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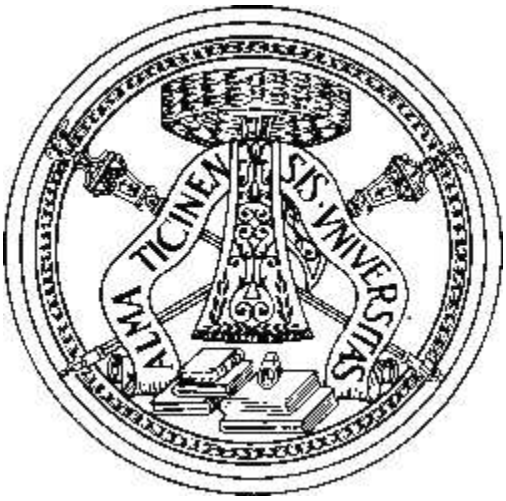

Obstructing Rescue: The Ethics of State-Led Deterrence and Delegitimization of Humanitarian Action in the Mediterranean

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INTRODUCTION

In the light of current political rhetoric surrounding migration and rescue operations, this thesis poses a central moral question: Does the state have a moral right to obstruct humanitarian rescue missions in the Mediterranean Sea?

To address this question, it is necessary to examine two foundational perspectives on migration: first, as a basic human right, and second, as an activity that the state may permissibly regulate or restrict. These competing views define the ethical parameters of state responsibility toward migrants in distress. The analysis proceeds from the assumption that legal and moral obligations do not always coincide, and that moral reasoning must precede the evaluation of legality.

The term "migrant" in this thesis refers broadly to any person who moves from one country to another, whether temporarily or permanently, for reasons ranging from economic necessity to safety and survival. This inclusive category encompasses:

- economic migrants, who seek better living conditions or employment;
- refugees, who flee persecution or war and are legally protected under the 1951 Geneva Convention Relating to the Status of Refugees;
- and necessitous migrants, who migrate out of urgent need but fall outside the Convention's definition – such as those displaced by poverty, environmental collapse, or failed states.

The distinction between legal and illegal migration is treated here as a matter of juridical classification, not of moral worth: while states define irregular entry as unlawful, such designation does not automatically render it morally wrongful.

This clarification is essential because, although refugees are entitled to international protection, the moral problem of obstruction extends beyond them. If it is morally wrong to hinder the rescue of refugees – whose right to protection is legally codified – it is difficult to justify obstructing the rescue of others whose need for safety is also in question, but whose legal status remains unrecognized. The point here is not that moral urgency should override legality, but that such urgency reveals the moral

inadequacy of current legal categories. The definition of "refugee," established in 1951, no longer captures the full spectrum of life-threatening displacement. People fleeing environmental collapse, generalized violence, or failed states may face dangers as severe as those fleeing persecution, yet fall outside the law's protection. In such cases, urgency does not negate the value of law – it shows where law has fallen behind moral reality.

Admittedly, questions of legality carry their own moral weight: there exists, at least within limits, a moral duty to respect the law as such. However, this duty cannot be absolute, since the legitimacy of law depends in part on its alignment with basic moral principles. If it is wrong to obstruct the rescue of those whose rights are formally recognized, it becomes incoherent to deny aid to others in comparable danger merely because the law has not yet evolved to include them.

The thesis also distinguishes between moral "ought" and moral "obligation." The term ought refers to moral expectation or normative guidance, or a duty that might be correlated to a right, whereas obligation implies a binding moral duty whose neglect constitutes wrongdoing, and it is grounded in a correlative moral right. Throughout this work, the terms "moral" and "ethical" are treated as synonymous. Both terms can be used to characterize principles that govern right action independently of positive law and morality or political expediency.

Theoretical Framework

The ethical debate on migration has evolved through three broad traditions.

First, cosmopolitan theories emphasize the universal moral equality of persons and the moral arbitrariness of borders. Joseph Carens famously argued that birthright citizenship functions as a form of "feudal privilege," and that freedom of movement follows logically from the egalitarian commitments of liberal democracy. His book *The Ethics of Immigration* (2013) provides the cosmopolitan baseline for this thesis.

Second, institutionally grounded approaches, such as that adopted in Veit Bader's *The Ethics of Immigration* (2005), accept the existence of sovereign borders but hold that exclusion requires public justification. Bader's principle of the burden of

justification – that the state, not the migrant, must justify exclusion – establishes a normative limit on sovereignty that is highly relevant to the ethics of rescue obstruction.

Third, bounded theories of membership, represented by David Miller and Michael Walzer, defend a state's right to control admission based on self-determination or cultural identity. Yet even these accounts recognize constraints: the obligation to admit refugees, to respect basic human rights, and to act within moral limits. Miller's reflections on conditional human rights (2012) and Sarah Song's overview of Political Theories of Migration (2018) show that the tension between inclusion and exclusion is central to contemporary migration ethics.

More recent literature has shifted from the ethics of admission to the ethics of deterrence and obstruction. Scholars such as Hallvard Sandven and Antoinette Scherz (2022) have examined the legitimacy of the EU's border regime, while Jérémy Geeraert (2024) and Niamh Keady-Tabbal with Itamar Mann (2022) have exposed how humanitarian rescue is discursively reframed as smuggling or criminal activity. This emerging body of work reveals how moral discourse itself becomes a tool of deterrence, portraying compassion as complicity.

Despite these developments, few studies explicitly connect normative theory with practices of humanitarian obstruction. The existing literature tends to either (1) discuss the ethics of migration abstractly, without addressing rescue and deterrence, or (2) document state practices empirically, without evaluating their moral legitimacy. This thesis aims to bridge that gap by providing a normative ethical analysis of state-led obstruction in the Mediterranean.

Method and Structure

The research combines normative philosophical reasoning with contextual analysis. Its goal is not to prescribe policy, but to clarify moral boundaries – what states may or may not do when human lives are at risk.

Chapter 1 establishes the moral right to migrate and the unconditional obligation to rescue, drawing on Carens, Bader, and egalitarian ethics, alongside Hugo Slim's

Humanitarian Ethics and the Heinrich Böll Foundation's 2020 report on NGO criminalization.

Chapter 2 examines the opposing perspective: even if states have a moral right to control entry, can this right ever extend to preventing rescue? Drawing on theories of sovereignty, desert, and moral luck, this part argues that obstruction remains ethically indefensible, even under restrictive assumptions.

Chapter 3 applies this reasoning to contemporary Mediterranean practices, analyzing the moral status of state-led obstruction – ranging from administrative deterrence to the criminalization of NGOs – and showing how such actions undermine both humanitarian and democratic legitimacy.

Purpose and Contribution

The thesis contributes to the ethics of migration by extending the debate beyond the right to exclude toward the moral limits of deterrence. It argues that no coherent moral framework – cosmopolitan, consequentialist, deontological, or democratic – can justify preventing others from saving lives. Obstructing humanitarian rescue represents not only a policy failure but a moral one: a betrayal of the basic duty that underlies all ethical and legal systems alike – the obligation to prevent avoidable death.

Chapter 1. Moral Arguments for the Right to Mobility and for Rescue

The first part of the thesis relies on the premise that migration is a moral right. Individuals who leave their country in search of safety, dignity, or the chance for a better life are not engaged in wrongful action. Their movement often reflects the exercise of fundamental rights in response to structural injustice, violence, or insecurity. As such, the duty of justification should not fall primarily on the migrant, but on the institutions (or on the states themselves) that respond to their movement.

Building on this point, the first section of this chapter argues that the moral status of migrants in distress imposes a clear and unconditional duty to assist them, regardless of their legal status or the political context in which they travel. This duty is often framed in humanitarian terms – as a moral response to suffering – but it may also rest on deeper normative grounds when we consider the nature of the rights that migrants hold.

If migration is not only a morally permissible act – a liberty-right in Hohfeldian terms – but also protected by moral claim-rights, then the ethical landscape shifts significantly.[1]A negative claim-right would imply that states have a duty not to obstruct movement or eliminate all lawful and safe pathways to protection. A positive claim-right, more demanding, would suggest that states may have obligations to facilitate access to safe entry points or legal routes for seeking asylum. When states enact border policies that systematically block safe migration while offering no alternatives, they may violate these rights before migrants ever find themselves in distress at sea. Their responsibility for rescue is therefore not merely humanitarian – it is remedial.

In this light, the duty to rescue emerges as a moral response to prior violations. It is not simply that states encounter suffering and are obliged to alleviate it; rather,

[1] Wesley Newcomb Hohfeld, "Some Fundamental Legal Conceptions as Applied in Judicial Reasoning," Yale Law Journal 23, no. 1 (1913): 16-59.

Hohfeld distinguishes between liberty-rights (freedom to do something without a duty not to do it) and claim-rights (entitlements that impose correlative duties on others). In this context, a migrant may hold a liberty-right to cross a border, but also a claim-right that others refrain from obstructing their movement or exposing them to harm through policy choices.

states have contributed to creating the conditions that made rescue necessary in the first place. Understanding rescue in this way tightens the connection between the right to migrate and the duty to assist: the former generates moral duties not only at the border, but also in the sea lanes where lives are lost due to policy-driven scarcity of safe alternatives.

To develop this argument, the chapter first examines philosophical accounts that affirm the moral right to migrate, beginning with Joseph Carens's cosmopolitan defense of open borders and followed by Veit Bader's more institutionally grounded theory of fair exclusion. The analysis then turns to the concept of democratic legitimacy and the burden of justification in immigration control. These frameworks lay the normative foundation for the subsequent claim that rescue is not merely a humanitarian preference, but a moral requirement that states cannot override through appeals to sovereignty or border security.

Next, in the second section, arguments are built on this foundation to examine the moral obligation to rescue. Drawing on deontological ethics, consequentialist reasoning, and theories of care and solidarity, the chapter argues that rescue is not simply a humanitarian preference but a categorical moral duty. The fact that a person is migrating irregularly does not diminish their right to life or the moral obligation to assist them. Even consequentialist concerns, such as the potential "pull factor," do not override the imperative to save lives – a claim that will be examined more directly in Chapter 2.

Finally, the third section turns to the role of non-state humanitarian actors, particularly NGOs engaged in sea rescue. It explores how these organizations fill the moral and operational void left by states and act as normative agents who uphold the ethical principles that democratic societies profess. Drawing on Hugo Slim's theory of humanitarian ethics and the Heinrich Böll Foundation's political analysis, this chapter frames NGOs not as peripheral or subversive, but as moral actors whose legitimacy lies in their fidelity to non-negotiable duties of protection.

Taken together, the first chapter articulates the normative structure that supports the central claim of this thesis: that obstructing humanitarian rescue cannot be ethically justified, even in cases of irregular migration. The ethical obligation to protect human life, particularly in situations of extreme vulnerability, must take precedence over political objectives aimed at deterrence or control.

1.1 The Moral Right to Migrate

Any ethical evaluation of state conduct toward migrants, especially in moments of acute vulnerability, must begin with a fundamental question: do individuals have a moral right to migrate? This section addresses that question by engaging with two philosophical accounts: Joseph Carens's cosmopolitan argument for open borders and Veit Bader's more institutionally grounded theory of migration rights within democratic societies. Both authors offer normative frameworks that challenge the presumption that states are morally entitled to exclude migrants at will.

By drawing on these complementary approaches, this chapter establishes a foundation for the claim that immigration, that can be legally defined "irregular", is often morally permissible – even when it violates domestic immigration law. As such, it lays the groundwork for the broader thesis argument: if migration is not a wrongful act, then rescuing those who migrate in distress is not only morally permissible, but constitutes a moral duty. The ethical implications of this right will be developed in the sections that follow.

The ethical claim that individuals possess a moral right to migrate is not an isolated position, but one that emerges from within a broader debate in political theory. As Sarah Song observes, philosophical accounts of migration tend to fall along a spectrum ranging from cosmopolitan to bounded theories of political membership. On one end, cosmopolitan thinkers argue that the moral worth of persons transcends national borders and that principles of justice apply equally to all individuals, regardless of citizenship.[2] This framework treats state borders as morally arbitrary and presumes

[2] Sarah Song, "Political Theories of Migration," Annual Review of Political Science 21 (2018): 385-402

freedom of movement as a default right that should be restricted only under exceptional conditions.

Within this cosmopolitan tradition, Joseph Carens offers one of the most influential and far-reaching accounts. As Song notes, his position is "perhaps the most radical," in that it draws an analogy between freedom of movement across borders and freedom of movement within national territory.[3]

Joseph Carens offers one of the most influential contemporary philosophical defenses of a moral right to migration[4], rooted in egalitarian liberalism and the ethical commitments of democratic societies. In his book *The Ethics of Immigration*, he begins from the premise that borders and national membership are morally arbitrary – products of historical contingency rather than desert or merit. For Carens, if we take seriously the liberal democratic values of freedom, equality, and human rights, we must accept that they apply universally, not just within national borders.

Carens argues that restricting immigration is analogous to feudal privilege: it grants individuals born within a certain territory exclusive access to rights and opportunities without any justification grounded in moral desert. Just as birth into a noble class does not entitle someone to have superior moral rights, birth into a wealthy country does not entitle someone to exclude others seeking a decent life. In this way, any immigration restrictions are a form of global inequality that liberal democracies can neither morally justify nor reconcile with their own foundational values[5].

The core of Carens's argument is a defense of open borders. He claims that while temporary migration controls may be justified for practical reasons, such as ensuring administrative order or public security, the long-term moral goal should be the removal of border-based restrictions altogether. This position stems from a cosmopolitan moral framework, in which national boundaries do not override the universal demands of justice.

