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## Review Essays

Comments by Elizabeth Rowe and Reece Walters and by Michael Grewcock on:

### **Weber L and Pickering S (2011) *Globalization and Borders: Death at the Global Frontier*. Basingstoke, UK: Palgrave Macmillan.**

Comments by Elizabeth Rowe and Reece Walters

Queensland University of Technology

The pertinence of this book cannot be overemphasised. The world's refugee crisis has reached a two-decade high with the United Nations recently announcing that 'displacement is the new 21<sup>st</sup> century challenge' (UNHCR 2013). The transnational movement of dislocated peoples fleeing conflict, persecution and poverty is a global responsibility requiring nation states to collaborate for humanitarian resolutions embedded in human rights. However, in times of human rights expansionism, and the relaxation of borders for maximising free-trade and fiscal prosperity, the movement of people experiencing immense abuse and deprivation has witnessed an increase in draconian regulation within discourses of intolerance and deterrence. Weber and Pickering cogently and emphatically emphasise the human cost of inhumane and populist government immigration and border-entry policies underpinned by ideologies of retribution, suspicion, and demonisation. It is a moving and engaging narrative: a book that exposes state prejudice and abuse, whilst advocating for the victims who undertake perilous journeys in search of safety from lives of violence and persecution. Moreover, it is a book that pushes ideological boundaries and seeks new criminological horizons, for which the authors must be sincerely congratulated. It is a text of innovation, inspired thinking and long lasting criminological value.

Weber and Pickering commence by creating a stirring image asserting that: 'For every dead body washed up on the shores of the developed world, experts estimate there are at least two others that are never recovered' (p 1). This picture contrasts the negative and hostile rhetoric that so often pervades the debate surrounding immigration, and asylum seeking in particular. In a time when anti-asylum political slogans and catchphrases dominate the public debate, it is essential to acknowledge the human and personal face of irregular migration and the complicity of the state in border tragedies, and it is this that *Globalization and Borders* aims to achieve.

The public and political immigration debate in Australia has in recent years become a vexatious maelstrom, yet this book offers something distinct, notably a comprehensive critique of the harmful role of the state in border control and abuse and, ultimately, in border deaths. Weber and Pickering argue that deaths at the border are not random but are in fact influenced and

shaped by global border policies and practices. Through the investigation of three major 'migratory fault lines' – Europe, the United States (US) and Australia – *Globalization and Borders* offers a timely account of deaths at physical borders, as well as the often neglected border sites or what they call 'informed spaces' (p 5). This includes those en route; in detention facilities; during the deportation or forced return process; and 'within the community as a result of hate crimes, labour exploitation, or the promotion of legal and social precariousness' (p 6). And the argument is provocative and engaging.

The entire border debate is awash with labels and slogans often utilised for various political and policy ends. Politicians, for example, use biased language and negative stereotypes when referring to asylum seekers, refugees and irregular migrants that perpetuate harmful mentalities of the illegal alien within discourses of 'otherness' (Klocker 2004; Klocker and Dunn 2003; Pickering 2001). In writing a book such as this, it is essential to use terminology that encapsulates and represents the subjects under review. We can envisage that Weber and Pickering wrestled with the constant interfacing of identifiers such as asylum seeker and refugee when writing this book; and chose to adopt the term 'illegalized traveller' to describe those at the centre of their investigation. The justification for this language is that it 'explicitly recognizes the legal and political power of those who define who is to be included and who excluded at the border', and acknowledges 'the political and legal discourse that invariably defines representations of legal and illegal actors' (p 4). While this term was used to call to account the political process involved in making this group 'illegal', the reliance on this term is potentially problematic as the use of such binary identifiers and language has the potential to construct a 'legalized traveller' in the process, perpetuating the social construction of irregular migrants as 'illegal'.

