The Ethics of Migration Policy Dilemmas

How to Do Things with Rescue: Politics and Humanitarianism at Sea. A Response to Mann and Mourão Permoser (2022)

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'Rescue' does a lot of work in the moral imaginary of contemporary Europe. Since the April 2015 shipwrecks brought the mass drowning in the Mediterranean to the centre of public conscience, the question of who has the obligation to rescue migrants at sea and why has transformed the Search and Rescue (SAR) zone into a material and discursive battlefield. In it, people on the move, state apparatuses, political parties, civil society and rescue activists struggle to define not only the moral and political stakes of saving life at sea, but also the range of dilemmas that the question of rescue has come to represent: the definition of 'European values,' the tension between humanitarian imperative and political interest, hospitality and xenophobia, European liberalism and its colonial underpinnings. With these polarising dynamics as its political backdrop, Itamar Mann and Julia Mourão Permoser's (2022) article, "Floating Sanctuaries: The Ethics of Search and Rescue at Sea" breaches an unspoken taboo on the activist and academic left when it asks about the potential negative effects of conducting rescue at sea.

To trouble the normative value of rescue is to challenge the granitic moral certainties that underlie the civil SAR movement and its trenchant defence of the 'right to rescue.' If, on the one hand, the politically uncontroversial notion of the transcendent value of saving life has allowed migrant solidarity activists to broaden their base of support against European state efforts to seal the migration corridor and criminalise civil rescue operations, it has also fuelled a morality politics whose analytic simplicity tends to flatten or distort even activists' own understanding of what is at stake in the SAR zone. Mann and Mourão Permoser gently push against those dogmas of rescue; the SAR zone they represent is a 'messy' constellation of biological, moral, economic and political motivations in which 'doing the right thing' is rarely as straightforward as we might expect.

Basing their account on rescuers' own experiences of the ethical conundrums of SAR, the authors craft a heuristic distinction between two ethical dimensions of rescue: 'The command' contemplates an ideal-type rescue scenario: someone is in immediate danger of drowning, while from a place of safety (a ship) another heeds the spontaneous, unmediated and pre- or apolitical imperative to extend their hand. The 'chain' part of the equation complicates the ethical certainties of the 'command' and involves situating rescue in the transnational processes that shape it: the moral and political economies of illegalised passage, border control, migration management, and the humanitarian apparatus that converge in the Mediterranean corridor. Here, the authors pay particular attention to how rescuers reckon with their potential unwitting participation in two 'chains' in which rescue is but one link: smuggling networks and European states' exclusionary practices. Their invitation to consider the ethical complexity of rescue, however, can also attune us to a plethora of other multi-scalar economic and political 'chains' that bear down on the scene of rescue, each reframing the dilemmas it represents.

For instance, though the authors acknowledge throughout their article that there is a difference between strictly humanitarian NGOs and more militant ones built on principles of solidarity, the distinction does not significantly shape their analysis. And yet rescuers' broader political background and ambitions – whether they found themselves at sea as part of a professional trajectory in global humanitarian emergency situations or because the maritime border represented for them a key site of struggle against race, state and capital in Europe – are crucial to the ways in which the ethics of SAR are experienced, negotiated or represented. The same applies to the authors' conclusion that civil rescue ships constitute a form of 'floating sanctuary' from the various forms of abusive state power encroaching on the survivors. The degree to which such sanctuaries do, as the authors suggest, amount to a form of 'resistance,' largely depends on whether rescuers relate those insulated spaces of survival to a broader political project to transform the conditions under which people live once they have exited the exceptional space of sanctuary. Indeed, the ethical dilemmas at stake in the Search and Rescue zone can usefully be framed around a central tension: between humanitarianism and politics, or between, on the one hand, the imperative to save life and, on the other, the open secret that something else, if not something more than life is at stake at the scene of rescue.

Consider this: while every migrant boat in the Mediterranean is a potential distress case, it rarely conforms to the distress scenario of imminent risk contemplated in the legal conventions and moral imaginaries of rescue. This is because the stakes involved are markedly different; after all, what migrants want out of the scene of rescue is more than survival, but the social possibilities and political protections that Europe promises (but does not necessarily deliver). The acknowledgement of the obvious yet understated fact that people on the move do not find themselves at sea in unseaworthy vessels as the result of a random and unpredictable hazard begins to complicate the ethical landscape in which rescue unfolds. Though the authors do not consider this, when I encounter a boat of asylum-seekers at sea I am presented not only with their necessity, but with their political desire: a project which may not be entirely known to me but in whose success or failure I am nevertheless implicated if and when I intervene.

An entrenched ideological profile of the worthy beneficiary of European humanitarianism discourages us from pointing out that people on the move in the Mediterranean have, or aspire to have, some agency in their rescue. In the vicissitudes of the SAR zone, there are cases in which people do not want to be rescued, or might want to be rescued under specific conditions which they think will better their chances of reaching Europe; in fact, it is possible to rescue someone against their will. The point bears stressing here because it puts pressure on the unequivocal straightforwardness of the 'command.'

Mann and Mourão Permoser focus their analysis exclusively on the ethical experiences and narratives of SAR activists and humanitarians. But myriad other actors – migrants, fishermen, merchant sailors, potential smugglers, and Libyan or European authorities – also converge on and shape the scene of rescue; in one way or another, those actors also frame their behaviour and their interactions in some relation to the ethics of 'the command.' Scaling out to consider that messy assemblage presents an image of the rescue encounter itself not, as the authors suggest, as a hermetic space-time of ethical certainty exceptional to and transcending the ulterior motives actors bring to sea, but rather as a negotiation that is shaped by and instrumental to them.