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[3] ibid 389
[4] Joseph H. Carens, The Ethics of Immigration (Oxford: Oxford University Press, 2013).
[5] ibid

Importantly, Carens does not ignore the realities of contemporary political institutions. In the first part of his book, he works "within the state system," accepting for the sake of argument that states have the right to control immigration[6]. Even from this constrained perspective, he demonstrates that many current restrictions, such as those on family reunification, access to citizenship, or the treatment of irregular migrants, are unjust by the states' own declared principles. However, in the final chapters of his book, Carens moves to a more ideal theory, where the legitimacy of border controls themselves is called into question.

In this ideal framework, the right to migrate is treated not as a matter of charity or national discretion, but as a moral entitlement that follows logically from a commitment to equal moral worth[7]. Carens maintains that unless states can offer compelling and consistent moral reasons for excluding people, the presumption must favor freedom of movement. Exclusion, in other words, must be justified in the same way any limitation on liberty must be justified in a liberal democracy: through public reasoning that treats all persons as moral equals.

One might object, however, that a state is under no obligation to accept cosmopolitan premises. Why, for example, should a liberal democracy not appeal to nationalist or communitarian reasons, such as the preservation of cultural identity or the maintenance of social cohesion, as sufficient justification for exclusion? After all, a state may see itself as having special obligations to its own citizens, and therefore no duty to treat outsiders equally. From this perspective, the claim that migration must be morally justified seems to rest on an external standard that a state could reasonably reject.

Carens is aware of this objection, and he does not attempt to refute it by appealing to a purely cosmopolitan moral framework. Instead, his strategy is one of internal critique: he examines the principles that liberal democratic states already claim to endorse – namely, equality before the law, moral impartiality, and the protection of individual rights – and asks whether these principles can be consistently applied in the

[6] Joseph H. Carens, The Ethics of Immigration (Oxford: Oxford University Press, 2013) p. 228
[7] ibid

context of border control. His answer is a decisive no. He writes that citizenship in Western democracies functions like a form of feudal privilege[8]: it grants enormous life advantages based on morally arbitrary facts like place of birth or parentage. For a state to restrict access to basic opportunities and rights based on such arbitrary criteria is, in Carens's view, incompatible with the moral foundations of liberalism itself.

Nationalist reasoning, on this account, is inadequate not because it fails to conform to cosmopolitan ethics, but because it fails to meet the justificatory standards of the liberal democratic tradition. If exclusion is to be morally justified, it must be justifiable not only to insiders but also to outsiders who are significantly affected by that exclusion. Arguments based on cultural identity, preference, or historical continuity do not meet this test. They cannot be defended through principles that treat persons as moral equals, and therefore collapse under scrutiny when held against the liberal commitments that most states profess.

While Carens's vision may appear politically radical, its function in this thesis is not to advocate for full open borders, but to establish a high moral baseline: that freedom of movement is not an exceptional right to be granted, but a natural extension of liberal egalitarian values. This provides a moral contrast to more restrictive views and sets the stage for exploring more institutionally grounded accounts – such as that of Veit Bader – that still affirm the moral imperatives relevant to humanitarian rescue.

Veit Bader offers a more institutionally grounded and non-ideal approach. In his work *The Ethics of Immigration*, Bader similarly insists that states must morally justify exclusion, but he begins from the recognition that we live in a world structured by sovereign states, borders, and historically contingent democratic institutions[9]. Rather than challenging this framework directly, Bader focuses on the conditions under which border control may be legitimate within it.

Bader's approach is particularly relevant to this thesis because it affirms strong humanitarian obligations without denying the legitimacy of certain forms of migration

[8] Joseph H. Carens, The Ethics of Immigration (Oxford: Oxford University Press, 2013) p. 226

[9] Veit Bader, The Ethics of Immigration (University Park, PA: Pennsylvania State University Press, 2005).

regulation. His framework supports the claim that, even if migration is not an unqualified right, individuals have a morally defensible claim to seek admission, especially when their fundamental rights – such as life, liberty, and subsistence – are at risk[10].

Contrary to open-border theorists such as Carens, Bader does not advocate an unconditional right to migrate. Instead, he advances the notion of a "moral right to admission" that applies especially in cases of urgent need. This right is neither absolute nor unrestricted, but it imposes on states a robust duty of justification when denying entry. A crucial move in Bader's argument is the reversal of the burden of proof: it is not the migrant who must justify the desire to cross a border, but the state that must justify exclusion, particularly when refusal poses a threat to the migrant's basic rights[11]. Like Carens, Bader argues that the burden of proof lies with the state. However, his reasoning is not primarily based on the idea of moral arbitrariness or feudal privilege, but on standards of democratic legitimacy and public justification.

In his view, "decent democratic states have a general obligation to admit immigrants, which can be overridden only under specific, justified conditions"[12]. Migration control, then, must be compatible with democratic legitimacy. While states retain the authority to regulate admission, Bader argues that such regulation must be non-arbitrary, non-discriminatory, and grounded in public reason. His principle of "fair exclusion" permits states to manage integration and institutional preservation, but it rejects exclusion based on nationalist, cultural, or narrowly economic grounds.

The reversal of perspective is grounded in Bader's broader understanding of democratic legitimacy, which he sees as requiring that policies be publicly justifiable not only to the domestic population but also to all those significantly affected by them. This includes would-be economic immigrants, asylum seekers, and persons in distress at borders. Thus, migration policies must satisfy a standard of public reason – they must

[10] Veit Bader, The Ethics of Immigration (University Park, PA: Pennsylvania State University Press, 2005) p. 35-36

[11] ibid

[12] ibid

be framed in terms that could be reasonably accepted by individuals subject to their consequences, irrespective of their citizenship status.

A similar line of reasoning appears in democratic theory. Arash Abizadeh has argued that the coercive effects of border control extend beyond citizens and therefore require justification to non-members as well[13]. While the details of his view will be examined in Chapter 2, the important point here is that democratic legitimacy cannot be confined to the internal perspective of the political community: those subject to the consequences of border enforcement also have a standing to demand justification.

This approach leads Bader to formulate the idea of a "dual constituency" in democratic theory: the legitimacy of a migration regime depends not only on its acceptability to citizens but also on its fairness toward outsiders. He writes that "admission policies should be publicly justifiable in terms that all affected persons can reasonably accept"[14] . This principle excludes forms of exclusion based on nationalism, arbitrary economic preference, or political expediency, especially when such policies place human lives at risk.

Bader's theory is particularly significant for the argument developed in this thesis: although he recognizes the legitimacy of migration control, he rejects exclusionary practices. This thesis draws on his framework to argue that practices like obstructing humanitarian aid fail the standards of democratic legitimacy and fair exclusion he defends. Bader's emphasis on democratic legitimacy requires that migration restrictions be subject to public justification: they must be non-arbitrary, non-discriminatory, and responsive to the basic rights of those affected. This approach does not deny the possibility of exclusion but insists that its legitimacy depends on the state's ability to meet a burden of justification.

In Hohfeldian terms, when exclusion affects individuals whose fundamental interests are at stake – such as life, liberty, or subsistence – these individuals can be said to hold negative claim-rights against unjustified interference. The corresponding

[13] Abizadeh, Arash. "Democratic Theory and Border Coercion: No Right to Unilaterally Control Your Own Borders." Political Theory 36, no. 1 (2008): 37-65.

[14] Veit Bader, The Ethics of Immigration (University Park, PA: Pennsylvania State University Press, 2005). 37-40

correlative duty falls on the state to either admit or offer a justification consistent with principles of fairness and democratic accountability. When that justification is lacking, and exclusion foreseeably results in serious harm, the state's responsibility is not neutralized. Instead, a secondary, remedial obligation arises, such as the duty to allow or assist in rescue. Bader's framework thus helps clarify that the ethics of migration control are not exhausted at the border; they extend into the consequences of unjustified exclusion. A state that refuses even the possibility of safe entry or escape violates the very democratic principles it seeks to protect.

Although Bader does not explicitly address sea rescue, the normative implications of his theory are clear. States may not use border control as a pretext to evade humanitarian obligations. If individuals possess a moral right to seek admission under conditions of vulnerability, and if states must morally justify exclusion, then allowing migrants to drown at sea, and/or complicating the disembarkation of rescue vessels, constitutes not only a failure of policy, but a violation of moral rights.

Applied to the ethics of rescue, Bader's theory reveals a critical flaw in deterrence-based strategies that obstruct or delay humanitarian assistance at sea. These practices cannot be publicly justified to the people whose lives depend on being rescued, nor do they meet the minimum moral threshold of protecting life and dignity. When states refuse disembarkation to rescue vessels, delay coordination, or criminalize humanitarian actors, they are not simply exercising regulatory discretion; they are evading the moral requirement to justify exclusion in publicly acceptable terms.

Moreover, Bader's theory places structural limits on the legitimate exercise of state sovereignty. While he recognizes the right of states to control admission under certain conditions, he emphasizes that this right is not absolute and must be balanced against basic human rights. When the lives of migrants are endangered, exclusionary practices that lack democratic legitimacy are not just politically questionable – they become morally indefensible.

In this way, Bader's theory allows for a critical distinction between fair exclusion, which may be permissible within a rights-respecting framework, and moral

abandonment, which occurs when the state fails to provide a minimal protection to vulnerable outsiders. Obstructing rescue operations, denying disembarkation, or creating legal uncertainty for humanitarian NGOs fall into the latter category. They constitute forms of exclusion that cannot be reconciled with the public reason requirement of a democratic state.

Thus, Bader's burden-of-justification principle offers a powerful tool for challenging the moral legitimacy of policies that prioritize border enforcement over life-saving intervention. It reinforces the central claim of this thesis: that the state's right to exclude does not entail a right to allow preventable death, nor does it permit the obstruction of rescue under the guise of sovereignty.

A more precise understanding of the right to migrate can be drawn from Hohfeld's framework of rights. Migration is best understood as a liberty-right – the moral freedom to leave one's country and seek entry elsewhere, without being inherently subject to prohibition.

On its own, a liberty-right does not impose obligations on others. Yet it has implications once others begin to interfere with its exercise. A liberty presupposes that others must at least refrain from deliberately eliminating all safe and lawful avenues for its exercise.However, when these avenues are closed, and individuals are left with no choice but to pursue dangerous routes, the situation changes normatively: a liberty grounds a negative claim-right – a right not to be obstructed or exposed to unnecessary and foreseeable danger. When this right is violated through policies that foreseeably lead to life-threatening journeys, a remedial duty arises. The duty to rescue is therefore not generated directly by the liberty-right to move itself, but by the state's prior violation of the minimal negative duty not to eliminate the safe options to do so. Thus, is not simply a matter of benevolence, but a response to prior wrongdoing. This claim directly informs the next section, which examines the question of rescue.

1.2 The Moral Duty to Rescue

The second section builds on the previous argument that migration is not merely morally permissible but constitutes a liberty-right that, under conditions of vulnerability and structural exclusion, is accompanied by claim-rights. These rights impose correlative duties on states not to obstruct movement or expose migrants to life-threatening harm. When these duties are violated, further remedial obligations arise, including the moral duty to rescue those placed in danger. If, as argued in the previous chapter, the act of migrating is not itself morally blameworthy, then efforts to impede the survival of people trying to migrate, especially in situations of life-threatening danger, require strong moral justification, if any is possible. This chapter defends the position that the duty to rescue persons in danger is unconditional, regardless of their legal status, intent, or location.

Egalitarian ethics provides powerful justification for the obligation to rescue persons in distress. At its core, egalitarianism affirms that all persons possess equal moral worth, and that political or social institutions must not reproduce or intensify morally arbitrary inequalities. From this perspective, the decision to assist – or not assist – those in danger at sea cannot be left to discretionary or exclusionary logic. Instead, it must reflect the principle that no life is worth less because of where a person is born, what passport they carry, or how they travel[15].

This perspective aligns closely with Joseph Carens's critique of birthright privilege. The right to citizenship in a wealthy, safe country functions as a structural advantage that is neither earned nor deserved, yet it decisively shapes life chances. Rescue, then, is not simply a matter of responding to suffering, but a way of challenging the distributive consequences of arbitrary global inequality. Refusing to rescue migrants at sea is not morally neutral, it is a form of complicity in preserving a world where the vulnerable are punished for attempting to survive unequal conditions.

Peter Singer's 1972 essay "Famine, Affluence, and Morality" offers arguments for the universal moral requirement to assist persons in need. His reasoning begins with an

[15] James Griffin, On Human Rights (Oxford: Oxford University Press, 2008), esp. chap. 2–3.

intuitive scenario: if we see a child drowning in a shallow pond and can save them without serious harm or cost to ourselves, we morally ought to do so. At first glance, this may seem like a general ethical recommendation – a moral ought. Singer, on other hand, makes clear that this ought carries the weight of obligation: failing to assist is not merely less than ideal, but it is morally wrong.

Singer uses this analogy to argue that individuals in affluent societies have an obligation to help those suffering from global poverty. The core moral intuition – that preventable suffering creates a moral proposition to assist – is equally applicable to humanitarian rescue. When people are stranded at sea, often in unseaworthy vessels, the basic situation is the same: they face an imminent threat to life, and the capacity to assist is within reach. From Singer's perspective, this is not a matter of charity or discretion; it is a demand for justice rooted in the prevention of suffering.