Within a debate where terminology is so imperative, it is surprising that the authors have not grounded their reasons in existing social science theory. For example, there is an established sociological tradition of the Irish and Romany 'traveller' (McElwee 2003; Saul and Tebbutt 2004) that the authors could have drawn on. Without a clearly theorised understanding of 'traveller', we are left with populist images that unfortunately denote choice, free will and consumption widely linked with tourism. The sociology of tourism and travel connotes that tourism can be broadly theorised as a voluntary movement by an individual with an active role in the journey, and temporary engagement with the environment visited (Cohen 1979, 1984; Wearing, Stevenson and Young 2010). While border crossers in the three previously identified jurisdictions do not easily fall under labels such as asylum seeker or migrant, the label of 'illegalised traveller' dilutes the perilous contexts confronting people fleeing desperate political, social and economic circumstances.

The book examines the process of counting and discounting border-related deaths. *Part I: Border Autopsy* provides perspective on the nature of modern borders and highlights the multiple different sites at which deaths can occur, and attempts to present a rich account of death at border sites. The authors assert that the process of counting and discounting border death is an inherently political act through the normalisation of border tragedies. The politicisation of this issue and the role that border protection plays in deaths is of significance because it obfuscates 'these deaths from being recognised as large-scale human rights abuses that can be linked to the border protection policies consciously adopted by states of the Global North' (p 67). It is somewhat bemusing that an entire chapter is devoted to debunking official representations and counts of border deaths. That said, the authors rightly assert that an alternative account of global border deaths is essential, one that goes beyond the counting of bodies in order to understand the individuals who die as more than entries in a list.

Indeed, this 'richer picture of death at the border' is a cornerstone of this project and a stated objective from the outset (p 6). However, without the championing of the primary research conducted, this aim is not altogether achieved. The authors have adopted 'ice core sampling' (p

3): however this is not explained; and whilst a reference is made to Dauvergne (2008), one cannot help but think this a passing reference to give the methodological approach requisite integrity. Having established the shortcomings of official data, it is surprising that the authors have not conducted coalface qualitative approaches with customs officers, politicians, transporters, legal representatives, social workers, interpreters, protest groups or, most importantly, those seeking safe haven. From the outset this book sought to provide a human account; however, the narratives of travellers are presented through the lens of official discourses, hotly contested by the authors. Why have the authors not accessed the voices of those intermittently involved in the decision-making, processing, protesting, advocating or 'experiencing' of border crossing? If this book is about 'lives' and not 'bodies' (p 8), where are the human tales, the narratives of survivors of border tragedies? Undoubtedly such firsthand accounts would have provided persuasive and impactful arguments that would have significantly strengthened the overall position of the book, and provided another layer of detail to the unique account of border deaths in the Australian context. Moreover, such firsthand account may have opened new analytical and theoretical dimensions in the guise of the 'psychological border'. Some may argue that this approach is perhaps beyond the scope of this book and a project for another day, but it would certainly have enriched the intention to address the 'liveable and indeed grievable lives' of those who come into contact with external and internal border protection initiatives (p 6).

Following the counting of border-related deaths, Weber and Picker present a substantive *account* of these tragedies in *Part II: Border Inquest*. Focusing on suspicious deaths at the hands of others, suicide and self-harm, and the structural violence of border control policies, Weber and Pickering make the bold assertion that deaths and tragedies occurring at border sites, including physical borders and within destination countries, are all inherently connected to border control policies. The individual act of suicide and self-harm in immigration detention are 'driven by circumstances of unbearable desperation and despair' (p 92). In Australia, the majority of recorded suicides in immigration detention occur following the notification of the commencement of deportation proceedings. Border control policies are the invisible culprits in border-related deaths. For example, visa regimes are not intended to cause harm; however, ultimately those considered 'high risk' are denied any legal means through which to seek protection. Finally, suspicious deaths directly at the hand of others, including state agents, private contractors and private individuals, are another example of the inherent structural violence of border control policies. The authors demonstrate that the normalisation of irregular border-crossers as 'illegal' and criminal in the political discourse justifies individual violence towards asylum seekers and irregular migrants. Through the perpetual construction of asylum seekers, refugees and other migrants as 'illegal' and 'illegitimate', border-related deaths cannot solely be attributed to an individual's actions and choices, and the authors examine and successfully identify the role of laws and policies in border tragedies, and the 'power of authoritative structures' (p 120).

