migration and instead uses scapegoats as main entry points. Consequently, countries like Germany and Sweden end up with an unusual percentage of the flows and resettlement/integration duties. As the EU at large cleans its hands of any adjuvant moral duty of care, select few are perpetually pushed to the forefront as having to pay their ‘historical dues’ or suffering from the seeming excesses of their own humanitarian involvements.

Current EU efforts to address the root causes of migration in countries of origin are still in their infancy. Here, I will venture to suggest that the deficiencies in migration policies at the EU level need to be linked with long-term political agendas concerning unequal development and a committed acknowledgement of North-South inequalities. In this larger context, a legal ethics of care and collective responsibility would serve the EU much better than the standard, state-centric and individual autonomy oriented liberal legal ethics applied through refugee law. This is due to the fact that ethics of care and collective moral responsibility attribute normative and political significance to the fundamental elements of relationships and dependencies in human lives and across societies. This type of ethics seeks to contextualize care in a network of social and political relations. Most often defined as a virtuous practice, care involves maintaining the welfare of the society by meeting the needs of both ourselves and others in a mutually beneficial way. Hence, care ethics builds on the fundamental reasons and motivation to care for those who are vulnerable or in temporary need of protection and it is inspired by moral standards that apply to whole communities and societies upholding the principle of relationality. Though originally belonging to the

sentimentalist tradition of moral theory, care ethics affirms the importance of moral deliberation, as well as reasoning from particulars and unique circumstances towards the betterment of the whole society.

In the Anglo-American tradition of philosophical ethics, although Milton Mayer short book titled *On Caring* (1971) paved the way for the emergence of care ethics as a distinct normative theory, the works of psychologist Carol Gilligan and philosopher Nel Noddings in the mid-1980s constituted the definite building blocks of this normative approach as it came to be applied to political theory. Both authors asserted the voice of care as a legitimate alternative to the standard justice perspective of liberal human rights theory.¹⁶ Standing in contrast with deontological/Kantian and consequentiality/utilitarian ethics, care ethics has affinities with moral perspectives such as virtue ethics as well as Levinasian ethics. Originally conceived as most appropriate to the private and intimate spheres of life, care ethics has then branched out as branch of political theory and as a social movement in its own right aimed at a broader understanding of, and public support for, activities performed by individuals, communities and states widely defined in their breadth and variety. Although care ethics is not synonymous with feminist ethics, much has also been written about care ethics in relation to motherhood, the gendering of international relations, and critical approaches to political and legal theory. Finally, during the last few decades, care ethics has been directly applied to a number of moral issues, including caring for the environment, bioethics, and public policy measures. This latter set of debates is the point of entry for my reframing of legal ethics of immigration vis-à-vis care ethics and also the notion of collective moral responsibility.

As far as migration is concerned, we do need a strong alternative to both Kantian deontology and utilitarianism-consequentialism spectrum of duty of care arguments. This is despite the fact that care ethics have been attacked for having serious shortcomings such as essentialism, parochialism, and ambiguity. Care ethics is sometimes categorized as a form of virtue ethics, as well, with care being a fundamental virtue concerning human welfare. This is particularly important in a context when care ethics is applied to our obligations to people we don't know, without having to immediately supplement it with theories of global justice or cosmopolitanism. Instead, we could turn to a more historical notion of collective moral responsibility and that amply applies when the topic of discussion is forced migration, in particular in its South to North form.