Moreover, the cosmopolitan frame explicitly rejects the relevance of territorial boundaries when it comes to life-saving action. Potentially irregular immigrants do not lose their claim to moral concern by virtue of being outside national borders, nor do they forfeit protection when their movement is deemed "irregular." Their moral worth – that is, their inherent ethical value as persons capable of suffering, reasoning, and function – remains constant. Moral worth is not measured by merit, citizenship, or conduct, but by the simple fact of being a human person. Their vulnerability is therefore sufficient to trigger moral obligations.

The moral worth of a person in distress does not diminish simply because they are crossing borders without prior authorization, nor because their motives include economic survival rather than political persecution. As Singer puts it, "If it is in our power to prevent something very bad from happening, without thereby sacrificing anything morally significant, we ought, morally, to do it."[16]

From this perspective, state-led efforts to deter migration by making the journey more dangerous – such as withholding rescue coordination, impeding NGO ships, or denying port access – are not neutral expressions of border control. They represent

[16] Peter Singer, "Famine, Affluence, and Morality," Philosophy and Public Affairs 1, no. 3 (1972): 229–243.

intentional failures to fulfill a basic ethical duty. Singer's account allows us to see these failures not as tragic necessities, but as morally impermissible omissions, grounded in unjust moral prioritization.

However, not all of these actions qualify as omissions in the strict sense. Withholding rescue coordination or failing to deploy state vessels may constitute failures to act, but measures such as blocking NGO ships, denying port access, or initiating criminal proceedings against rescuers go further. These are acts of obstruction, and as such, they involve a deeper form of moral wrongdoing. The distinction between omission and commission is ethically significant: while both may violate the duty to rescue, obstructing others who are attempting to fulfill that duty adds an additional layer to this moral problem. This thesis returns to this distinction in Chapter 3, where various forms of obstruction are analyzed in greater detail.

A common objection challenges the application of this principle in the context of irregular migration. One might argue that large-scale humanitarian rescue could overwhelm host countries' welfare systems, or contribute to political instability. From this perspective, the cost of rescue is not negligible but potentially comparable to the harm it aims to prevent, thus, arguably exempting states from Singer's criterion.

This objection cannot be dismissed easily. Yet it ultimately fails to undermine the moral obligation to rescue. First, as Singer's argument makes clear, "comparable cost" refers to the sacrifice of something of similar moral urgency, such as one's own life or the life of another innocent person[17]. The death of a human at sea is not ethically equivalent to administrative strain, political backlash, or even longer-term social challenges. While such consequences may carry practical weight, they do not rise to the level of justifying inaction in the face of preventable death.

Second, the narrative of a "migration crisis" is often politically constructed rather than grounded in a moral evaluation. Most displaced persons globally are hosted in developing countries, and the capacity of wealthy states to absorb migration is typically far greater than claimed. What is often framed as a crisis of numbers is, in reality, a

[17] ibid 233

crisis of political will and institutional mismanagement[18]. Structural challenges must not be allowed to override basic moral obligations, particularly when these obligations pertain to the preservation of life.

In democratic systems, however, such challenges may function as "soft" feasibility constraints: public opinion, if shaped by fear or misinformation, may limit a government's ability to act without losing the power to govern. This does not excuse inaction. Rather, it creates a further obligation to challenge harmful narratives, educate the public, and remove the constraints that make basic moral duties politically costly.

Third, rescue does not entail open borders. The obligation to save lives does not imply an unconditional duty to grant long-term settlement or asylum. States may still regulate admission and determine status, but these prerogatives cannot extend to allowing – or indirectly causing[19] – death as a deterrent.

Therefore, from a cosmopolitan perspective sovereignty does not override the obligation to rescue. People do not lose their moral worth by virtue of crossing borders without authorization. Their vulnerability is sufficient to generate binding moral claims. State-led efforts to deter migration by increasing the risk of death, whether directly or by obstructing rescue, thus represent not only failed policy but morally impermissible acts of omission.

While egalitarian arguments emphasize the universality of moral concern and the unjust foundations of global inequality, deontological ethics provides distinct and complementary grounds for the obligation to rescue. In deontological theories the moral worth of an action depends not on its outcomes but on whether it fulfills a duty grounded in rational moral principles. From this standpoint, the obligation to assist someone in life-threatening danger is not optional, contingent, or situational: it is a

[18] Crawley, Heaven, and Dimitris Skleparis. "Refugees, Migrants, Neither, Both: Categorical Fetishism and the Politics of Bounding in Europe's 'Migration Crisis.'" Journal of Ethnic and Migration Studies 44, no. 1 (2018): 48–64.

[19] In this context, "directly causing" refers to state actions that are the immediate and foreseeable cause of harm, such as refusing disembarkation to rescued persons or instructing authorities to turn back boats at sea. "Indirectly causing" refers to policies that create conditions of risk, without being the immediate cause of death, such as criminalizing humanitarian actors, failing to provide rescue coordination, or contributing to unsafe migration routes by design. While the causal chain may be longer, the moral responsibility is not necessarily diminished if the harm is foreseeable and avoidable.

categorical duty, arising from the recognition of the other as a person endowed with dignity and agency.

At the core of Kantian ethics is the imperative to treat every person as an end in themselves, never merely as a means[20]. To ignore or refuse aid to someone in danger is to fail to respect their status as a moral subject. It treats their suffering and possible death as tolerable collateral damage for some greater aim, be it migration deterrence, domestic political convenience, or institutional order. However, no such justification is acceptable under deontological reasoning.

Deontological ethics also affirms the existence of positive duties, including the duty of assistance. While often overshadowed by the duty not to harm, the obligation to help someone when their life is at risk (and when doing so imposes no serious harm on oneself) is widely accepted even within moderate deontological frameworks. In the context of migration, this means that rescue is not an act of supererogatory generosity, but a fulfillment of a moral requirement. The duty to rescue holds irrespective of the migrant's legal status, intentions, or origins. What matters is the immediacy of need and the moral claim it generates.

Moreover, deontological reasoning is particularly relevant to state behavior, as it emphasizes the ethical integrity of action regardless of policy goals. A state that penalizes humanitarian workers for fulfilling basic duties, acts not merely in a politically questionable way, but it violates the moral principles it claims to uphold. If the state is to be treated as a moral agent – subject to duties and held to public standards – then it too must act on principles that respect the inherent dignity of persons, even when inconvenient.

Importantly, deontology helps isolate the moral core of the rescue question. Unlike consequentialist or prudential arguments, which might weigh rescue against strategic costs or incentives, deontological ethics asserts that some actions are simply required, and some are morally forbidden, regardless of what they lead to. Obstructing humanitarian rescue is one such forbidden action. It represents a failure to recognize

[20]Immanuel Kant, Groundwork for the Metaphysics of Morals, ed. and trans. Mary Gregor (Cambridge: Cambridge University Press, 1998)

and respond to the dignity of persons in danger, and as such, it constitutes a breach of basic moral duty.

From a consequentialist perspective, the moral rightness of an action depends entirely on its outcomes. Unlike deontological ethics, which grounds duties in principle, or care ethics, which emphasizes relational responsibility, consequentialism evaluates actions according to the amount of good or harm they produce. Within this framework, rescuing persons in life-threatening conditions is morally required because it prevents a significant harm, while typically requiring only moderate effort or risk on the part of the rescuer.

This logic is clearest in classical utilitarianism, where moral agents must act in ways that maximize overall well-being or minimize suffering. Peter Singer's famous drowning child example, originally presented in a utilitarian context, illustrates the point: if one can prevent a great harm (death) at minimal cost (wet clothes, missed appointments), one is morally obligated to do so. Potentially irregular immigrant rescue situations operate under precisely this logic. The suffering and death of people at sea are preventable; the resources needed to intervene (vessels, coordination, safe ports) are available; and the relative cost to rescuers or host states is outweighed by the human lives saved.

Even rule utilitarianism, which allows for the creation of general rules to guide moral action, would endorse rescue as a morally binding norm. A society that adopts a rule allowing people to die in order to discourage others from seeking help creates not only a morally repulsive precedent but also a system of incentives that undermines trust, humanitarian norms, and global cooperation. On the contrary, a general rule that prioritizes the rescue of persons in danger promotes predictability, compassion, and human dignity – values that align with both utilitarian outcomes and public moral expectations.

However, consequentialism also introduces a well-known challenge: the possibility of justifying inaction if the harm caused by action seems greater in the long term. For instance, a government might argue that rescuing potentially irregular

immigrants increases future arrivals, potentially leading to more deaths or destabilizing host societies. In this reasoning, the failure to rescue now is presented as a necessary evil to prevent greater suffering later.

This argument rests on speculative and highly contingent assumptions. First, the link between rescue and future crossings – the so-called pull factor – is empirically disputed. Second, the harms attributed to increased migration are often the result of poor governance or political opportunism, not of the migrants themselves. Third, even if such risks were real, there are alternative strategies, such as international cooperation, fair distribution of asylum claims, and development assistance, that do not involve letting people drown as a deterrent. The ethical relevance and empirical weight of the pull factor objection will be examined in greater depth in Part 2, where the thesis engages directly with restrictive theories of state responsibility and the moral limits of deterrence.

From a consequentialist perspective that negatively evaluates human suffering in the present, the case for rescue remains strong. It is difficult to defend policies that knowingly produce immediate, concrete harm on the basis of uncertain, long-term benefits. Consequentialist reasoning requires not just comparing outcomes, but weighing them by their probability and temporal proximity. Future benefits are often less certain and less immediate, and thus carry lower expected moral weight. The certainty and scale of suffering involved in rescue obstruction are likely to far outweigh any speculative gains. Therefore, even on purely outcome-driven terms, rescue is not just permissible, but it is morally required.

Summing up, this section has argued that the obligation to rescue persons in life-threatening conditions is a fundamental moral duty. When individuals undertake dangerous journeys in search of safety, their movement is not morally wrong. If, as argued in the preceding chapter, migration is a moral right, then those in distress while exercising that right are entitled to protection. The label of “irregularity” is a political construction, not a moral one, and cannot justify the abandonment of people in need.

From multiple ethical perspectives, the duty to rescue emerges as a non-negotiable obligation. Cosmopolitan theory affirms that moral concern extends to all persons, regardless of their legal or territorial status. Deontological ethics highlights the wrongness of treating human beings exclusively as a means to policy goals, while consequentialist logic supports rescue on the grounds of reducing immense suffering at relatively low cost.

Across these traditions, a shared conclusion takes shape: rescue is not charity, discretion, or strategic calculation, but a moral requirement rooted in the equal worth of persons. To obstruct or deny rescue is to reject this basic principle and to abdicate the state's elementary responsibility: protecting life.

1.3 NGOs and the Ethics of Humanitarian Action

As the preceding sections have shown, if migration is not merely morally permissible but constitutes a liberty-right that, under conditions of structural exclusion and vulnerability, is accompanied by moral claim-rights, then states bear correlative duties to avoid placing individuals at risk and to ensure access to rescue. When these duties are violated – whether through inaction or deterrent policies that create dangerous conditions – a remedial moral obligation arises to assist those in distress. Where the state fails to fulfill this remedial duty itself, and especially when it actively prevents others from doing so, its responsibility is compounded.

In this context, non-governmental organizations (NGOs) have increasingly assumed the role of providing maritime rescue in the Mediterranean. Their intervention responds not just to a humanitarian impulse, but to a moral vacuum left by the state's failure to uphold the obligations that arise from its own exclusionary practices. When states then go further and obstruct these actors, they not only fail to discharge remedial obligations, but also interfere with moral efforts to redress harm they helped to produce. This dual failure deepens the moral gravity of state obstruction.

This section examines how NGOs engaged in sea rescue navigate a complex ethical terrain. On the one hand, their work is grounded in the humanitarian principles of humanity, impartiality, and neutrality, which frame rescue as an immediate moral duty independent of political considerations. On the other hand, these same actors now operate in an environment increasingly shaped by the criminalization of rescue and the strategic use of humanitarian language by states. As a result, NGOs are no longer mere providers of emergency assistance: their actions inevitably place them within a broader moral and political contest over whose lives are protected, whose suffering is acknowledged, and how the border itself is morally justified.

Drawing on the work of Hugo Slim and on Paolo Cuttitta's analysis of SAR NGOs in the Central Mediterranean, this section examines how different ethical approaches shape humanitarian action at sea. Slim's account highlights the deontological core of humanitarianism: a principled duty to prevent avoidable suffering, guided by neutrality,

humanity, and impartiality. Cuttitta, by contrast, shows how rescue organizations inevitably become entangled in state-led border governance, sometimes reinforcing and sometimes resisting the policies that endanger migrants in the first place. These two perspectives reveal that even when NGO practices appear politicized, their underlying motivation remains rooted in a distinctive moral logic. Whether acting from a commitment to save the life directly in front of them or from an awareness of the broader harms produced by border regimes, humanitarian organizations continue to operate on ethical grounds that differ fundamentally from the strategic and deterrent rationales guiding states. In this sense, the apparent politicization of rescue does not undermine, but rather highlights, the special moral status of humanitarian action in contexts of institutional failure.

The very existence of humanitarian NGOs rests on a moral foundation: the belief that some human needs and vulnerabilities are not only universal, but are also so urgent, that they generate obligations independent of political authority. These organizations do not act on behalf of a state, nor are they elected by citizens. Yet their work is grounded in the idea that moral agency does not belong exclusively to sovereign actors. Where lives are at stake and institutional responses are absent or inadequate, NGOs step in not as political competitors, but as ethical agents responding to human suffering.

This ethical stance is what gives humanitarian NGOs their distinctive role: they act where no legal or political mandate is required to know what is right. Their legitimacy is not derived from sovereignty, but from the moral urgency of the situations they confront: situations where to do nothing would itself be a moral failure. In this sense, their presence in the Mediterranean is not an act of overreach, but a response to a moral vacuum created by institutional neglect.