As the most powerful and insightful analysis in the book, what this section is lacking is a well-defined, coherent source of material, which the authors can use as concrete examples of the violence of border control policies, particularly during discussions of suicides and self-harm. Conflicting with the vigorous critique in Part I, this sections heavily relies on official statistics in order to demonstrate the violence of border controls. In addition, the argument would have been more impactful and persuasive had there been a deeper theoretical engagement with notions of structural violence (Benjamin 1996; Galtung 1969; Zizek 2009). However, we acknowledge that this is due, in part, to the political nature of this issue where the political process makes it exceedingly difficult to collate information on sensitive issues, particularly over three jurisdictions. With no other option than to use these official statistics, Weber and Pickering demonstrate the underdeveloped nature of this area of research, and offer a valuable introduction and platform for further research.

In *Part III: From Finding Truth to Preventing Border Harm*, the authors critically analyse the supposition that border controls have a 'net life-saving effect' and investigates the ways in which borders are implicated in death (p 196). They explore the matrix of risk and the politics of rescue, and the argument is compelling and well executed. This section attempts to unpack the juxtaposition of border controls and the security of a nation, and the interests of irregular border crossers. The political fixation on border protection and national interest often take priority over the humanitarian need of irregular border crossers. Weber and Pickering argue that governments acknowledge the vulnerability and threat experienced by asylum seekers, refugees and irregular migrants, and their need for protection and rescue are 'largely subordinated to other agendas': border security (p 196).

To anyone outside the 'state crime fraternity' the arguments will appear underdeveloped. The book vigorously asserts that causation of border crossing death is found in the inhumane and marginalising state policies of immigration; yet without legal and firsthand accounts, this unfortunately appears as hyperbole. The argument is undoubtedly arresting but is it convincing to the unconverted audience? They promised to examine the 'political and legal drivers' of knowledge produced about border deaths; however, the book is devoid of legal analysis. There is little or no examination of international human rights, humanitarian or refugee law; nor are national state statutes subjected to a detailed exegesis. The book is a socio-political analysis and not a legal or doctrinal one. An engagement with legal parameters would have added credence to claims of 'government culpability' as numerous international legal regimes and judicial doctrines have stipulated the roles that nations states must play through various judgements underpinned by human rights and humanitarian law. Moreover, there is a lack of historical insight. Indeed, one could chart specific historical moments when peoples have forcibly fled, or have been forcibly transported, to identify contexts or events that have informed or shaped subsequent human migration policies and practice. Acknowledging that it may be beyond the scope of the book, there is no such historical evaluation. Whilst the twenty-first century provides unique challenges *vis-a-vis* border crossing, it is not a new issue: it has a history dating back thousands of years and there must be lessons or ideas that can be learnt and garnered through excavating the origins of this issue. There is neither reflexive analysis nor an opportunity to delve into the past to understand or contextualise contemporary practice. Current government policies are observed in isolation without a political or social history.

'Rethinking illegalized border crossings is indeed a breathtaking proposition' (p 216), and notwithstanding the above critique, this book provides a timely and provocative reminder of the ways in which state power and border control policies across three significant jurisdictions are intimately linked to border crossing abuse and death. Weber and Pickering have said what most won't. They have joined the ranks of those few academics who have asserted an asylum argument that places responsibility for suffering, injury and death squarely in the lap of the state. By drawing attention to the complicity of states and their border protection policies in the death of so many people around the world, Weber and Pickering have successfully challenged the dominant public discourse of controlling who, and how, people come to cross borders. With the current Australian political environment explicitly hostile towards those who travel here by boat, this book is a reminder that by providing no other choice, it is Australia's immigration and border protection policies that funnel people onto boats, and ultimately towards their death. Following the recent change in government and the subsequent policy shifts, there is no criminological book, in our view, more important for all politicians to read than Weber and Pickering's *Globalization and Borders – Death at the Global Frontier*. It has the potential to change policy and save lives.