It is true that virtue ethics provides a normative framework that care ethics tend to lack. There is also a certain degree of neglect of justice standards in how care is to be distributed and practiced, and a tendency to relegate care largely to the private realm, which exacerbates the isolation and individualization of the burdens of care-givers either in individual or in institutional capacity. Therefore, perhaps it makes more sense to conjoin care ethics with virtue ethics to develop standards of appropriateness and a solid normative framework. At the end of the day, care ethics emphasizes relationships as fundamental to one's sense of being, and identifies emotions

such as empathy, compassion, and sensitivity as prerequisites for a moral response and a collective sense of responsibility. It also examines questions of social justice, including the distribution of social benefits and burdens, legislation, governance, and claims of entitlement. One of the earliest explorations of the implications of care ethics for feminist political theory could be found in Seyla Benhabib's work, "The Generalized and the Concrete Other: The Kohlberg-Gilligan Controversy and Feminist Theory". Benhabib traces the basic dichotomy drawn between the public and private realms to the lack of value attributed to caring and relating, a debate, which goes back to our loss of a genuine sense of politics in contemporary world. Whereas the public is thought to be the realm of justice, the social and historical, and generalized others, the private is thought to be the realm of the good life, the natural and a temporal, and concrete or individual others. The former take is capitalized by the metaphor of social contract theory and the "state of nature" arguments according to which adult men roam alone, independent, and free willed. Benhabib suggests the political philosophies of Thomas Hobbes, John Locke, and John Rawls, as well as the moral theories of Immanuel Kant and Lawrence Kohlberg suffer from such grave short sightedness. She argues that under this rigid conception, human interdependency, difference, and questions about private life are rendered irrelevant to politics. Care ethics enters the scene precisely for that reason, for re-humanizing life and showcasing human relations as the essential building blocks of our sense morality.

Here, it is equally important to note feminist care ethics' resistance to subjugation of women as essentialised care-givers or natural harbingers of care. Feminist care ethics is keen on criticizing the liberal ideal of equality by tracing women's inequality and how it is linked to the low social valuing and provision of care work that is predominantly gendered and at least in part pushed to the private domain. In other words, for feminist theorists, care ethics relies upon a universal injunction to care, and requires the principle of caring as an obligation to be adopted by the society at large. It is perhaps possible that an extension of this to the legal field could be used to ground our obligation to care and counter the inconsistency of the Kantian form of willing a world without our intent to care for others. Overall, the distinct emphasis on relationality is the signature mark of care ethics.

No doubt, establishing care or rather being cared-for as a right across the board is highly utopian in the immigration context. However, in reality, the entire enterprise of the international refugee protection is built upon that very premise. At this point, let me dwell on the inner logic of ethics of care a little further. The first substantive account of care ethics as a branch of *political philosophy* was offered by Tronto, who identified the traditional boundary that separates ethics from politics as utterly false. Indeed, such boundaries obscure how care as a political concept illuminates the interdependency of human beings, and how care could stimulate democratic and pluralistic politics by extending a platform to the politically disenfranchised. Following Tronto, a number of feminist care ethicists explored the implications of care ethics for a variety of political concepts, including Bubeck who adapted Marxist

arguments to establish the social necessity and yet systemic exploitation of the work of care; Sevenhuijsen who reformulated citizenship to be more inclusive of caring needs and care work; and Kittay who redefined equality as a derivative notion of dependency.

The most comprehensive articulation of care ethics as a *political theory* came from the pen of Engster, who defended a needs-based account of moral obligation. Engster's theory is formed around two major premises—that all human beings are dependent upon others to develop their basic capabilities, and that in receiving care, individuals tacitly and logically become obligated to care for others. Engster defined care as a set of practices normatively informed by the three virtues of attention, responsiveness, and respect. Care then becomes relevant to a whole array of subjects including domestic politics, socio-economic justice, legal systems, international relations, and political culture. As such, according to Engster, care as a form of political theory would have universal application because conditions of dependency are ubiquitous and also because care or caring has no necessary affinity with any particular political system.