Over the past decade, that vacuum has only widened. European states have systematically withdrawn from proactive sea rescue operations or imposed policies that actively hinder them. The end of Italy's Mare Nostrum in 2014, the failure to replace it with a robust EU-led mission, and the growing criminalization of civil sea rescue have left thousands at risk. In the absence of state-led intervention, humanitarian

organizations such as Sea-Watch, SOS Méditerranée, and Médecins Sans Frontières have deployed their own vessels, operating under international maritime law and humanitarian principles, but more fundamentally, under a moral imperative to save lives.

These actors do not claim neutrality in the moral sense. Their guiding belief is that no one should die for lack of paperwork, and that human dignity does not depend on legal status. In doing so, NGOs expose the contradiction between the moral ideals states profess and the policies they enact. For example, while EU member states are bound by the Charter of Fundamental Rights and by obligations under international maritime law, they have increasingly resorted to practices such as port closures, disembarkation delays, and coordinated returns with Libyan authorities, despite widespread evidence of abuse in Libyan detention centers[21]. These actions stand in stark contrast to the principle of non-refoulement and the duty to rescue at sea, codified in both customary and treaty-based international law. By rescuing those left to die at sea, NGOs affirm that moral responsibility cannot be suspended at the border, nor can it be deferred for strategic or political convenience.

Although humanitarian NGOs lack sovereign authority, they may act with greater ethical consistency than the states that seek to constrain them. Their interventions are not driven by political interest, but by a principled commitment to the protection of life. In this respect, NGOs represent a normative challenge to state-centric moral frameworks: they reject the idea that the right to life can be made conditional upon legal status, nationality, or perceived social utility.

Thus, the work of humanitarian NGOs not only fills a functional gap, but restores the moral meaning of concepts like protection, solidarity, and rights. Their actions represent a counter-narrative to policies of deterrence and exclusion, insisting that even in a securitized political climate, some obligations remain non-negotiable.

The moral legitimacy of humanitarian NGOs can be further understood through the ethical framework developed by Hugo Slim, one of the leading theorists in the field

[21] Heinrich Böll Foundation. Refugee Rescue NGOs in the Mediterranean: The Political Criminalization of Compassion. Berlin: Heinrich Böll Foundation, 2020.

of humanitarian ethics. In Humanitarian Ethics: A Guide to the Morality of Aid in War and Disaster, Slim argues that humanitarian action is best understood as a form of practical moral reasoning in situations of human suffering. It is not a neutral or technical activity, but one grounded in deeply held values, including humanity, impartiality, independence, and solidarity[22].

For Slim, humanitarianism is guided by a simple but powerful ethical proposition: human beings should not suffer preventable harm when that harm is serious and avoidable through proportionate intervention. This principle becomes morally urgent in contexts where suffering is acute, such as war, famine, or forced displacement, and where abstaining from action would permit foreseeable and severe consequences. For instance, if a coastal state knowingly withholds coordination of rescue efforts despite receiving distress signals, and this omission predictably results in loss of life, the harm cannot be dismissed as accidental or morally neutral. While not every omission or policy failure entails moral culpability, Slim emphasizes that in cases where the need is immediate, the risk is grave, and intervention is proportionate, the obligation to act becomes ethically binding. Legal permission is not a prerequisite for moral authority: humanitarian actors intervene because they recognize the compelling urgency of preventing death, pain, or indignity.

Slim distinguishes between moral and legal authority, emphasizing that NGOs do not need a state's permission to rescue those in need. Their authority stems from the universal moral claim of the suffering person, which transcends legal categories like citizenship or immigration status[23]. This is particularly relevant in the Mediterranean context, where NGOs act in response to the universal vulnerability of persons at sea, often when states have either criminalized rescue or abstained from action altogether.

He also confronts the ethical tension between neutrality and moral resistance. While traditional humanitarianism advocates for political neutrality, Slim notes that in certain circumstances neutrality can become a form of moral compromise – especially when it means remaining silent in the face of systemic injustice. In such cases,

[22] Hugo Slim, Humanitarian Ethics: A Guide to the Morality of Aid in War and Disaster (Oxford: Oxford University Press, 2015), 90–91.

[23] ibid 95

humanitarian actors are justified in taking a stand, not to engage in politics per se, but to uphold ethical clarity in morally distorted contexts. Slim explicitly defends civil disobedience in cases where obeying the law would result in preventable suffering or death[24].

This reasoning helps explain why NGOs operating in the Mediterranean often refuse to comply with state-imposed restrictions on disembarkation or search-and-rescue. Their disobedience is anchored in a duty to uphold the core humanitarian value that no one should be left to die. This reinforces the idea that their legitimacy lies not in legal authority but in ethical soundness, and that their work represents a form of morally justified intervention. Slim does not reject neutrality entirely; rather, he argues that neutrality cannot justify complicity when policies foreseeably cause preventable harm.

In this sense, Slim's framework supports the claim that humanitarian rescue at sea is not simply an act of compassion – it is an expression of moral responsibility in the face of institutional failure. NGOs do respond to the absence of state protection, but their actions are not limited to passive substitution. Their interventions involve active moral judgment, shaped by a commitment to protect human dignity in urgent and uncertain conditions, regardless of shifting legal or political constraints.

Yet this ethical commitment does not occur in a vacuum. The operating space of humanitarian actors is increasingly shaped by legal and political regimes designed to deter migration rather than protect life. This development is critically examined in the 2020 report by the Heinrich Böll Foundation, Refugee Rescue NGOs in the Mediterranean: The Political Criminalization of Compassion, which offers a compelling account of how European states have progressively turned humanitarian rescue into a target of criminalization and repression. The report argues that NGOs have become "accidental moral witnesses," whose presence at sea makes visible the inconsistency between legal commitments and political practice. In effect, they act as a normative

[24] ibid 109-112

counterweight to policies of deterrence, not by choice, but by virtue of their refusal to compromise on the protection of human life[25].

According to the report, these organizations are not defying the international legal order. They are upholding its foundational principles, including the right to life, the duty to rescue at sea, and the prohibition of refoulement. What has changed is not the legality of rescue but the politicization of its implementation. States, in outsourcing border control and hardening port access, have created a context in which lawful humanitarian action is treated as subversive, and in which the act of saving lives is framed as encouraging illegality. The report notes that NGOs find themselves not only saving lives but defending the moral and legal meaning of rescue itself[26].

This role places NGOs in a morally significant, if precarious, position. As the report makes clear, their work represents more than operational solidarity: it constitutes a form of moral resistance to the erosion of international norms. When governments close ports, delay disembarkation, or prosecute rescue personnel, NGOs become symbols of what it means to take humanitarian principles seriously. Their insistence on acting, despite being penalized, exposes the moral cost of policies that seek to displace responsibility.

Importantly, the report also emphasizes the democratic function of NGOs. While they are not elected, their presence at the borders of Europe makes visible the ethical contradictions of liberal democracies that affirm human rights in principle but deny them in practice. In this sense, humanitarian NGOs embody a form of moral accountability: they remind democratic states of their own normative commitments and confront them with the human consequences of their migration policies. Their actions are not extra-legal but grounded in a transnational ethic of care and dignity, one that challenges the legitimacy of policies that treat certain lives as expendable.

Thus, when viewed alongside Hugo Slim's theoretical framework, the Heinrich Böll Foundation's analysis deepens the understanding of NGOs not merely as

[25] Heinrich Böll Foundation, Refugee Rescue NGOs in the Mediterranean: The Political Criminalization of Compassion (Berlin: Heinrich Böll Foundation, 2020), 8–24.

[26] ibid 20

humanitarian agents, but as moral actors operating in ethically compromised environments. They are not neutral logistics providers, nor are they oppositional political forces. Rather, they represent a third kind of actor: one whose authority is derived not from law or from power, but from a consistent commitment to the protection of human life, even when such protection is no longer politically convenient.

Yet recent empirical research complicates this picture. Paolo Cuttitta's analysis of SAR organizations in the Central Mediterranean shows that, whether or not NGOs describe themselves as apolitical, their operations inevitably intersect with state policies, border governance, and the broader political regime that structures human mobility[27]. Even when the stated intention is merely to rescue those in distress, humanitarian action becomes entangled in networks of coordination, surveillance, and securitization. SAR NGOs cooperate with the Italian Maritime Rescue Coordination Centre, interact with EU missions such as Frontex and Eunavfor Med, and at times rely on state actors for protection or logistical support. These forms of operational interdependence mean that humanitarian action can unintentionally reinforce the very border regime it seeks to mitigate, for instance by relieving states of their rescue responsibilities or by enabling them to focus more intensively on deterrence and interdiction. In this sense, humanitarianism can have depoliticizing effects, presenting border deaths as technical failures of rescue capacity rather than consequences of deliberate policy choices.

At the same time, Cuttitta shows that SAR NGOs can also act as agents of repoliticization. Organizations such as Médecins Sans Frontières (MSF) and Sea-Watch explicitly contest the policies that produce the conditions of danger at sea. They use their presence in international waters to document unlawful pushbacks, denounce cooperation with the Libyan Coast Guard, and advocate for safe and legal pathways to Europe. Their engagement goes beyond immediate relief: it challenges the framing of the Mediterranean as a neutral, technocratic space of "migration management" and exposes the moral and political stakes of the border regime. Unlike actors committed to neutrality, these NGOs intentionally transform rescue into a form of political witnessing and resistance. Their critique does not occur in abstract terms but emerges from a

[27] Cuttitta, Paolo. 2017. "Repoliticization Through Search and Rescue? Humanitarian NGOs and Migration Management in the Central Mediterranean." Geopolitics 23 (3): 632–660.

position of direct, embodied involvement in the consequences of state policy. In doing so, they attempt to reopen moral questions that the dominant governance framework seeks to close – questions about the legitimacy of deterrence, the criminalization of mobility, and the structural conditions that make rescue necessary in the first place.

This contrast between neutral and politically engaged humanitarianism also maps onto a deeper ethical distinction. Neutral, "apolitical" humanitarianism reflects a broadly deontological intuition: a life in danger must be saved, regardless of political context or consequences. By contrast, politically engaged humanitarianism embodies a consequentialist sensitivity to structural harm: saving lives is necessary but insufficient when the border regime itself repeatedly produces situations of lethal risk. In this sense, the differences between NGOs' approaches are not only strategic but ethical. It reflects two ways of understanding humanitarian responsibility: either as a strictly immediate duty, or as a broader obligation that includes addressing the political conditions that make rescue necessary in the first place.

Taken together, Slim's account of humanitarian duty and Cuttitta's analysis of NGO – state entanglement show that the apparent politicization of rescue does not displace the moral foundations of humanitarian action. Whether guided by a deontological commitment to save those in immediate peril or by a consequentialist concern for the structural harms produced by border regimes, humanitarian NGOs act from ethical motives that differ fundamentally from the strategic aims of states. Their work may intersect with political processes, but it is not reducible to them: it reflects a practical moral commitment to prevent severe and avoidable suffering in situations where public authorities have failed to uphold their own basic duties of care.

In this sense, the ethical role of NGOs mirrors the Hohfeldian structure outlined earlier: where individuals possess claim-rights not to be exposed to life-threatening harm, states bear correlative duties not to create or exacerbate such risks, and, when they do, a remedial duty arises to ensure rescue. When states neglect or obstruct this duty, NGOs step in not as political adversaries but as actors responding to the unfulfilled correlative obligations that the situation itself generates. Their presence at

sea thus highlights a deeper tension between moral obligation and border governance, and underscores that the duty to rescue persists even when institutions fail to honor it.

1.4 Synthesis of Chapter 1

This first chapter has laid the ethical groundwork for assessing state behavior in the context of migration and sea rescue. It began by affirming that migration can be understood as a moral right, grounded in the equal moral worth of persons and in normative commitments that democratic societies claim to uphold. Drawing particularly on the work of Joseph Carens and Veit Bader, the argument established that while states may retain some authority to regulate borders, that authority is not absolute: it must be justified through non-arbitrary, publicly defensible principles. In cases of grave need – where life, liberty, or basic subsistence is at risk – the presumption should favor entry, not exclusion. This shifts the burden of justification to the state, requiring moral reasons, not merely political preference, to deny admission.

Building on this foundation, the second section examined the moral obligation to rescue persons in life-threatening situations. Whether approached from deontological, consequentialist, or care-based ethical perspectives, the obligation to assist those in immediate danger emerges as categorical and unconditional. It is not diminished by the legal status or motivations of the person in distress. Attempts to argue that the broader consequences of rescue justify inaction are ethically insufficient, especially when the stakes involve human life. Even consequentialist arguments must contend with the fact that states cannot treat lives as instrumental to deterrence.

The third section then turned to the actors who often fulfill this obligation in practice: humanitarian NGOs operating in the Central Mediterranean. This discussion showed that their role cannot be captured simply by appeals to neutrality or apolitical compassion. Drawing on Hugo Slim's account of humanitarian ethics, the chapter highlighted the deontological logic that underpins rescue as a duty grounded in the prevention of avoidable suffering. At the same time, Cuttitta's analysis revealed that NGOs operate within complex structures of coordination and control, in which humanitarian action can both mitigate and inadvertently reinforce the effects of

restrictive migration regimes. This dualism between immediate, principle-driven rescue and broader structural critique helps explain why NGO activity may appear politicized while remaining grounded in a distinct moral logic. Their interventions respond to unfulfilled correlative duties that states owe to those placed in danger. When states withdraw from rescue or obstruct those who provide it, they violate not only humanitarian norms but the very responsibilities generated by the Hohfeldian rights framework established earlier in this chapter.