*Correspondence:* Elizabeth Rowe, School of Justice, Faculty of Law, Queensland University of Technology, Brisbane, 4000, Queensland. Email: e1.rowe@qut.edu.au

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## Comments by Michael Grewcock

University of New South Wales

On 28 June 2012, the Australian government established an Expert Panel on Asylum Seekers to advise it on 'how best to prevent asylum seekers risking their lives travelling to Australia by boat'.<sup>1</sup> The government's decision came after over 90 people drowned when two boats *en route* from Indonesia to Australia sank during the previous week. Within six weeks, the Panel produced a report that essentially recommended a return to the 'Pacific Solution' that operated between 2001 and 2007: a border policing regime under which refugees seeking unauthorised entry by boat into Australia were forcibly transferred for 'off-shore processing' in Australian-funded detention centres on Nauru and Papua New Guinea's Manus Island.

The Australian government's immediate embrace of the Panel's recommendations reflected the ongoing attempts by successive governments since the late 1980s to deter unauthorised refugees through practices such as indefinite detention and removal. The systemic human rights abuses endured by thousands of refugees as a result of such policies have been extensively documented (Briskman et al. 2008; Grewcock 2009; Pickering 2004) and seem likely to continue. The Australian authorities are aware of this and at different times have deployed rationales ranging from complete denial to regrettable necessity to legitimise their actions. The recent emphasis on dangerous boat journeys should be seen in this light rather than as a newfound humanitarian concern for refugee safety.

This is not to suggest that refugee boat journeys to Australia and other destination states are not dangerous. Plainly they are. At least three boats have sunk *en route* from Indonesia since the Expert Panel released its report and at the time of writing, the death toll from two boats that sank in the Mediterranean near Lampedusa in October 2013 is still being calculated. However, official responses to such tragedies are to make such journeys more difficult and potentially more dangerous. Within this paradigm of deterrence, risk arises from wrong choices made by refugees or the abusive practices of smugglers. The role of border controls in producing risk is simply denied.

Leanne Weber and Sharon Pickering have written a ground-breaking book that challenges such responses by focusing on the actions of Western states towards 'illegalized travellers': 'people die', they argue, 'because of the ways in which the borders between the Global North and Global South are controlled' (p 1). Thus, their empirically detailed and conceptually rich study provides a comparative account of border deaths occurring within the three key border zones of Europe, North America and Australia. As the authors point out, these zones are not purely geographical. Rather, borders 'are increasing deterritorialized' and border deaths:

... occur at any of the functionally defined 'border sites': at the physical border, *en route*, in offshore or onshore detention, during deportation, on forced return to one's homeland, and even within the community as a result of hate crime, labour exploitation, withholding of subsistence, or the promotion of conditions of legal and social precariousness (p 5).

Drawing on a growing body criminological research into borders, Weber and Pickering divide their analysis into three parts: *Border Autopsy* – an examination of contemporary borders and the conceptualisation of border deaths; *Border Inquest* – the relationships between border policies and border deaths; and *From Finding Truth to Preventing Border Harm* – in which they challenge the predominance of sovereignty over mobility rights and argue for fundamental structural change. While the nature of that change is left largely unanswered (p 215) Weber and Pickering develop their critique with a great degree of subtlety. They tease out the complex interplays between individual and state actors; emphasise the particular local dynamics of different border sites; and acknowledge the ambiguities and contradictions inherent in border protection and safety and rescue policies.