The pursuit of political interest in the SAR zone is obscured by the fact that it variously hides behind or operates by means of the purportedly a- or pre-political terms of the ethical 'command' to save life. If this applies to migrants who might time their distress by jumping overboard in order to trigger the obligations of a captain who will take them to Europe, it is more brazen in the ideological fodder of the EU's border externalisation policy where the interception and return of migrant boats is celebrated as humanitarian intervention: 'rescue.' It is not technically wrong that the Libyan coast guard recovers people who might otherwise have drowned. But this notion is plausible only as long as the event of rescue is abstracted from the political conditions that bore it. People on the move at sea do not only want to live; they want to cross and escape the place to which 'rescue,' as a form of capture, threatens to return them. A similar reasoning underlies the policing mandates of joint European Naval (EuNavforMed) missions claiming to target the operations of traffickers. It is traffickers, and not European border policies, this reasoning goes, who are morally responsible for the death of migrants at sea. The argument holds (technically, without traffickers, migrants would not be at sea and so could not drown), but only as long as it is abstracted from the fact that in endangering life, the trafficker offers migrants a conduit to a political future that the EU border regime categorically denies them – partially, as we have seen, through its claim to valorise life.

The cynical manipulation of humanitarianism or touting the ethics of saving human life for the purpose of political control is a well-trodden tradition in the European political establishment. What is more perplexing is that today the humanitarianisation of politics pervades even those organisations in the SAR zone that have long insisted that their militancy made them expressly not humanitarian; those with roots, for instance, in the Italian autonomist traditions and whose founders were radicalised in the 1990s student movements or the Genova G8 mobilisations; those German organisations who took decommissioned fishing trawlers to the SAR zone in the belief that rescue could be integrated into the 'chain' of internationalist solidarity against racial capitalist exploitation and whose rescue ethics were shaped by that prospect. That notion may now seem remote if not embarrassingly naïve. The SAR activist quoted at the article's offset points out that the differences within

the movement, a relentless criminalisation campaign bent on crippling the rescue fleet's political elements and, I would add, the comparatively easier discursive appeal of saving human life all contributed to a reluctance to speak of the political aspiration that animated the civil fleet, or to deny the existence of political stakes in the rescue zone altogether, opting instead for presenting our operations as a-political responses to the 'command' to save life at sea and framing political questions in ethical terms (ibid, 1).

I stress this political history because it contextualises the turn to defensive spaces as final bastions of opposition. In their conclusion, the authors propose that we think of civil rescue ships as 'floating sanctuaries, "appreciable in their 'negative embodiments, that is, in rescuers' attempts to actively push the intervention of the state out of their way" (ibid, 14). This includes refusing to allow armed agents on board, to employ discriminating categories (refugee, migrant, asylum-seeker), or to report instances of violence on board to the authorities. It consists also in rescuers' own refuge from some of the thornier aspects of SAR operations in a form of studied ignorance (of the identity of potential smugglers, for instance), a deliberate not-knowing or refusal to engage. As 'negative space,' the sanctuary is a space of omission and withdrawal.

To the degree that sanctuary at sea has a constitutive function, the authors suggest that it presents an attempt to create "a space where a wrongdoing is corrected, where 'the higher law' [international law] is implemented, and where the spirit of the law is protected and upheld against undue attempts to dilute or deform it" (ibid, 18). Indeed, the ship guarantees your right to life, but life itself is paradoxically the right least contested in the SAR zone; in a certain sense, it is a right upheld by the Libyan Coast Guard when it 'rescues' people, even as it does so to keep them from crossing to Europe. While sanctuary ensures your survival, you must leave it in order to live, which is why people who have been rescued usually want desperately to exit the exceptional situation on the ship – no matter the "state of righteousness" it represents (ibid) – in order to touch European soil and try their chances at securing the social and political rights that will determine how they live and which the ship cannot guarantee. In that sense, rescuers' refusal to engage critically with the categories that condition survivors' political futures is an ethical impulse towards neutrality more accommodating to rescuers themselves than it is useful to the people rescued.

As a sanctuary, the rescue ship shares with other spaces of its kind (for instance those that proliferated in the US under the Trump administration) the fact of being a temporary and transient abode; a space 'aside.' Its enabling and most limiting condition is that it poses minimal or no threat to the state. It is a battening down of the hatches against a hostile order more than it is an effort to engage with and transform it. It is for this reason that while I agree with the characterisation of the ships as 'floating sanctuaries' I am weary of celebrating them as significant forms of 'resistance' – and feel ambivalent about the motivation for doing so.

The above observations are entirely self-critical; a response to the transformations in the institutional trajectory of SAR activism as I have participated in it and to the pressing need to formulate an answer to the question of what, in the present conjuncture, we are doing at sea. After all, as Mann and Mourão Permoser point out, "the political debate about the ethical dilemmas of SAR is already going on. The question is who can frame it" (ibid, 2). The past year of a centrist technocratic government in Italy has not mitigated Europe's brutality

against people on the move, but it has given the rescue fleet itself some respite, as states have sought to absorb NGOs into the bureaucratic administration of migration rather than antagonise them. For those on the more radical side of the SAR spectrum, however, this has also had a politically stagnating effect. Now that the Italian establishment has collapsed and a new tide of the far-right seems poised to take over, the Central Mediterranean promises to return as a key site of political conflict. For SAR activists, responding to the challenges of the right may mean relinquishing our defensive position in the enclaves of humanitarian neutrality and to seek new modes of effective resistance by redefining the ethics of rescue in the expressly political 'chains' of solidarity with people on the move.

References

Mann, Itamar and Julia Mourão Permoser. 2022. "Floating sanctuaries: The ethics of search and rescue at sea." Migration Studies, mnac007, pp. 1-22.

About the "Dilemmas" project

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