Compared to dominant traditional ethical theories such as utilitarianism or Kantian deontological ethics capitalizing duty and obligation as abstract categories, an ethics steep on care and collective responsibility would not subscribe to an understanding of society as an aggregate of autonomous, self-sufficient, able-bodied and rational individuals. It would also allow us to reject the idea of justice built upon impartiality, universality and sheer individual utility. Instead, this alternative form of ethics presents the individual as an interdependent, relational being and emphasizes the importance of human relationships, volition and virtues such as benevolence, mercy, care, friendship, reconciliation and acknowledgement of suffering, pain and loss. This kind of ethics is not an ethics of love or even mercy. Rather, it is relational ethics. This is where I see the potential for it to be applicable to forced migration in particular and migration in general. Migration has always been a highly politicized issue but with the arrival of hundreds and thousands at the gates of Europe, reminiscent of medieval wars and their wondering dispossessed, their reception constitutes a turning point for the international refugee regime with its European roots. Although the political potency of fear concerning immigration is nothing new, it seems that Europe's current inability to deal with these new movements of mass exodus is taking on an increased significance in the context of redefining what legal protection regimes stand for worldwide.

Although traditional theories of ethics and in particular legal focus on establishing abstract, universal rules, capitalize the notion of impartiality, not all human relationships are equal and not all human lives are valued to the same degree. In an area such as forced migration, we must indeed prioritize the recognition of limited impartiality and prioritization of human relationships in terms of needs and necessities. In addition, traditional ethics operate within a framework constituted by the relationship between individuals and society and concentrate on key concepts such as justice and duty only within a limited scope in terms of paying attention to human

relationships and societal welfare. Debates on collective moral responsibility, on the other hand, provide a different focus and ontologically, epistemologically and morally they prioritize virtues cultivated and inherited through societal relations. This frame of reference does not view the individual as independent, isolated, rational, and self-interested. Instead, a person is defined as an interdependent agent and in possession of integrity provided by the coexistence of emotion, reason and will. Therefore, the individual is attributed the capacity to make decisions that directly influence the life chances and well-being of others.

This is where 'relational ethics' comes in with full force. Following Carol Gilligan's work in the ethics of care *In a Different Voice* (1982), Nel Noddings developed the core ideas of 'relational ethics.' Noddings' starting point is that justice-based and formalized approaches to ethics genuinely demolish the space for alternative accounts of relational ethics. Noddings proposed that an alternative ethics of caring could be rooted in receptivity, relatedness, and responsiveness. In her seminal work titled *Caring* (1984), Nel Noddings proposes three requirements. First and foremost, the care must exhibit 'engrossment' and motivational displacement, and the person who is cared for must respond in some way to the caring indicating their acknowledgement of the act. Noddings' term *engrossment* refers to thinking about someone in order to gain a greater understanding of him or her and their needs. Engrossment is necessary for caring because an individual's personal and physical situation must be understood before the one caring can determine the appropriateness of any responding action. This requires the type of attention needed to understand the position of the other, similar perhaps to the Gadamerian notion of horizons in classical hermeneutics.¹⁷

However, on its own, engrossment could not constitute caring; someone could have a deep understanding of another person, yet act against that person's interests either by choice or by omission. This is why engrossment needs to be coupled with 'motivational displacement.' This second condition refers to a situation when our caring behavior is largely determined by the needs of the person for whom we choose to care for. Finally, when there is recognition of and response to the caring by the person who is cared for, Noddings describes the caring as complete and this amounts to the establishment of a new bond. Ethical caring occurs when a person acts caringly out of a belief and conviction that caring is the most appropriate way of relating to people under a given circumstances. In other words, ethical caring is based on choices we make and the human will, volition, rather than simply being innate or impulse based, or being a charitable act. If so, the reverse is also true: when we choose not to care knowing in full capacity that it would have made a difference, we violate an ethical principle of duty to others. Accordingly, people and organizations can deliberately or inadvertently contribute to the diminishing of the normative principle of responsibility for the well-being of others in the society. They may do this by encouraging people not to care, inducing fear that if people care for the suffering of others they would end up losing what they have, or by politically forcing conditions upon society and its institutions that prevent people from being able to care

for others. A person has turned their back to their duty of care and moral responsibility, if in spite of her ability to do otherwise, she either fails to take action, or prevents others from doing so. This is commission of harm by omission, a very standard definition of harm used in human rights law and legal ethics. What we need to do is introduce these debates into the legal ethics of forced migration to open a door for refocusing the debate away from policy conundrums and concentrate on substantive issues such as legal and normative responsibilities pertaining to the reception and protection of people who are on the move as part of the globalized process of migration as necessity.

