



**WESTERN
MICHIGAN**
UNIVERSITY

The Journal of Sociology & Social Welfare

Volume 47
Issue 2 June

Article 12

2020

Review of *Refuge Beyond Reach: How Rich Democracies Repel Asylum Seekers* by David Scott FitzGerald

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Recommended Citation

Padawer, Wolfe (2020) "Review of *Refuge Beyond Reach: How Rich Democracies Repel Asylum Seekers* by David Scott FitzGerald," *The Journal of Sociology & Social Welfare*: Vol. 47: Iss. 2, Article 12.

DOI: <https://doi.org/10.15453/0191-5096.4371>

Available at: <https://scholarworks.wmich.edu/jssw/vol47/iss2/12>

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This book will be useful to advocates, policy makers, and scholars due to the combination of community practice examples and research methods with historical and academic application while encouraging further research. There is a social work orientation in the combination of the discussion of micro motivation with the macro implications. The strengths of this book include the incorporation of the historic and current literature throughout the chapters to anchor this work to the greater body of knowledge. The author is successful in communicating justification for further research on advances in social media, survey methods, computer analysis, assessment, and measurement to strengthen an empirical research base and advance knowledge in this area.

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David Scott FitzGerald, *Refuge Beyond Reach: How Rich Democracies Repel Asylum Seekers*. Oxford University Press (2019), 373 pages, \$34.95 (hardcover).

David Scott FitzGerald's recent book is a work so topical it may well become outdated nearly immediately, a fact that only serves to underscore its relevance to modern international practices. Just as likely to cite early 20th century documents as it is to cite Trump's recent twitter posts, *Refuge Beyond Reach* traces the history of an increasingly important development right up to the point of publication. As the title implies, the work is about the vast, interconnected, and semi-legal system that the Global North has created to repel refugees of the Global South.

In the 20th century, the concept of non-refoulement became a very strong norm by means of international treaty within the majority of the world's countries. Non-refoulement is the legal principle that a country may not send back a refugee to their point of origin once within the country's borders (refugees are distinguished from other migrants as people who are internationally displaced because their human rights have been threatened). While ostensibly a positive humanitarian principle, this has the unintended consequence that wealthy Western

countries do all they can to prevent refugees from stepping foot on their soil in the first place, in order to avoid their binding international obligations. Strong visa and travel restrictions prevent many nationalities, almost universally the most likely ones to be refugees in the first place, from ever setting foot in the Global North. Immigration quotas are only a very small fraction of demand, and winning a spot is random and akin to winning the lottery. There are no programs for applications in place at all for nationalities. What is less known, and what the book largely devotes itself to, is how Western nations have manipulated the very idea of territoriality in order to further their goals of repelling some people from entry.

Passports originated in the late 18th century, and visas around World War I, but FitzGerald strongly contends that the modern system originated in the 1930s and 1940s. It was in the wake of the Holocaust that the norm of non-refoulement was established in international law, partly as a response to the sheer scope and brutality of the Holocaust. Yet the majority of current tactics used to repel refugees originated as efforts to repel Jews. Nobody wanted to contend with the millions of Jewish refugees, and even while the Allied powers publicly opposed Germany, they quietly created tactics to prevent having to accept Jews at their borders. While originating around World War II, these practices have become significantly stronger in more recent decades. Individual nations originally put into practice small-scale *ad hoc* policies to prevent individual ethnic groups from reaching their territory along particular routes. As time went on, however, these small-scale policies became national law, countries copied other countries' tactics, and the Western world began to converge on a defined set of policies.

The rest of the book analyzes the characteristics of this system, using an impressive number of case studies and individual examples. FitzGerald identifies two major and contradictory tactics that have risen to prominence, which he calls *extra-territorialization* and *hyper-territorialization*. Extra-territorialization is the expansion of border control policies and enforcement to hundreds and thousands of miles away from a country's official boundaries. The most visible form of this to regular travelers is a country having screening and national security officers in foreign airports. In a world where air travel

has permanently become securitized and militarized, someone attempting to fly to a Western democracy may have to clear their customs halfway across the world before boarding their flight. In these transit zones, laws apply while rights often do not. A person in an airport in Abu Dhabi can be charged under U.S. smuggling laws, while simultaneously not being afforded the right to counsel enshrined in U.S. law.

More insidiously, stopping and detaining people in international waters, a practice strongly assumed to be illegal in the early 20th century, became commonplace after the 1970s. Even then, nobody was refouled in international waters, until an executive order in 1992 changed U.S. policy and set a precedent for other nations. Since then, the U.S. Coast Guard has intercepted over a quarter of a million people in the Caribbean. The result is that citizens of some island nations such as Haiti and Cuba cannot escape to any country at all, not just the United States, making their countries more like oceanic prisons.