Chapter 2. Sovereignty, Desert, and State Obstruction

Before turning to the ethical arguments that appear to justify state control over migration, it is useful to recall how Hohfeld's distinctions help structure the debate. The framework developed in Chapter 1 clarifies that what is commonly described as a state's "right" to control borders is typically a liberty rather than a claim-right: it means that states do not bear a positive duty to admit non-citizens, rather than merely lacking a duty to refrain from blocking their entry. Migrants, by contrast, are acknowledged to hold a liberty to exit their state of origin, while lacking a corresponding claim to be accepted elsewhere. This asymmetry – liberty to leave, but no claim to be admitted – underlies much of the conventional thinking about border control.

At the same time, Hohfeld's model also shows that border practices involve the exercise of powers, not merely liberties. States do not simply choose whether or not to admit; they hold the Hohfeldian power to confer or withhold the legal permission to enter, and to create the institutional conditions under which entry becomes lawful or unlawful. By exercising this power (for example, granting visas or defining unauthorized entry as an offense) states alter the normative position of those who attempt to cross.

Hohfeld's model thus establishes the terrain of border control by distinguishing discretionary privileges from powers. It also clarifies how these normative powers differ from, yet frequently support, the state's use of coercion. When the exercise of normative power reshapes the rights and duties of those subject to it, it generates corresponding obligations of justification toward them.

2.1 The State's Right to Exclude

The defense of state control over immigration rests on the principle of sovereignty. In this view, political communities are entitled to determine who may enter their territory and on what terms. Michael Walzer famously advanced this position by comparing states to familiar associations – neighborhoods, clubs, and families – each of which maintains integrity by deciding who belongs. For Walzer, the right to collective self-determination includes the prerogative to exclude, since the cultural and political

identity of a community depends upon controlling its boundaries. This analogy continues to inform normative debates on immigration, framing borders as a legitimate expression of democratic will.

Walzer's[28] analogies clarify different aspects of sovereignty. Unlike neighborhoods, which admit anyone who can buy or rent property, political communities cannot remain cohesive without some closure. Like clubs, states may set terms of admission; but unlike clubs, they do not derive their membership from voluntary association, since individuals are born into state membership and usually cannot meaningfully opt out of it. And unlike families, political communities may have obligations to "relatives" abroad: co-nationals or ethnic kin who require protection. Each analogy supports the idea that regulating entry is essential to self-determination, while also recognizing limits on the state's power.

Moreover, the idea that political communities may owe special obligations to certain outsiders need not be confined to cases of ethnic kinship. These responsibilities can also arise from broader historical relationships. States may have long-standing duties toward populations shaped by past political ties, such as former colonial territories, or toward individuals whose vulnerability is connected to the state's own prior commitments or actions. In these situations, the boundary between "insiders" and "outsiders" is blurred by networks of association that extend beyond territorial membership. This suggests that the scope of a community's obligations cannot be determined solely by current citizenship, but must also reflect the moral residue of earlier relationships that continue to carry normative significance.

David Miller develops a similar defense by grounding it in associative duties[29]. He argues that states, like families or national communities, are bound by special obligations to their members. These obligations may justify limiting access to outsiders when necessary to protect insiders' interests. Immigration policy, on this account, is a matter where fairness to insiders can take precedence over the claims of nonmembers.

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[28] Walzer, Michael. Spheres of Justice: A Defense of Pluralism and Equality. New York: Basic Books, 1983.

[29] Miller, David. Strangers in Our Midst: The Political Philosophy of Immigration. Cambridge, MA: Harvard University Press, 2016.

Miller adds that immigration can affect the cohesion and trust on which democratic institutions depend. If high levels of immigration disrupt social solidarity or weaken the shared culture necessary for mutual support, restrictions may be justified to preserve the stability of political cooperation.

In both views, decisions about admission belong to the community as an expression of its self-rule. When migrants cross borders without authorization, they bypass these decisions. From the perspective of sovereignty-based theories, this can be interpreted as a challenge to the authority of the collective. This does not mean Walzer or Miller themselves label irregular migrants as morally wrongful, but it shows how their arguments can be read as casting such acts as more than technical legal violations.

This framing carries an important risk. By depicting irregular entry as an evasion of collective decision-making, it can portray migrants as blameworthy actors. They appear as people who ignore the rules and impose themselves on a community that has not consented to their presence. Applied to the contemporary Mediterranean context, this framing casts those crossing by boat not only as desperate, but also as violators of political self-rule. Humanitarian rescue, in turn, can be portrayed as assisting those who have broken the rules rather than as protecting lives.

At first glance, Walzer's and Miller's arguments may therefore look like a broad justification for states to refuse admission. Their emphasis on collective self-determination and associative duties seems to give governments wide discretion to close their borders. Yet this impression is misleading. Both theorists stress that sovereignty is not absolute. Walzer explicitly insists that refugees and those in danger of death must be admitted, at least temporarily[30]. Miller also recognizes that urgent humanitarian claims can override ordinary discretion. Even within a sovereignty-centered framework the right to exclude is constrained by the imperative to protect life[31].

[30] Michael Walzer, Spheres of Justice: A Defense of Pluralism and Equality (New York: Basic Books, 1983), p. 48–51

[31] David Miller, Strangers in Our Midst: The Political Philosophy of Immigration (Cambridge, MA: Harvard University Press, 2016), p. 83–87

Sarah Song situated these positions within what she calls the "conventional view" of migration. She notes that much political theory has historically assumed states hold a general right to regulate entry, with Walzer's argument marking a key moment in linking distributive justice to membership control. More recent contributions, such as that of Michael Blake, provide further justification for the asymmetry between exit and entry. Blake argues that states owe stringent duties of justice only to those subject to their pervasive coercion within the territory[32].For Blake, a state's egalitarian obligations arise from the pervasive, unavoidable coercion it imposes on those within its jurisdiction. Individuals living under the law cannot escape its authority, and it is this inescapability that triggers stringent duties of distributive justice. Outsiders, by contrast, are not subject to the state's coercive rule.

Although border controls can be coercive in a literal sense – restricting freedom of movement – they do not generate the same egalitarian claims because they do not structure a person's daily life or determine her options in the way domestic institutions do. On Blake's account, this distinction explains why there is a widely recognized right to exit but no corresponding right to immigrate: the right to leave allows individuals to escape a coercive regime, whereas the right to enter would impose egalitarian duties on a state toward persons it does not yet govern.

Abizadeh challenges this logic by questioning the assumption that border controls lie outside the domain of coercive political authority. His core claim is that borders inherently involve coercion, even toward nonmembers, because they are enforced through threats, surveillance, exclusion, and the use of physical force. These coercive acts are not peripheral but are essential to maintaining the border regime itself. If coercion is what generates the duty to justify political power – as Blake himself argues – then coercion at borders should likewise demand justification to those subjected to it, including would-be entrants.

In other words, if coercion triggers moral obligations, then states cannot simply assume unilateral authority over entry. Abizadeh thus reverses the "asymmetry thesis":

[32] Blake, Michael. "Immigration." In A Companion to Applied Ethics, edited by R. G. Frey and Christopher Heath Wellman, 224–37. Malden, MA: Blackwell, 2005.

the fact that nonmembers are coerced by border enforcement means they are owed justificatory reasons. Exit rights, in this analysis, do not solve the problem of coercion. The ability to leave one's state of origin does nothing to address the coercion one experiences when denied entry to another. Nor does it mitigate the way border practices shape the life options of individuals who face violence, persecution, or severe structural disadvantage. For Abizadeh, unilateral border control is incompatible with democratic legitimacy, since it subjects nonmembers to coercive power without giving them any role in authorizing or contesting it[33].

Still, the family and club analogies reveal serious limitations. Walzer and Miller suggest that the right to leave one's state is sufficient to preserve liberty, even if no corresponding right to enter exists. Miller goes further, arguing that the right to emigrate is satisfied so long as some destination is open, even if no one state is obliged to accept. Yet this reasoning is strained. The family analogy helps to illustrate why. If a person is mistreated within their family, the mere permission to leave does not guarantee protection. If departure leaves them homeless, their situation may be worse than before. Similarly, if migrants can legally leave their state but find no safe place to go, their formal freedom of exit offers little real protection. Miller's claim that the availability of some destination somewhere is sufficient leaves open the possibility that many will be left without meaningful refuge. This exposes a gap in the sovereignty-centered view: formal exit rights without corresponding entry opportunities can still result in abandonment.

The same tension emerges in Walzer's treatment of mutual aid. Wealthy states, he argues, cannot simply ignore those in urgent need. They may sometimes discharge this duty externally, for example by sending food or financial support to countries of first asylum. But external aid is not always sufficient. Walzer frames the obligation to admit in terms of persecution, statelessness, or direct threats to life. Yet this framework does not easily extend to those displaced by economic collapse or environmental disaster. Here, Walzer's own principle implies that if aid fails to secure safety, whether because it is insufficient or misdirected, states cannot declare their duty satisfied.

[33] Abizadeh, Arash. "Democratic Theory and Border Coercion: No Right to Unilaterally Control Your Own Borders." Political Theory 36, no. 1 (2008): 37–65.

Consider, for instance, a case in which State A contributes funds for climate adaptation on the part of State B, but a flood or drought still forces people to leave. Can State A claim to have discharged its duty by funding adaptation, even as individuals remain at risk? Walzer's framework suggests not: where external aid does not protect individuals from harm, a residual duty of admission persists.

Taken together, these arguments show that defending the right to exclude at the border does not automatically justify obstructing humanitarian action. Regulating entry concerns a community's control over its membership. Blocking rescue, by contrast, means exposing people to preventable harm. The two are often conflated in practice, but they are morally distinct. Even sovereignty-based theories concede that where life is at stake, the state's discretion must yield.

2.2 Deservingness, Blame, and Moral Standing

Sovereignty-based theories, as we have seen, do not grant states an unlimited right to exclude. Both Walzer and Miller recognize that refugees and those in immediate danger must be admitted, at least temporarily. Yet this concession leaves open a harder question: what about those whose situation is not recognized as persecution, but who nonetheless face desperate conditions of poverty, insecurity, or environmental collapse? Their claims to admission are weaker within this framework. At the same time, border control authorities cannot clearly distinguish between a "genuine" refugee and an "economic migrant" at the moment of rescue. Does the fact that some migrants fall outside the category of urgent humanitarian need mean the others forfeit assistance too? Or, put differently, can the act of crossing irregularly strip them of the moral protections owed to persons in danger?

Joel Feinberg's analysis of the desert is instructive here. He distinguishes between desert in the context of law and desert in the context of moral responsibility. Legal desert arises when someone has violated a rule and can be held accountable under an established system of sanctions. Moral desert refers to the broader judgments we

make about what people are owed in light of their actions and character[34]. In both cases, desert is tied to proportionality: what someone deserves must be commensurate with the nature and degree of their conduct.

From this perspective, irregular entry may count as a legal violation. It might therefore justify penalties such as fines, detention, or deportation proceedings. But Feinberg is clear that desert cannot license consequences radically disproportionate to the offense. To deny life-saving rescue is not a proportionate penalty: it transforms a relatively minor infraction into a death sentence. The attempt to treat irregular migration as grounds for withholding aid collapses the distinction between legal penalty and moral desert. It treats migrants as if they had not only broken a rule, but also forfeited their basic human claims to assistance.

Feinberg also emphasizes that desert must be specific: one can deserve punishment for a wrong, but this does not entail deserving any kind of harm whatsoever. A thief may deserve a proportionate legal sanction, but does not thereby deserve to be assaulted by strangers[35]. Imagine, for example, a burglar who enters an apartment unlawfully, slips, and fractures his skull. He was engaged in wrongdoing, but neither the injury he suffers nor death are not a proportionate "penalty." Someone might object that the intruder could have intended violence, perhaps even to kill the resident, and that letting him die would therefore be defensible. Yet until such intent is established, the situation must be treated differently: uncertainty about motive does not justify allowing death to occur. The resident's moral duty remains to call an ambulance, while the legal duty is to report the crime so the courts determine guilt and impose proportionate punishment. The fact that someone broke the law does not erase his claim to emergency medical care.

Similarly, an irregular migrant may deserve to face immigration procedures, but does not deserve to drown. When states obstruct rescue, they act as though the initial act of unauthorized entry justifies any subsequent harm, however severe. This is

[34] Joel Feinberg, Doing and Deserving: Essays in the Theory of Responsibility (Princeton: Princeton University Press, 1970), 95–97

[35] Feinberg, Doing and Deserving, 103–105

precisely the sort of confusion between desert and sheer misfortune that Feinberg's account was designed to prevent.

Bernard Williams's reflections on moral luck deepen this critique. He begins from the unsettling observation that our judgments of responsibility often depend on factors beyond an agent's control. Two people may act with the same intention[36], yet the outcomes of their actions differ radically due to luck. The driver who runs a red light may be unlucky enough to kill a pedestrian, while another, equally reckless, harms no one. In practice, we judge the first more harshly, even though the difference lies in circumstance, not in will[37]. Applied to migration, this insight reveals the instability of blame. Many people worldwide consider migration as a strategy to improve their lives; only some find themselves forced onto boats across the Mediterranean. The difference is not that those at sea acted more wrongly, but that their geographic and political situation left them with fewer safe alternatives.