In summary, I would suggest two main reasons for a care ethics and collective moral responsibility framework to be applied to the immigration and refugee crisis currently engulfing Europe and the Middle East. Forced migration – commonly defined as refugee flows, asylum seekers, internal displacement and development-induced displacement – has increased considerably in volume and political significance since the end of the Cold War. It has become an integral part of North-South relations and is closely linked to both past and current processes of global social transformation. In this sense, it is impossible for Europe to exclude itself from either being a target for these flows or from caring for what is happening elsewhere in the world, especially in its former colonies. This makes it crucial for forced migration scholars to develop a nuanced understanding of mass population movements taking the form of exodus. Such a repositioning of scholarship must include theoretical debates on contemporary causes and types of forced migration. This is the first reason why a different type of legal ethics combined with a collective moral responsibility approach might suit Europe better at this very critical junction.

Secondly, and equally importantly, no doubt forced migration is linked to economic migration, but it is by no means limited by it. Migration as necessity, as it finds its embodiment in forced migration flows, presents its own specific methodological problems and conceptual issues. Forced migration needs to be analysed as a historical and globally shaped process with both North-South and South-South components. The fact that it gives rise to fears of loss of state control, as has been evident in the context of recent concerns about masses of asylum seekers and the dispossessed from the MENA region pouring into Europe by any means necessary, signals that the model of the sovereign state as a castle is outmoded. Nor will a change of scales in the form of Fortress Europe would suffice. Therefore, it is essential to seriously question earlier legal and ethical approaches to forced migration, which in principle accepted the relatively autonomous, nationally enclosed societies as their unit of analysis and at best extended their attention to border-protected regional alliances. Particularly the legal ethics pertaining to forced migration must be a transnational and interdisciplinary undertaking. It cannot remain state-centric and ahistorical. Refugee conventions need to be re-contextualized and their ahistorical aspects need to be overridden.

In Lieu of a Conclusion: Europe and Its Reflection on Water

In international law, refugee protection—both asylum in the country of first refuge and resettlement to a third country—is recognized as a human right and thus at least in principle, forced migration is presented as categorically distinct from economic and labor migration.¹⁸ As victims of persecution and with presumed immediate threat to their lives, asylum seekers are thus entitled to specific protections, above all from forcible return, and ultimately they are deemed as deserving of a formulaic extension of ‘care duty’ as resettlement.

What is much less clear is the degree to which the right to move freely both within and beyond a country of first asylum is encompassed within the traditional socio-legal understanding of what refugee protection involves. There is growing international recognition that multi-stage movement and migration flows play an important role in shaping refugees' lives after their initial flight, and often without the formal legal channels to do so. In other words, as many of the articles in this special issue attest, the journey of the asylum seeker is a long and arduous one, which is conducted through clandestine means. The economic restrictions placed on asylum seekers in many countries—including prohibitions on the right to work and limitations on movement away from camps or special locale where resettlement is dictated to take place—lead many to pursue irregular secondary migration after being granted refugee status. These secondary and tertiary movements are in search of tangible means for economic survival and at times for basic human and physical security if the asylum seeker is facing the threat of deportation or detention. In light of this reality, conjoining labor mobility studies with refugee and forced migration studies makes increasingly more sense, though at least at the outset, each sub-set of human mobility may have a relatively distinct rationale.

