

The Ethics of Migration Policy Dilemmas

A Zone of Exception and Righteousness? Mediterranean Search and Rescue Operations Versus Fortress Europe. A Response to [Mann and Mourão Permoser \(2022\)](#)

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There is often a symmetry between the strategic tools deployed by aggressors and their opponents. So it is, in one key dimension, on the frontlines of contested contemporary European migration. State exclusion practice is mirrored by civil-society save and rescue (SAR) enterprises, as both expand their spheres of operation from land to sea. The latter phenomenon is documented and examined in the cogent recent article by Itamar Mann and Julia Mourão Permoser. Just as we are increasingly confronted with states' transformation of the Mediterranean into a 'carceral seascape' ([Stierl 2021](#)) to complement the long European history of land-based migrant detention and exclusion, so we are also witnessing the expansion of pro-migrant sanctuary activity from territorial churches, civic centres or cities across the continent to maritime safe spaces, 'floating sanctuaries' in Mann and Mourão Permoser's evocative phrase. The authors characterize this non-state activity as a counter-externalization strategy of resistance to current migration law enforcement. Like the earlier sanctuary movement, the current waterborne activism replaces states' insistence on the primacy of a person's legal status as a decisive factor vis-à-vis prevailing immigration control measures with their prior, indeed inalienable status as bearer of a right to life and to fundamental safety. This alternative framing by SAR activists provides the moral glue around which the different life-rescuing intervention strategies described by Mann and Mourão Permoser cohere.

In describing SAR activity as a resistance strategy, the authors follow Mann's ([2016](#)) earlier, seminal work on rescue at sea and the humanitarian encounter it enables. They also build on a growing body of research on pro-migrant activism on the high seas - its actors, parameters and challenges (for example, [Cusumanu and Villa 2021](#); [Mégret 2021](#)). Mann and Mourão Permoser, however, add a new dimension to this discussion. Whilst their peers take the moral legitimacy of the pro-migrant resistance at face value, deploying their scholarly efforts to explore the legal arguments that can be adduced to attribute

responsibility to the states initiating migrant exclusion (for example, [Giuffré and Moreno-Lax 2019](#); [Pijnenburg 2020](#)) or political legitimacy to the SAR teams ([Dadusc and Mudu 2020](#)), Mann and Mourão Permoser probe the ethical dilemmas raised by rescuers as they pursue their seaborne search and rescue strategies. Resisting the 'chilling effect' on honest self-inquiry of aggressive anti-SAR criminalization strategies by states, Mann and Mourão Permoser advance a question posed by rescuers themselves: 'What if any are the adverse byproducts of rescuing lives at sea?'

They then answer this question by presenting a discursive 'map' of rescuers' own ruminations and internal debates on the topic. A central feature are two notional 'chains' tied to the rescue enterprise – the chain controlled by states intent on migrant exclusion, and the chain populated by people-movers profiting from facilitation of irregular movement. Because their activities are only one episode in a longer migrant mobility trajectory, rescuers, the authors write, inevitably find themselves connected to both these sets of actors. The rescuers view the participants in the two chains in different but comparable ways, as equally intent on 'exploiting' the rescued migrants – to deprive them of security or resources or both. How, then, if at all, should the rescuers interact with these abusive actors while maintaining the integrity of their mission? A failure to interact might compromise the overall outcome of the rescue itself, but engagement may well lead to negative, even devastating outcomes. Predictably, the rescuer informants cited in the article disagree. While some worry about being made into "extended arms" of the state authorities – providing demographic information used by border officials to decide who may or may not disembark, and refraining from publicizing state abuse witnessed to protect the possibility of future rescues – others seem less conflicted by that perspective, arguing that the principle of saving lives as the paramount goal leaves them with no better options.

The ethical conundrum facing SAR activists is not unfamiliar. Real world, non-ideal pragmatism regularly thrusts itself into the calculus of human rights activism, including in the migration context – whether to challenge a negative state decision when the challenge might provoke a worse one, whether to collaborate with sub-optimal reform proposals when the alternative is no reform at all, whether to defy unjust measures when the outcome of that defiance is unpredictable. One point the authors do not explore but might have is whether the process of SAR resistance itself stimulates the building of other, more virtuous chains. As activists develop their floating sanctuaries, do other actors enter the field, including more donors to and participants in the SAR cause, including non-exploitative people-movers who charge below market rate to transport rescued migrants to land based opportunities, magistrates, prosecutors and other state actors intent on giving primacy to a human rights rather than an exclusion agenda, or journalists and artists committed to bringing the harsh reality of contemporary forced migration to a large public? States' failed efforts to secure convictions of SAR activists to stem SAR activity in the Mediterranean in order to end unsanctioned migration flows to Europe suggest as much.