Williams further emphasizes that luck operates not only in outcomes, but also in the circumstances that shape our choices and character. Place of birth, family background, political stability, and economic opportunity are all matters of chance. Migrants fleeing conflict or climate catastrophe often confront choices so constrained that "irregular entry" is less a calculated wrong than a last resort. To interpret their actions as a free disregard for law overlooks the pervasive role of luck in structuring the options available to them.

Finally, Williams argues that the persistence of moral luck undermines any aspiration to neat, proportionate judgments of desert. If outcomes and opportunities are shaped by chance, then attaching grave consequences to an act like unauthorized entry reflects not justice but arbitrariness. The assignment of blame becomes morally fragile, subject to luck rather than principle[38]. For migration ethics, this means that even if sovereignty-based theories portray irregular entry as a violation, the role of luck makes

[36] To avoid delving into complex debates about the nature of intention, I use the expression "with the same intention", in this context, to mean "aiming for the same outcome," assuming the perspective of an external observer who can know each agent's intention.

[37] Bernard Williams, "Moral Luck," in Moral Luck: Philosophical Papers 1973–1980 (Cambridge: Cambridge University Press, 1981), 20–39.

[38] ibid Williams

it incoherent to treat those who risk or suffer death at sea as having "brought it upon themselves." Their vulnerability, far from diminishing their claim to aid, intensifies the urgency of rescue.

This perspective exposes the fragility of desert-based justifications for obstruction. Even if irregular entry involves some measure of wrongdoing, the moral standing of those at risk of death is not cancelled. To deny rescue on the grounds of desert is to impose a penalty wholly out of proportion to the act, and to instrumentalize human lives as deterrents. Rather than diminishing their claim to aid, the vulnerability of migrants at sea underscores the continuing force of humanitarian obligations.

2.3 Pull factor

A common objection to the duty to rescue appeals not to desert but to consequences. The claim is that large-scale rescue operations act as a "pull factor," encouraging more people to attempt dangerous crossings. If rescue makes survival more likely, the argument goes, then migrants will be more willing to risk the journey, smugglers will be more willing to send them in unsafe boats, and the overall number of deaths may actually increase. From a consequentialist perspective, obstructing rescue could then be justified as a tragic but necessary way of minimizing harm.

This section examines what is perhaps the most serious consequentialist objection to the duty to rescue – the claim that saving lives today may cost more lives tomorrow. The moral tension here is genuine. States have duties both to protect life and to prevent avoidable suffering. If these duties appear to conflict, policymakers may be tempted to adopt a harm-reduction logic that limits rescue to avoid incentivizing risk.

Critics of maritime NGOs argue that civil rescue operations do more than respond to danger: they help create the conditions under which dangerous crossings become possible in the first place. The concern is that NGO presence actively shapes the expectations of people preparing to depart. When rescue vessels patrol known departure corridors, monitor maritime radios, or wait outside territorial waters, their activity can be interpreted as signalling that the crossing, however dangerous, is survivable. On this

view, NGOs become part of the decision-environment of both migrants and smugglers. Their readiness to intervene functions as tacit reassurance that someone will be there to save those in distress.

Humanitarian organisations position themselves at sea because they anticipate imminent crossings, but critics argue that their positioning is one of the reasons those crossings continue to occur. The expectation of rescue may lower the perceived risk for migrants already contemplating flight. For smugglers, the prospect that NGOs will rescue overcrowded or unseaworthy boats allegedly reduces the incentive to use safer vessels or to time departures more cautiously. If there is a known likelihood that a drifting boat will be intercepted by a well-equipped rescue ship, the economic calculus of the smuggler may shift in favour of cheaper, lower-quality craft.

Public commentary pushes this further. Media outlets such as *The Spectator* claim that NGOs are "oiling the wheels"[39] of the smuggling economy by coordinating rescue operations in advance of departures, thereby emboldening smugglers and diminishing their sense of responsibility for the safety of those they transport[40]. Rescue ships waiting offshore are portrayed as creating a de facto shuttle service: the closer NGOs operate to Libyan waters, the easier it becomes to frame them as effectively receiving those who depart. According to this narrative, even if NGOs do not intend to assist smugglers, their operational patterns inadvertently integrate them into the broader logistics of irregular migration.

Some versions of the objection imagine even more troubling dynamics. If rescue organisations track departures, coordinate with other actors to predict crossings, or share distress information in real time, critics claim that this creates a feedback loop in which humanitarian foresight becomes indistinguishable from facilitation. The worry is not merely that NGOs reduce the risks of crossing, but that they may help stabilise a system in which smugglers rely on them to absorb the consequences of their negligence. It results in NGOs finding themselves in a morally ambiguous position: by attempting to

[39] Liddle, Rod. "The Rescue Racket." The Spectator, July 29, 2017.

[40] Murray, Douglas. "Italy's Patience with the Migrant Charities Is Wearing Thin." The Spectator, August 23, 2017.

minimise fatalities, they allegedly become part of the causal chain that produces the very emergencies they are committed to alleviating.

On this view, humanitarian action becomes inseparable from the phenomenon it addresses. Civil rescue operations are seen not as neutral interventions but as structural elements of the Central Mediterranean migration system – elements that, once removed, would purportedly reduce the number of dangerous journeys attempted.

Recent institutional rhetoric reinforces this idea. In an address to the Senate (17 October 2023), the Italian government accused certain NGOs of "giving free rein to smugglers" and undermining coast-guard operations, framing them as actors whose behaviour facilitates irregular departures[41]. Although not presented in academic terms, such statements illustrate how rescue organisations are publicly depicted as contributing to the same dynamics they seek to mitigate.

Yet both the empirical and ethical foundations of this objection are weak. Comparative analyses of Mediterranean crossings show that fluctuations in departures align far more consistently with shifts in major push factors – conflict dynamics, political repression, economic collapse, environmental stress, and the evolving strategies of smuggling networks – than with the intermittent presence or absence of humanitarian vessels. Periods of intensified instability in Libya or Sudan, for example, correspond to far larger spikes in departures than any change in search-and-rescue capacity at sea[42].

When search-and-rescue operations were scaled back – such as after the end of Italy's Mare Nostrum mission in 2014 – the number of departures did not decline significantly, but the number of deaths rose dramatically[43]. This indicates that rescue is not the decisive factor motivating people to attempt the journey. Migrants set out because conditions at home or in transit countries leave them with no viable alternative.

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[41] Presidenza del Consiglio dei Ministri. "Comunicazioni al Senato del Presidente del Consiglio europeo (17–18 ottobre 2023)." 17 October 2023.

[42] Villa, Matteo, and Eugenio Cusumano. "Migration and the Myth of the Pull Factor in the Mediterranean." ISPI Commentary, February 2020.

[43] Heinrich Böll Foundation, Refugee Rescue NGOs in the Mediterranean: The Political Criminalization of Compassion (Berlin: Heinrich Böll Foundation, 2020), 6–8.

A further problem for the pull-factor hypothesis is that it assumes rescue availability meaningfully shapes the decision to depart. Yet the data from the Central Mediterranean show no such pattern. When state or civil search-and-rescue capacity was reduced, departures did not fall as they should have if rescue had been a significant motivational force. Instead, departures remained stable or increased during periods marked by intensified push pressures: growing insecurity in Libya, worsening treatment in detention centres, economic collapse in Sahelian states, and the increasing coerciveness of smuggling networks. These developments exerted direct and immediate pressure on people to flee, whereas changes in rescue capacity did not produce visible behavioural effects. If departures continue even when rescue is limited and conditions worsen on land, the most plausible explanation is not that rising push factors "compensated" for a missing pull factor, but that the pull factor was never decisive in the first place. The stability of departures across very different rescue environments indicates that rescue availability plays only a secondary role compared to the structural forces that compel movement.

Further evidence comes from interviews and field research with migrants themselves. Many report being unaware of European rescue policies before embarking, or expecting no assistance at all[44]. Their decisions are instead driven by violence, poverty, or family obligations. Smugglers, for their part, adapt quickly to enforcement measures and continue sending boats regardless of the presence of humanitarian vessels. What changes is not the willingness to depart, but the level of risk faced. The "pull factor" argument therefore overstates the influence of rescue and overlooks the structural drivers that make dangerous crossings the only available option.

Yet the plausibility of the pull-factor objection cannot be evaluated empirically alone. Even if the causal story it suggests were coherent, its normative implications would remain uncertain. The argument rests on assumptions about what states may permissibly do to influence migration, and these require separate ethical scrutiny.

[44] Achilli, Luigi. "The 'Good' Smuggler: The Ethics and Morality of Human Smuggling among Syrians." The ANNALS of the American Academy of Political and Social Science 676, no. 1 (2018): 77–96.

Even if we grant the consequentialist premise, the reasoning remains unstable. The deterrent effect of obstruction is speculative, whereas the deaths caused by denying rescue are certain and immediate. To justify obstruction, one must therefore accept real, present losses in exchange for hypothetical future gains. This is not a consistent application of consequentialism, but a misuse of its logic. In doing so, it slips from protection to deterrence. Consequentialism requires impartiality – each life should count equally – yet in the pull factor argument some lives (those at sea now) are treated as expendable in order to possibly protect others later. That is not impartiality but selective sacrifice. A stricter consequentialist analysis would note that the most reliable way to minimize deaths is not to obstruct rescue, but to address the structural causes that drive dangerous crossings: conflict, persecution, poverty, and climate collapse.

Thus, even within a consequentialist framework, the pull factor argument fails. The harm caused by obstruction is concrete and unavoidable, while the benefits it claims are speculative and unproven. Far from minimizing suffering, obstruction magnifies it. The duty to rescue is therefore not only grounded in humanitarian ethics but also consistent with a sober consequentialist appraisal.

Beyond the empirical debate, it is important to note how the “pull factor” operates as a policy discourse. European governments, especially Italy and Greece, have repeatedly invoked it to justify the restriction of NGO rescue missions. Officials claim that humanitarian vessels act as a “magnet” for migrants and therefore must be controlled or deterred. Yet this claim often functions less as a statement of fact than as a political narrative. It shifts responsibility for deaths at sea away from state policies and onto the rescuers themselves, portraying NGOs as reckless actors who encourage dangerous journeys. In this way, the “pull factor” argument becomes a rhetorical tool to delegitimize humanitarian aid and normalize obstruction.

This use of the “pull factor” illustrates how moral reasoning can be distorted for political ends. Even when evidence does not support the deterrence claim, the narrative persists because it serves state interests: it reframes humanitarianism as a problem rather than a solution, and it offers governments a justification for restrictive border policies that would otherwise appear morally indefensible. By blaming NGOs for the

risks migrants take, states can obscure their own role in producing those risks through inadequate legal pathways, restrictive asylum regimes, and externalization agreements with third countries. The "pull factor" thus does more than misstate the facts; it actively contributes to a discourse in which the duty to rescue is portrayed as a threat to sovereignty rather than a moral imperative.

From a deontological standpoint, this discourse is deeply problematic. The "pull factor" argument justifies obstruction by treating those in peril not as individuals with inherent dignity but as instruments of deterrence. It implies that the suffering or death of some can be tolerated – indeed, strategically used – if it prevents others from coming. This violates a fundamental principle of ethics, expressed in Kant's injunction never to treat people merely as means but always also as ends in themselves.

Humanitarian ethics emerges from the practical moral reasoning that guides humanitarian actors confronted with urgent human suffering. As Hugo Slim argues, humanitarian ethics is a practice-oriented framework rooted in values such as humanity, impartiality, and the refusal to permit avoidable harm.[45] Its aim is not to generate a unified philosophical doctrine but to structure judgment in situations where lives are at immediate risk.

Developed out of practice rather than allegiance to any single philosophical doctrine, humanitarian ethics draws on multiple moral traditions: duty-based reasoning, care-oriented judgments, and sensitivity to the consequences of inaction. It guides decision-making under conditions of extreme vulnerability. Despite this plurality, it converges on a central principle: the duty to rescue is unconditional. Assistance is owed because a life is at risk, not because of any anticipated effect such assistance may have on migration policy.

The contradiction becomes clearer if we translate the situation into ordinary moral terms. Imagine a parent whose child regularly brings home people in need of help. Each time, the parent must decide whether to share food or money from the household budget. It may seem burdensome or unfair, and the parent might complain

[45] Hugo Slim, Humanitarian Ethics: A Guide to the Morality of Aid in War and Disaster (Oxford: Oxford University Press, 2015), 38–40.

that these acts of generosity stretch family resources. Yet if that same parent has raised the child to be compassionate and to aid those in distress, refusing help at the moment it is needed would be a hypocritical act. The parent would be denying in practice the very values they have taught in principle.

States find themselves in a similar position. They recognize the legitimacy and necessity of humanitarian organizations, allowing them to register, operate, and even cooperate with public institutions. Yet when NGOs act on their mission by rescuing people at sea, states often accuse them of undermining border control. This is a form of moral inconsistency: governments benefit from the existence of humanitarian actors as symbols of their own moral commitment, while condemning them when their actions expose the state's failure to uphold those same commitments. The "pull factor" argument thus becomes not merely a factual error but an ethical contradiction – a refusal to accept, in practice, the very humanitarian principles that justify the presence of NGOs in the first place.

Acknowledging the moral duty to rescue does not mean that states must automatically grant asylum or permanent residence to every person saved. It simply requires separating the act of saving a life from the later decision about legal status. Just as the compassionate parent is not required to adopt everyone the child brings home, the state is not obliged to accept every rescued person as a refugee. What is required is to ensure their survival and basic safety before any further determination of rights or responsibilities can take place. The duty to rescue is therefore a minimal moral threshold – a precondition for any legitimate system of border governance.