The extent to which labor migration has become a concern within the context of forced migration flows supports the original thesis of this article, that is, in many instances migration itself should be regarded as a necessity. Within regional hubs of migration flows, therefore, it makes sense to pay attention to migration pathways and regional freedom-of-movement protocols or their absence thereof, as well as to temporary and permanent labor migration programs in terms of understanding mass movements of forced migration. Migration, in particular forced migration, is not a linear movement from point A to point B, with the end result being a fixed status. *It is a search, and a struggle.*

At present, more than 50 million people worldwide are forcibly displaced as refugees, asylum seekers, or internally displaced persons. According to the 1951 Geneva Convention Relating to the Status of Refugees, to be legally recognized as a refugee, an individual must be fleeing persecution on the basis of religion, race, political opinion, nationality, or membership in a particular social group, and must be outside the country of nationality.¹⁹ However, the contemporary drivers of displacement are complex and multilayered, making protection based on such a strict definition of persecution increasingly problematic and challenging to implement. Indeed, a

high proportion of forced migrants now fall outside the recognized refugee and asylum system. Displacement is more and more driven by a combination of intrastate conflict, collapse of governance structures, long-term regional political instability, detrimental environmental change, and resource scarcity. These conditions, while falling outside traditionally defined persecution, leave individuals highly vulnerable to danger and uncertain of their future, compelling them to leave their homes and homelands in search of greater security at some future date. This is a definite blurring of lines between voluntary and forced migration, leading to larger waves of irregular migration.

There is an increasing mismatch between the legal and normative frameworks that define the current protection regime and contemporary patterns of displacement. As an example, as policymakers and scholars in the European Union re-examine the existing European Agenda on Migration in terms of its addressing of short and long-term migration and asylum challenges facing the region, it has become clear that the *modus operandi* of the European institutions led them to be ill-equipped to respond to either type of population movement in a timely or comprehensive manner. The EU processes for developing, implementing, and reviewing legislation failed to ensure coherent and normatively astute outcomes. Instead, EU countries became the butt of jokes concerning protecting human lives. Europe, as seen from the Middle East and North Africa, is drowning in its own riches and greediness. The feeling is that it refuses to share what it took away from others and hides behind some arcane refugee convention that tries to handpick the most noteworthy sufferer of war, violence and destruction to offer them the conciliation prize of temporary protection, or if they are extremely lucky, that of resettlement as a refugee. Indeed, a substantiated, deeper reconfiguration of the framework on migration and asylum would need to deliver much more than strengthening existing policies. No doubt, underlying mechanisms of policymaking around migration and asylum at the European Union level are currently dictated by the fact that Europe remains beset by fiscal uncertainty and employment crises that are particularly acute for the young. Against such a backdrop, few governments are willing to have a serious conversation about anything but skilled immigration that would fill well-identified gaps in their economies. Moreover, they have the public support to close the doors and keep them closed as much as possible and as long as desired. Immigration as a necessity needs to be addressed in a crosscutting fashion, involving multiple spheres of governance at national and regional levels. However, even more important is the aspect of it that is a matter of 'collective responsibility.'

To conclude, when one examines the reception of migrants in the MENA region itself, the numbers reveal a very stark reality. More than 4.8 million Syrian refugees are registered in five countries in the MENA region: Turkey, Lebanon, Jordan, Iraq and Egypt. These countries are neither rich nor do have protection regimes that prioritize legal processing as a matter of the maintenance of the rule of law in the country. As such, they seem to offer better chances of survival. In comparison, with its supreme economic position and well-developed refugee law jurisprudence, Germany has