Another noteworthy element of Mann and Mourão Permoser's study is their account of the tension within the SAR movement between two contrasting political views – one privileging saving lives above all else, the other invested in a broader free movement agenda. The authors describe how different SAR players line up in relation to the two 'chains' (excluding states and exploitative people-movers) in terms of this overarching division, with the

'life savers' much more conflicted about collaborations with exploitative actors than the free movement supporters. Interestingly, however, both groups share a lexicon which is illustrative of a deeper commonality of purpose, rooted in a radical rejection of prevailing migration categories. Consider the widespread use of words such as 'guest' or 'survivor' to describe those rescued at sea. Analogies have their obvious limitations, but they can be generative as means for clarifying the principles underpinning policy challenges. The work of volunteer search and rescue workers to protect distressed migrants stranded at sea intersects in intriguing ways with a range of other activist enterprises supporting vulnerable populations, including in the conscious adoption of a lexicon counterposed to the dominant narrative.

For example, housing rights activists working in shelters for unhoused people have long referred to those they assist not as 'homeless people' or even 'clients' but rather as 'guests.' The choice of terminology is about politics not manners. By avoiding use of pejorative or hierarchical labels, they reject a status quo that sees property rights as sacrosanct and lack of shelter as an individual failing. Instead, they signal solidarity and respect, a stance that implicitly challenges the dehumanization to which unhoused people are routinely subjected. They provide clean and safe sanitation rather than the hostile exclusion from bathroom access routinely enacted by shop and restaurant staff; they provide a counter-narrative to the blame game that identifies being unhoused with personal incompetence, mental illness or financial irresponsibility. Calling unhoused people 'guests' is thus a political statement located in an ethical vision of social inclusion that focuses on the immediate need, not its causal embedding. The same might be said of SAR activists' use of the word 'guest' to refer to those they assist. It signals solidarity within a horizontal relationship, a taking of sides against established power hierarchies and an insistence on attending to immediate need, whatever its linkages to related actions or legal regimes. But the status of a 'guest' is essentially temporary – whether in the homeless shelter or on board the rescue vessel. And in navigating the next, inevitable step to enabling a more durable resolution, the rescuer risks sullyng his or her hands to execute essential moves in the process of rescue – moving beyond 'hosting a guest' to a more embedded challenge to existing power structures.

In the SAR context, the more successful the rescue process, the more determined countervailing strategies are likely to be. While benign outcomes are possible – permission to disembark in a chosen destination state, transfer to a people-mover who charges a 'reasonable' fee – it is clear that the increasingly criminalized space in which SAR operations occur militates against these outcomes. Indeed, as researchers have shown, ruthless migrant exclusion strategies have accelerated the risk-laden travel process ([Allsopp et. al. 2021](#)).

Another aspect of SAR work which intersects in instructive ways with other forms of humanitarian activism is the institutional independence underlying non-state actor intervention in a crowded field. Consider the practice of emergency humanitarian actors, such as volunteer members of Physicians for Human Rights, the International Committee of the Red Cross or Médecins sans Frontiers, who provide medical assistance in conflict situations. Though they too, like SAR organizations, span a spectrum of positions in relation to their overall 'neutrality', they share a common commitment to securing access to conflict zones in anticipation of urgent, including lifesaving, medical need. But their presence does not indicate any form of complicity in the violence they address, they do not condone brutal combat strategies or the merits of territorial sovereignty on one side or the other. They do not

hold themselves accountable to the priorities of either conflicting party. Rather, they avoid the overarching bellicose framework by asserting a prior or superior value structure centred around the irreducible value of every human life, and by rejecting a narrower, contextual analysis grounded in nation-state prerogatives. Could the same logic be transported to SAR actors, whether in the Mediterranean or elsewhere? The practice of anticipating predictable harm and taking essential steps to prevent or alleviate it challenges an opposing framework of constructed illegality, but might the rescuers at sea, as the humanitarians in conflict, sidestep their moral angst by embracing as given, even inevitable, that their limited agency is pitted against racist, post-colonial state actors and opportunistic people movers? Would this soften the horns of the dilemma on which many of them are caught?

By immersing us in the searingly honest ruminations of courageous SAR activists, Mann and Mourão Permoser have performed a valuable service, forcing those of us who count on their self-effacing solidarity to explore the avenues open to us to strengthen the virtual chains their life-saving activities rely on.

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About the “Dilemmas” project

This commentary contributes to the [‘Dilemmas’ project](#) at the EUI’s Migration Policy Centre. Dilemmas analyses and debates fundamental ethical dilemmas in policy-making on migration and refugee protection.

Suggested citation

Bhabha, J. (2022) ‘A Zone of Exception and Righteousness? Mediterranean Search and Rescue Operations Versus Fortress Europe. A Response to Mann and Mourão Permoser (2022)’, Commentary for ‘The Ethics of Migration Policy Dilemmas’ project, Migration Policy Centre (MPC), European University Institute (EUI).

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