Moreover, framing rescue as a problem obscures the disproportionate nature of the harm. Even if irregular entry is a breach of rules, allowing people to drown is not a proportionate or permissible response. Feinberg's emphasis on proportional desert and Slim's defense of humanitarian principles converge here: wrongdoing may justify legal accountability, but it cannot justify the withdrawal of aid when life is at stake. To do so is to collapse the distinction between law enforcement and life-saving, reducing people in danger to tools of border management.

2.4 The Spectrum of Obstruction and the Limits of Moral Authority

The previous sections have shown that neither desert-based reasoning nor consequentialist logic can justify obstructing rescue. Yet in practice, obstruction rarely appears as a single, overt act of refusal. It unfolds along a spectrum of measures that range from indirect discouragement to physical prevention. Understanding this spectrum is essential for evaluating how far a state's legitimate control can extend before it crosses the moral boundary into endangering life.

At the softer end are forms of discouragement one may find the public campaigns that warn of the dangers of migration, or official statements that portray rescue NGOs as irresponsible actors. These policies rely on the same deterrence logic discussed earlier: they aim to reduce departures by amplifying fear and uncertainty. While less visible than physical obstruction, such messaging still instrumentalizes suffering by presenting peril as a legitimate tool of migration control.

While the focus remains on state-led forms of obstruction, it is important to note that non-state actors can play a significant role in shaping the political environment in which these policies operate. Media outlets, influential commentators, and private organisations often reinforce deterrence narratives by portraying migration as threatening or by discrediting humanitarian rescuers. Although these actors do not wield coercive power in the way states do, their discourse can legitimize or amplify state strategies of discouragement, thereby contributing indirectly to the broader ecology of obstruction.

A second form involves administrative obstruction: imposing bureaucratic hurdles on rescue operations, restricting port access, or criminalizing humanitarian activity under the guise of regulation. These measures often maintain a veneer of legality while undermining the capacity to save lives. They express a moral inconsistency: states that acknowledge the duty to protect life simultaneously design procedures that make fulfilling that duty impossible.

At the far end of the spectrum lies physical prevention: naval pushbacks, coordinated interceptions by third countries, and the closure of territorial waters. Here,

obstruction becomes explicit. Life-saving assistance is replaced by containment and deterrence. Even when presented as necessary to maintain order, such actions negate the moral minimum of humanitarian protection. The distinction between enforcing borders and exposing people to preventable harm disappears.

Taken together, these practices illustrate how obstruction operates not as a policy necessity but as a moral compromise. Each step along this spectrum distances states from the ethical principles they claim to uphold. What begins as a rhetoric of control ends as a denial of rescue.

This leads to a broader question: can the moral authority of the state ever extend to obstructing humanitarian rescue? Even if one accepts that irregular migration involves rule-breaking and that states hold a liberty to regulate entry, this does not generate a moral power to restrict others from performing life-saving rescue. The legitimacy of border control depends on its compatibility with more fundamental moral norms. To endanger life in the name of order is to reverse that hierarchy, subordinating basic human claims to administrative priorities.

Humanitarian actors, by contrast, operate on the basis of independently grounded moral principles. Their responsibilities do not derive from the state but from broader commitments to human dignity and the prevention of avoidable suffering. When NGOs act to rescue people at sea, they are not defying state authority but realizing ethical imperatives that exist prior to and beyond it. The state may regulate entry, but it cannot morally appropriate the right to decide who may be saved.

While the state may legitimately seek to maintain order, especially within its borders, the ethical legitimacy of obstructing rescue remains questionable. To interfere with humanitarian assistance is not merely to exercise policy discretion, but to risk enabling or prolonging harm. On this basis, no consistent moral theory permits the active prevention of life-saving aid, even within a framework that defends border control. Sovereignty may justify the management of migration, but it cannot justify the abandonment of persons in mortal danger.

Obstruction, therefore, represents the point at which political authority loses its moral foundation. The power to regulate borders must end where the obligation to protect life begins. To deny this limit is to transform sovereignty from a form of collective self-determination into an instrument of harm. The obstruction thus reveals not only a policy failure but a profound ethical collapse.

Taken together, the arguments examined in this chapter show that the moral justification for border control does not extend to the prevention of humanitarian rescue. Restrictionist accounts defend a state's discretion over admission, but they do not attribute to the state a moral entitlement to expose people to lethal risk. The normative foundations invoked to support exclusion – self-determination, fairness to insiders, democratic authorship – do not override the independent duties of protection that arise when individuals face acute danger.

At the same time, approaches that foreground the permissibility of migration highlight a different set of moral relationships. Here, vulnerability, basic needs, and the duties correlative to life-threatening risk structure the ethical landscape. From this perspective, obstruction of rescue appears not merely as a policy failure but as a violation of the duties that follow from the very conditions migration seeks to alleviate.

The following table synthesizes these two frameworks. It contrasts the implications of obstruction under the assumptions developed in Chapter 1 and those arising from the restrictionist commitments reconstructed in Chapter 2.

Obstruction of Rescue	**If Migration is Morally Permissible**	**If Border Control is Morally Justified**
Moral status of movement	Movement is a legitimate exercise of personal freedom.	States may regulate admission to protect political self-determination and membership boundaries.
Baseline rights & duties	Individuals hold rights to non-obstruction and, in danger, rights to rescue; states bear correlative duties.	States may enforce entry rules, but obligations not to cause or permit fatal harm remain in force.

Nature of danger	When state policies foreseeably expose people to lethal risk, duties to assist intensify; obstruction is categorically wrong.	Border regulation does not license exposing people to preventable death; enforcement must remain non-lethal.
Role of rescue	Rescue is a direct moral response to acute vulnerability; blocking it violates basic protective duties.	Even within sovereign control, rescue cannot be blocked because life-preserving duties override discretionary powers.
Remedial obligations	If state actions create or worsen risk, affected individuals acquire remedial claims to protection and safe disembarkation.	If enforcement contributes to danger or fails to neutralize it, duties shift from exclusion to ensuring safety.
Use of harm as a tool	Deterrence measures that rely on heightened risk conflict with the duties of non-obstruction and protection triggered when people face acute danger. Policies cannot override the claim-rights grounded in such vulnerability.	Deterrence cannot rely on exposing people to preventable harm; border control does not include a moral right to obstruct life-saving efforts.
Boundary of legitimate action	Ethical constraints are strongest where lives are at risk; obstruction has no justification.	The legitimacy of border control is constrained by independent duties not to impose or permit unreasonable, life-threatening risks. Where enforcement would foreseeably produce such risks, the justification for exclusion cannot be coherently invoked.
Overall conclusion	Obstructing rescue violates positive duties and non-harm duties and cannot be morally defended.	Even if exclusion is defensible, it does not extend to measures that expose individuals to fatal danger. The justification for regulating entry does not entail permissions that negate basic protective obligations.

In light of these considerations, both frameworks examined previously ultimately converge on the same moral limit: even where states exercise wide discretion over admission, this authority does not extend to measures that foreseeably endanger life or

obstruct humanitarian rescue. The divergence between the two perspectives concerns how responsibilities are distributed and what counts as a legitimate basis for restricting movement, not whether life-preserving duties may be suspended. The next chapter turns to concrete practices of border control, examining how different forms of obstruction manifest in real policy contexts and whether they can be reconciled with the ethical boundaries established so far.

Chapter 3. Reconstruction of State Practices: Italy, Spain, and Greece

Chapter 3 turns from normative theory to empirical reality. The aim is no longer to formulate moral principles in the abstract, but to examine how contemporary Mediterranean states act at their borders, and what these actions reveal about the moral and institutional logic of migration control. The cases of Italy, Spain, and Greece are not selected for their exceptionality but because they illustrate broader patterns in European border governance: the coexistence of humanitarian language with deterrence practices, the increasing reliance on administrative tools to shape mobility, and the growing tension between state authority and non-state humanitarian action.

This chapter therefore operates as a test of the theoretical framework developed in Chapters 1 and 2. If migrants possess liberty-rights and, under conditions of structural vulnerability, negative claim-rights not to be exposed to avoidable harm, then the corresponding duties of states should be visible in practice, or their absence equally visible. Likewise, if the exercise of the state's authority to exclude requires public justification and must remain consistent with basic duties of rescue, then the empirical analysis of border policies allows us to ask whether such justifications are ever met. In this sense, state practices serve as a kind of moral evidence: they show whether the principles invoked by governments – sovereignty, order, or deterrence – are compatible with the ethical commitments democratic states claim to uphold.

At the same time, this chapter takes seriously the institutional and sociological dimensions of border control. Rescue and obstruction do not occur in a vacuum. They emerge from complex interactions among coast guards, ministries, parliaments, municipal authorities, maritime coordination centers, and, increasingly, international partners such as Frontex or the Libyan Coast Guard. Tools such as port closures, "port rotation," administrative delays, registration requirements, or cooperation agreements may appear technical or bureaucratic, yet they shape the lived experience of migrants as decisively as formal laws. The Mediterranean border is therefore not merely a line of territorial sovereignty, but a dense network of practices, discourses, and operational decisions that distribute risk, responsibility, and vulnerability.

A sociological approach also highlights how states frame their actions. Italy tends to justify restrictions in terms of public order and the need to combat smuggling; Spain balances humanitarian self-understanding with administrative control; Greece emphasizes national security and territorial defense. These narratives matter because they shape public opinion, legitimize certain state behaviors, and influence whether humanitarian actors are perceived as partners, neutral agents, or threats. As Chapter 1 noted, democracies do not always fail morally because they reject ethical principles, but because they hesitate to uphold them when doing so carries political costs. In each case, moral arguments become intertwined with political rhetoric and institutional incentives, producing a border regime where ethical principles and administrative practices do not always align.

Thus, this chapter has two purposes. First, to analyze the practical forms that obstruction takes and to understand how these forms operate within the sociological structure of border governance. Second, to evaluate these practices through the normative lens developed earlier: the Hohfeldian structure of claim-rights and duties, the moral obligation to rescue, and the limits of sovereignty and desert. This combined approach allows us to interpret concrete state behavior not merely as policy choices, but as actions that carry moral meaning: they reveal what duties states in fact have toward those seeking protection, and where these duties are systematically neglected.

By applying moral theory to empirical cases, this chapter shows that obstruction is not accidental or episodic. It is a patterned element of a broader deterrence regime. The comparative analysis of Italy, Spain, and Greece therefore illustrates how ethical reasoning can illuminate the social world, and how the social world, in turn, exposes the ethical limits of contemporary migration governance.

3.1 Italy

Italy represents the clearest empirical illustration of how the moral tensions developed in Chapters 1-2 materialise in practice. Italian migration and rescue policies over the last decade show how a democratic state can simultaneously affirm humanitarian commitments while implementing measures that structurally obstruct

rescue, constrain humanitarian actors, and externalise protection responsibilities. These tensions reflect not only normative contradictions, but also sociopolitical dynamics internal to democratic governance, where electoral incentives, public opinion, media frames, and security paradigms interact with legal and moral obligations.

Political Climate of Permanent Emergency

Italian migration governance has been shaped by a self-reinforcing narrative of emergency. Even in years of fewer arrivals, Italian governments have cultivated a communicative environment in which maritime migration is framed as a threat to order, security, and national solvency. The effect is cumulative: policies become responses to perceived crisis rather than to empirical need.

Recent data confirms this mismatch. According to EMERGENCY's 2025 report, arrivals via sea decreased significantly in 2024, falling to 66,317 people (including 8,043 unaccompanied minors)[46]. Yet during the same period, the Italian government expanded regulatory tools designed to restrict NGO operations (e.g., port assignments, vessel detentions, enforcement of the Piantedosi Decree) and promoted new externalisation schemes such as the Italy-Albania Protocol[47]. These measures cannot be explained by material capacity alone; they reflect a deeper political calculus.

As argued in Chapter 1, democracies often confront situations where political survival pressures incentivise choices that are normatively questionable but symbolically effective. Migration governance in Italy exemplifies this: leaders face strong incentives to "appear tough" on irregular migration, particularly in competitive electoral cycles or under populist mobilisation. Policies thus become performative acts of deterrence rather than instruments of protection or governance.

This helps explain why measures with high humanitarian cost and low demonstrated effectiveness, such as the extended assignment of distant ports, or the selective criminalisation of NGO rescue vessels, are politically attractive: they signal control, even when they hinder rescue.

[46] EMERGENCY. Il Confine Disumano: Report SAR Life Support 2024. Milan: EMERGENCY ONG Onlus, 2025, p. 6

[47] Ibid p. 16-17

NGOs are central to understanding how obstruction operates in practice. Italy's legal and administrative responses over the past years have systematically narrowed the space for humanitarian action.

The EMERGENCY report documents that in 2024[48]:

- Distant ports were assigned to NGO vessels systematically, forcing ships like Life Support to sail hundreds of additional kilometres to ports such as Ravenna, Livorno, or Ancona – over 20,500 km in additional navigation during the year .
- This practice resulted in 293 days lost to navigation toward distant ports, and 323 days of administrative detention across the NGO fleet due to the Piantedosi Decree sanctions (with many later overturned by courts) .
- Despite this, NGOs accounted for only 18% of all rescues – raising the question why regulations target them disproportionately.

It seems clear that NGOs act as visible counter-narratives to state policy. Their presence embodies a competing interpretation of the Mediterranean – not as a border to be controlled, but as a site of humanitarian obligation. This symbolic challenge partly explains why the state treats them not simply as operational actors, but as political interlocutors whose very activity undermines the deterrence narrative.