pledged 43,431 places for Syrian refugees via resettlement and other admission pathways. This is a 'burden' Germany carries as a throwback to the two world wars. Germany and Sweden together have received 64% of Syrian asylum applications in Europe between April 2011 and October 2016 and that is due to the 'flexibilities' in their respective protection regimes, which is coming under increasingly heavy scrutiny. Excluding Germany and Sweden, however, the remaining 27 EU countries have pledged around 51,205 places via resettlement and other admission pathways, or around 1% of the Syrian refugee population. In other words, of the estimated 11 million Syrians who have fled their homes since the outbreak of the civil war in March 2011, about one million have requested asylum to Europe. Germany, with more than 300,000 cumulated applications, and Sweden with 100,000, are EU's top asylum receiving countries. Of these applications, the total expected number of resettlement may perhaps reach 500,000 in the next two years. In contrast, Turkey hosts 2.7 million registered Syrian refugees with temporary work permits and residence rights. Lebanon hosts approximately 1 million Syrian refugees which amount to around one in five people in the country. Jordan hosts approximately 655,675 Syrian refugees, which amounts to about 10% of the population. Even war-torn Iraq, where 3.1 million people are already internally displaced, hosts 228,894 Syrian refugees. Even the turmoil-ridden Egypt currently hosts 115,204 registered Syrian refugees.²⁰

At this point, what is desperately needed is the development of an ideational platform that underscores the importance of public responsibility concerning immigration issues. Europe did not become what it is as a desolate island of wealth. As long as there is unequal development and suffering engulfing the dreamland of welfare, opportunity and glitz, there will be continuous flows reaching the shores of Europe as a matter of necessity rather than choice. Of the various ethical perspectives available to discuss ethics in the context of migration, when migration as necessity is the entry point, rule of law positivism does not suffice. Natural law and legal ethics perspectives provide relatively little because of the oversight of the political will that is involved in the extension of care towards those who suffer as a direct or indirect result of our own actions. Similarly, contractual and state-centric legal ethics becomes a dead end in and of itself because of its heavy emphasis on state sovereignty and keeping what you take from others to yourself and defending your choice in the name of borders.²¹ Neither Kantianism nor cosmopolitanism provides enough of a motivation to care for the ordeals of those who are not seen as a 'natural' part of the political community, either. Instead, we need an approach that capitalizes on a global methodology of redistributive and restorative justice and an adjuvant legal ethics pertaining to forced migration that could bring these realizations home.²² It is all well and good to wish that the displaced of Africa remain in Africa, war victims of the Middle East run into other Middle Eastern countries who may well be going through their own wars, the dispossessed of South East Asia are divided up among the powerful nations of the region as precarious labour and remain locked in the original geographical boundaries that contained them. However, the reality of the situation that in a world torn

apart and ridden with deep inequalities where citizenship in another country becomes an acquired asset for those who are tarnishing in their country of origin, this desire of containment of human suffering and human need is not attainable. Syrians are coming, not to Europe perhaps, but wherever they can get to, because life in Syria does not even allow seeds to grow anymore.²³

Notes

¹See <http://www.dailymail.co.uk/news/article-3435772/Former-commander-French-Foreign-Legion-75-arrested-PEGIDA-protest-Calais.html> [last accessed 15.01.2017].

²*The Guardian*, <http://www.theguardian.com/world/2016/feb/07/french-foreign-legion-chief-christian-piquemal-arrested-anti-migrant-protest> [last accessed 15.01.2017].

³The original article Carens published on this specific question was Joseph H. Carens, "Realistic and idealistic approaches to the ethics of migration." *International Migration Review* 1996: 156-170. This was followed by a critical debate on open borders and his later work on the ethics of migration. See Joseph H. Carens, "Who should get in? The ethics of immigration admissions." *Ethics & International Affairs* 17, no. 01, 2003: 95-110; Meilaender, Peter C. "Liberalism and open borders: The argument of Joseph Carens." *International Migration Review* 1999: 1062-1081; Joseph H. Carens, "A reply to Meilaender: reconsidering open borders." *The International Migration Review* 33, no. 4, 1999: 1082-1097. Also see Veit Bader, "The ethics of immigration." *Constellations* 12, no. 3, 2005: 331-361.

⁴Past three decades have indeed witnessed a sea change in migration scholarship. Increasingly, life takes on new forms along and across borders, even though the political and at times cultural salience of state boundaries remains strong. Migration Studies (including Forced Migration) has become an inherently interdisciplinary field, seeking to analyze transnational dynamics and introduce new methodological approaches. For a critical overview of the history of the field, see Peggy Levitt, and B. Nadya Jaworsky "Transnational migration studies: Past developments and future trends." *Annu. Rev. Sociol.* 33.2: 2007, 129-156.