One of the book's core theoretical themes is that border deaths are the product of 'structural violence', a term encompassing 'a broad range of harmful actions which may be either intended or unintended, and can be perpetrated through either direct or indirect means, by individuals or institutions' (p 93). Structural violence can be understood at a number of different levels. First, violence can be inflicted through direct physical harm or the imposition of precarious conditions of existence. Second, violence arises from conditions of illegality that circumscribe migrant agency and generate vulnerability. Third, through routine, bureaucratic activities, a range of actors including state officials, private employers and public employees can inflict violence or perpetuate the conditions under which it occurs.

Weber and Pickering emphasise that structural violence occurs through the various displacements of refugees induced by border controls and demonstrate how the increased fortification and militarisation of borders are a primary cause of the rising death toll of unauthorised migrants. They chart the increasingly hazardous routes and methods of travel taken by illegalised migrants seeking entry to the European Union or passage across the US-Mexico border. They also illustrate how border controls can 'affect *who* is exposed to the risks of illegalized border crossing' (p 103). For example, Sub-Saharan Africans trying to reach Europe are widely considered to be more at risk than North Africans for a number of reasons, including the long and arduous journeys they must make and a widespread inability to swim (p 103).

Levels of vulnerability also vary according to age and gender. Unaccompanied children and pregnant women, many of whom are likely to have been victims of sexual violence during their journey, are particularly at risk. However, border policing policies continue to push these vulnerable cohorts into dangerous and illicit forms of travel. This has been demonstrated in Australia where, between 1999 and 2007, unauthorised refugees were only issued temporary protection visas and denied family reunion. The consequence of such policies (which have been reintroduced since the Expert Panel report) was that family groups chose to travel together rather than risk being permanently separated. The potentially fatal consequences of this were illustrated most tragically in 2001 when a refugee boat, codenamed SIEV X by the Australian authorities, sank in the Indian Ocean, drowning 353 people, including 146 children and 142 women.

There has never been a proper accounting for what happened to the SIEV X. The names of those who died have never been released and there are ongoing issues about the knowledge and delayed responses of the Australian authorities (Kevin 2004, 2012). There is no systemic acknowledgment or counting of border deaths by Australia's immigration department and there is no uniform coronial process. No state responsibility is taken for deaths at sea. When another boat sank near Christmas Island in June 2013, with a loss of up to 60 lives, the Australian authorities declined to retrieve the 13 bodies that were found. Deaths in immigration detention are not included in the Australian Institute of Criminology's Deaths in Custody Monitoring Program and attributing responsibility for such deaths is complicated by the operational roles of private contractors and the use of offshore centres outside Australian jurisdiction.

By contrast, Weber and Pickering begin the necessary accounting process. Drawing on a range of official and NGO sources, they painstakingly produce a statistical record of border-related deaths, including for Australia from 2000-2010. While acknowledging that these are only provisional figures, they provide a conceptual framework for rescuing from anonymity those who have died as illegalised travellers. This is not only important as a matter of individual respect for the dead, but also because it restores a focus on the individual narratives of refugees and others forced to cross borders at great risk to themselves. It is through these accounts that we can begin to explore the violence associated with border controls and construct alternative strategies for guaranteeing mobility rights.

*Correspondence:* Michael Grewcock, Faculty of Law, University of New South Wales, Kensington, New South Wales, 2052. E-mail: m.grewcock@unsw.edu.au

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<sup>1</sup> *Report of the Expert Panel on Asylum Seekers* (2012: 9). Available at [http://expertpanelonasylumseekers.dpmc.gov.au/sites/default/files/report/expert\\_panel\\_on\\_asylum\\_seekers\\_full\\_report.pdf](http://expertpanelonasylumseekers.dpmc.gov.au/sites/default/files/report/expert_panel_on_asylum_seekers_full_report.pdf) (accessed 17 October 2013).

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