At the extreme end of extra-territorialization, active military campaigns keep people caged. This can happen on subtler scales than outright invasion: the Italian government, for example, pays and trains the Libyan army and coast guard (who often have ties to organized crime) to heavily secure Libya's borders, in order to prevent refugees from getting to Europe through Libya. In a sense, the Libyan military is a neocolonialist holding of the Italian government. Diplomatic threats are also common. The Italian government also heavily pressures NGOs into not saving the lives of refugees at sea. The general result is that there are numerous and ever more distant metaphorical walls to repel refugees before they ever get near a physical literal border wall.

Paradoxically, we also have hyper-territorialization, which is defining more and more strictly what counts as being "in" a country for non-refoulement to apply. It is not an exaggeration to say these distinctions can go down to the centimeter. In one case, a U.S. court decided that a man shot to death by a guard at the Mexican border did not have any rights under U.S. law, because although his dead body fell with his feet in America, his head was in Mexico, and slightly more than half his body was across the exact border. Spain built three concentric fences each a few meters apart at the borders of its enclaves in Morocco

(Ceuta and Melilla). Originally, crossing the first one counted as entering Spain for purposes of non-refoulement. The government later changed the policy to require crossing all three, creating a paradoxical situation where the small area between the fences is not Moroccan territory but apparently not Spanish territory either, thus creating a space in which Spain can enforce its law without affording rights. Despite these practices being rejected by both local and international courts, Spanish border patrol continues to employ them. Sometimes countries even define their own undisputed land as places where non-refoulement does not apply. Australia has increasingly revoked this right from more and more of its territories and sovereign waters. In a more extreme example, Israel decided it had the right to refool people who were within 50 kilometers of its border. The general trend has been the creation of legal minutiae and technicalities in order to prevent the legal obligation of affording asylum.

The book is, overall, a highly effective and very well-sourced illustration of the absurd and contradictory nature of the less-discussed aspects of the current world immigration system. The two weapons of the Global North to prevent having to accept refugees have been acting further and further outside the law, further from their borders, and acting within the exact letter of the law, at increasingly more precise and convolutedly specific borders. Which of these is applied in a specific case is based entirely on convenience. Even those who style themselves as anti-immigration must admit that this is a logically inconsistent system. The existing terms that FitzGerald uses to describe these practices, *extra-territorialization* and *hyper-territorialization*, are unfortunately rather obscure, garnering very few results when searching literature. This, perhaps, should change. Even outside the context of studying migration and refugees, these are two important pervasive trends that should be more thoroughly discussed in academic works.

Despite often being strongly worded, FitzGerald mostly avoids giving explicit moral judgments until the end of the book. On the first page of the final chapter, FitzGerald reveals a position that surprises no one who reads the book to that point. He is morally against the current treatment of refugees. Given the number of individual cases he describes, it would be hard for anyone with a predisposition to humanitarianism to

disagree. And yet, the fact that opinion is not *necessarily* infused throughout most of the book potentially also makes it a useful read for those who do disagree with it. The book is, at its core, a very large collection of information and individual facts.

The only significant point where the book suffers is organization. We go through a mound of information, including abstract statistics and real human stories, in the race to paint a coherent picture of the whole. FitzGerald makes several attempts to organize all this information, but does not fully commit to any one of them individually. In this review, I used his twin overarching methods of extra-territorialization and hyper-territorialization to organize the information, because I find this most interesting and useful. However, this is a categorization he mostly employs in the first half of the book and forgets by the second. Many of the chapters are organized by individual country or region of the world instead. This would be fair, if not for additional clumsy quasi-attempts to organize by a medieval metaphor of "moats," "drawbridges," and "fortresses," which results in a few nonintegrated chapters about North American policy, including two separate chapters on the subject of U.S. naval intervention. Moreover, as previously discussed, the beginning of the book organizes itself by time as we trace the development of the current system, before we switch to the combination of location and medieval metaphor. The result is that, if one remembers a specific fact or case study, it is not always very easy to locate it within the pages. The book had the potential to transcend an important and interesting read into a scholarly reference book and relatively complete academic analysis, but unfortunately it did not quite make it.

Regardless, this book is a welcome addition to the exponentially growing corpus of literature on migration studies. Besides being an impressively thorough compendium of facts and sources, it is also certainly a noteworthy contribution to our abstract understanding of the big picture. Although the scope and constant evolution of the subject prevents the work from being definitive, this book is an important achievement and will become a much-cited work in the years and decades to come.

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