⁵See N. Canefe, *The Jewish diaspora as a paradigm: Politics, religion and belonging*. Libra Press, 2014.

⁶On the latter subject, see James Hollifield, Philip Martin, and Pia Orrenius, eds. *Controlling immigration: A global perspective*. Stanford University Press, 2014.

⁷The application of ethics of care to migration studies was introduced by Yasmin Abu-Laban, a Canadian scholar who has been working diligently on migration of all forms though her work is largely known for in relation to Palestinian refugees. See Abu-Laban (2002).

⁸See J. Huysmans, *The politics of insecurity: fear, migration and asylum in the EU*. Routledge, 2006.

⁹For further debate, see D. Bigo, Security and immigration: toward a critique of the governmentality of unease. *Alternatives: global, local, political*, 27(1), 2002: 63-92.

¹⁰See the tally provided by the Missing Migrants Project at <https://missingmigrants.iom.int> [last accessed 15.01.2017]

¹¹Concerning the current conditions in Syria, see the United States Institute of Peace Report on the subject at <http://www.usip.org/publications/the-current-situation-in-syria> [last accessed 15.01.2017].

¹²See the article in Al-Monitor at <http://www.al-monitor.com/pulse/originals/2016/09/turkey-syria-refugees-mind-blogging-increase-expenses.html> [last accessed 15.01.2017]

¹³ For estimates of labour migration to Libya, see the International Migration Organization's report at <https://www.iom.int/countries/libya> [last accessed 15.01.2017]

¹⁴ See UNHCR statistics at <http://www.unhcr.org/statistics/country/556725e69/unhcr-global-trends-2014.html> [last accessed 15.01.2017]

¹⁵ See <http://www.wfp.org/emergencies/syria> [last accessed 15.01.2017]

¹⁶ Their footsteps were then followed by Annette Baier, Virginia Held, Eva Feder Kittay, Sara Ruddick, Joan Tronto, and Yasmin Abu-Laban, who are among some of the most influential thinkers contributing to critical debates on citizenship and membership.

¹⁷ See H. G. Gadamer, *Philosophical hermeneutics*. University of California Press, 2008

¹⁸ The most well-known articulation of this distinction is found in James Hathaway's work. See his original treatise, James C. Hathaway, *The law of refugee status*. Vol. 104, Toronto: Butterworths, 1991, as well as his later work James C. Hathaway, *The rights of refugees under international law*. Cambridge University Press, 2005. His proposal for collectivized and solution-oriented temporary protection regimes that he suggested back in mid-1990s have become the standard reality twenty years later. Notably, back in 1990, he already identified the many problem areas that situations like the Syrian influx to EU states have brought forth. See his James C. Hathaway, "Reconsideration of the Underlying Premise of Refugee Law, A." *Harv. Int'l. LJ* 31, 1990:129.

¹⁹ In exact wording, "(2) As a result of events occurring before 1 January 1951 and owing to 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."

See <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfRefugees.aspx> [last accessed 15.01.2017].

²⁰ These numbers are taken from the latest Amnesty International Report on the Syrian Exodus. See <https://www.amnesty.org/en/latest/news/2016/02/syrias-refugee-crisis-in-numbers/> [Last accessed 15.01.2017]

²¹ See, for instance, Thomas W. Pogge, *World poverty and human rights*. Polity, 2008.

²² On the issue of global redistributive justice, see Terry Nardin's critique of just war theories in Nardin Terry, "International political theory and the question of justice." *International Affairs* 82.3, 2006: 449-465.

²³ On the fate of the local seeds in Syria, see <http://www.cnn.com/2015/10/19/europe/svalbard-global-seed-vault-syria/> [last accessed 15.01.2017]