From the normative perspective developed earlier in the thesis, this dynamic exposes a practical contradiction: a democratic state committed to human rights is imposing barriers on actors who perform life-saving functions aligned with fundamental moral duties. The state's behaviour reflects not a conflict of legal competences but a conflict of moral and political narratives.

Externalisation as a Strategy of Moral Distancing

Recent Italian policy has increasingly relied on externalisation agreements that shift responsibility for migrants to third countries – often where protection standards are weak or nonexistent.

[48] Ibid EMERGENCY p.13-15

Tunisia

The 2024 creation of the Tunisian SAR region and the EU-Tunisia Memorandum have effectively normalised operations by the Tunisian National Guard, despite well-documented violent interceptions, collective expulsions, and deportations to desert areas noted across the report[49] and the absence of conditions that would qualify Tunisia as a Place of Safety under international maritime law.

This policy pattern reflects what sociologists describe as moral distancing: responsibility for the foreseeable harms of deterrence is obscured by layers of bureaucratic delegation. Italy validates the Tunisian authorities' role, even though the same authorities engage in behaviours that the Italian state could not legally or ethically perform directly.

The externalisation strategy pursued by Italy cannot be understood without acknowledging the central role of the Libyan Coast Guard, whose operations have been extensively documented as violent, unlawful, and incompatible with international maritime and human-rights standards. According to the Sea-Watch report on Libyan interceptions, rescue vessels have repeatedly been threatened with firearms, rammed at high speed, boarded aggressively, and subjected to direct gunfire during attempted rescues[50]. Sea-Watch's monitoring aircraft and ship crews recorded multiple cases in which Libyan units fired into the water near people in distress, endangered overcrowded rubber boats, or beat rescued individuals with ropes and metal objects before transferring them back to detention facilities in Tripoli or Zawiya. These documented patterns are not isolated incidents but form a consistent operational profile: violence, intimidation, and coercion are structural features of Libyan "SAR" activity rather than deviations from it.

Cooperation with a maritime actor whose routine practices involve lethal force and abusive interceptions makes the harm foreseeable in the strongest possible sense. Italy's continued coordination with Libyan units – through the Maritime Rescue Coordination Centre (MRCC), information-sharing, and EU-funded aerial surveillance –

[49] Ibid EMERGENCY p. 18-22
[50] Sea-Watch. Report sulle violenze della Guardia Costiera Libica. Berlin: Sea-Watch e.V., 2023.

means that the Italian state contributes causally and knowingly to outcomes that directly contravene the duty not to expose individuals to life-threatening harm. As the Sea-Watch report concludes, Libyan operations do not meet even the minimal criteria for a Place of Safety, given that returned individuals face arbitrary detention, torture, extortion, and disappearances upon disembarkation. This places Italy in a position that is ethically untenable: while asserting its sovereign right to manage borders, it systematically relies on an actor whose practices violate precisely the fundamental rights that sovereignty theorists such as Walzer and Miller agree must remain non-negotiable.

Externalising border control to partners known for systemic rights violations amounts to a form of moral and legal outsourcing that cannot be justified under any coherent normative framework, including the restrictive models examined in Chapter 2. If migrants possess a negative claim-right not to be subjected to foreseeable and preventable harm, then the Italian state has a correlative duty not to direct, enable, or rely upon operations that predictably produce such harm. Cooperation with the Libyan Coast Guard, given the overwhelming evidence of violence, reveals the structural contradiction at the heart of Italy's deterrence strategy: the state seeks to maintain the appearance of controlled humanitarian compliance while operationalising border control through partners whose methods make compliance impossible.

Albania

The Italy-Albania Protocol represents an unprecedented attempt to externalise asylum processing outside EU territory. As documented:

- Individuals rescued by Italian state vessels are transferred to Albania for expedited asylum procedures, despite Albania failing to meet the criteria for a safe or proximate disembarkation point[51].
- Early transfers resulted in unlawful detentions, procedural irregularities, and court rulings blocking the practice due to violations of EU fundamental rights standards[52].

[51] Ibid EMERGENCY p. 23-25

[52] ASGI, "Extraterritorial detention and return of migrants from Albania: legal analysis and doubts about compatibility with EU law," July 8 2025.

From an ethical standpoint, the Italy-Albania Protocol functions as a mechanism of responsibility displacement. Individuals rescued under Italian jurisdiction are transferred to extraterritorial facilities where procedural guarantees are significantly weaker, judicial oversight is reduced, and access to legal assistance is minimal. Legal analyses by ASGI and other scholars highlight that the centres in Shëngjin and Gjadër operate in a zone of jurisdictional ambiguity: formally governed by Italian law, yet geographically and institutionally removed from Italy's ordinary safeguards. This creates what critics describe as a "grey zone of rights," where the practical ability of asylum seekers to challenge decisions, access interpreters, or obtain independent legal advice is severely constrained.

Ethically, this represents a classic form of moral distancing: the state preserves its sovereign control over admission while externalising the humanitarian and legal consequences of that control onto a third country with fewer accountability mechanisms. This practice contradicts the Hohfeldian structure developed in Chapter 1. Migrants possess a negative claim-right not to be exposed to foreseeable harm, and this right cannot be neutralised simply by relocating them outside EU territory. Foreseeability is central: both ASGI and the Constitutional Law Observatory note that Albania lacks the infrastructure to guarantee adequate vulnerability assessments, safe detention conditions, or effective remedies – making harm not only foreseeable but structurally embedded in the design of the protocol.

Even the sovereignty theorists examined in Chapter 2, such as Walzer[53] and Miller[54], explicitly maintain that border control cannot be exercised in ways that evade accountability or compromise basic protections. The protocol does precisely this. Its fast-track procedures, selective disembarkation practices, and de facto detention regime create conditions in which individuals are subjected to reduced rights protections because they are moved outside Italy. The protocol has also proven operationally fragile: early transfers resulted in unlawful detentions and judicial interventions ordering

[53] Michael Walzer, Spheres of Justice: A Defense of Pluralism and Equality (New York: Basic Books, 1983), p. 48–51

[54] David Miller, Strangers in Our Midst: The Political Philosophy of Immigration (Cambridge, MA: Harvard University Press, 2016), p. 83–87

returns to Italy, raising further questions about the legitimacy and feasibility of externalised asylum processing.

Taken together, these elements show that the Italy-Albania Protocol is not merely administratively innovative but ethically indefensible. It exemplifies how deterrence strategies can be institutionally sophisticated while simultaneously undermining fundamental rights, moral obligations, and even the minimal standards of legitimate border governance. This example introduces a new frontier of obstruction: selective disembarkation based on ad-hoc vulnerability screening, conducted on vessels at sea by personnel who cannot realistically assess trauma or hidden conditions. From the argument developed in Chapters 1-2 this screening process is a paradigmatic example of the state treating duties as discretionary privileges.

This dynamic aligns closely with sociological theories of securitisation and with the democratic incentive structures discussed earlier: migration becomes framed primarily as a threat to public order and national identity; rescue is recast not as a humanitarian imperative but as a potential "pull factor" that encourages irregular crossings; NGOs are rhetorically repositioned from life-saving actors into facilitators of illegality or disruptors of state authority; and political leaders, operating under electoral pressure, emphasise border control and the appearance of firmness to avoid accusations of weakness or the risk of losing votes. Together, these processes help explain why obstructionist policies persist even when empirical evidence challenges their effectiveness and moral reasoning undermines their legitimacy.

In this sense, obstruction functions as a symbolic performance aimed at preserving political capital. The foreseeable human cost, like delays in rescue, increased death risk, retraumatisation, becomes externalised into the moral background. The state's moral duties, articulated in Chapters 1 and 2 as non-derogable claims, are subordinated to the pressures of political survival.

Within the spectrum of obstruction described in Chapter 2, Italy occupies a position that spans almost the entire range. At the level of discouragement, Italian authorities have repeatedly framed NGO search-and-rescue operations as irresponsible

or even complicit with smuggling, deploying public rhetoric intended to discredit humanitarian actors and deter future departures. At the level of administrative obstruction, Italy has introduced restrictive port policies, burdensome reporting requirements, frequent vessel inspections, and legal proceedings designed to constrain or penalize NGO activity. At the most coercive end, elements of physical prevention can also be observed: coordinated pushbacks delegated to Libyan authorities, the closure of ports to rescue vessels, and the withholding of disembarkation authorisation even when lives are at risk. Italy's placement along this spectrum shows that its approach is not a matter of isolated policy choices but a systematic pattern: a progressive escalation from discouragement to interference and, at times, direct prevention.

The Italian case also illustrates how obstruction fits the Hohfeldian structure outlined in Chapter 1. There, it was shown that a state's authority over migration is best understood as a liberty, not a claim-right: states may regulate entry, but they do not possess a correlative right that others must refrain from assisting migrants. To convert this regulatory liberty into a power to forbid humanitarian rescue, the state must impose duties on third parties, for example, by denying port access or criminalising rescue activity. From the point developed in Chapter 2, however, such duties lack moral justification. Even if irregular entry is considered a legal wrong, the state's migration policy cannot override the independent moral responsibilities of actors who seek to save lives. Along the spectrum from discouragement to physical prevention, Italian policy thus demonstrates a shift from legitimate regulation to the unjustified exercise of coercive power, reproducing precisely the normative pattern of obstruction analysed earlier.

3.2 Spain

Spain represents a distinct model of migration governance within the Mediterranean, characterised less by explicit criminalisation of humanitarian actors than by administrative containment, selective cooperation, and a deliberate ambiguity between humanitarian self-presentation and exclusionary outcomes. While Italy openly embraces deterrence narratives, Spain performs a more complex balancing act: it seeks

to frame its policies in the language of European values and humanitarian commitment while simultaneously implementing strategies that restrict, delay, or complicate rescue and disembarkation. This duality reflects a broader sociopolitical pattern identified in the literature: southern European states often oscillate between solidarity and securitisation as a response to both domestic political pressures and EU burden-sharing dynamics.

Spanish migration policy is shaped by two competing imperatives. On one hand, Spain maintains a strong institutional identity tied to human rights, solidarity, and humanitarian action – embodied by Salvamento Marítimo[55], one of the most capable state-run rescue services in Europe. On the other hand, successive Spanish governments have relied on containment practices that limit disembarkation, fragment responsibility across regional authorities, and rely on agreements with Morocco to police the Western Mediterranean and Atlantic routes.

This dual logic is reinforced by domestic political incentives. Unlike Italy or Greece, Spanish national politics has historically been less polarised around migration. Yet public opinion remains sensitive to sudden increases in arrivals, especially in the Canary Islands[56]. The sociological consequence is a policy posture that seeks to avoid electoral exposure: acting humanitarian "when possible," but falling back on restrictive or opaque administrative strategies when politically necessary. This mirrors the democratic dynamic identified in Chapter 1: governments may adopt morally questionable practices not because they reject ethical duties, but because they fear electoral punishment for visibly upholding them.

The Spanish case, despite its distinct geopolitical context, can be analysed through the moral structure established in Chapter 2. There, the argument distinguished between a state's failure to meet its own duty to rescue and the additional wrong involved in preventing others from fulfilling that duty in its place. Both appear in Spain. Gaps in maritime patrols, inconsistent coordination, and reliance on neighbouring states with troubling human-rights records all illustrate Spain's retreat

[55]European Commission, Annual Report on Migration and Asylum 2022 – Spain, Directorate-General for Migration and Home Affairs, June 2023, 14–15.

[56] Ibid European Commission p. 18-20.

from its immediate life-saving obligations. At the same time, restrictions on NGO access to ports, prolonged inspections, licensing delays, and discretionary operational authorisations limit the ability of humanitarian actors to compensate for this shortfall. In this sense, Spain reproduces the same moral pattern: the state both fails to comply with its own duties and constrains those who would attempt to discharge them.

Administrative Obstruction as an Omission

The central mechanism of obstruction in Spain is not overt criminalisation but bureaucratic delay. Spain frequently resorts to prolonged port negotiations, delayed authorisations for NGO disembarkation, and procedural uncertainty that keeps rescue ships at sea for days.

The best-known example is the Open Arms standoff, in which the vessel was prevented from disembarking 147 rescued persons for nineteen days, despite medical reports and testimonies describing the situation on board as "explosive" from a psychological and health perspective[57]. Italian prosecutors eventually ordered the immediate disembarkation at Lampedusa, noting the risk of self-harm and acute distress, while the Spanish government simultaneously offered a distant port over 1,000 kilometres away and, earlier that year, had itself blocked Open Arms from leaving Barcelona on administrative grounds[58]. The case illustrates how responsibility for rescue was passed back and forth between states, and how Spain's reliance on bureaucratic and diplomatic manoeuvres, rather than explicit refusal, contributed to the prolongation of a situation that had already become ethically untenable.

These delays function as a form of indirect[59] obstruction. Unlike Italy's legal sanctions or Greece's pushbacks, Spain's tools are embedded in administrative processes: waiting for formal permission, awaiting coordination between ministries, or

[57] Amnesty International, "Left Adrift in the Mediterranean," 9 August 2019.

[58] "Spain Blocks Rescue Ship from Leaving Barcelona Port," Euronews, 14 January 2019.

[59] On this thesis's account, direct obstruction refers to state actions that actively prevent or impede rescue, where the state exercises its power in ways that negate a humanitarian actor's ability to discharge morally grounded duties. Indirect obstruction, by contrast, includes administrative delays, port inaction, procedural uncertainty, and diplomatic stalling, where harm arises not from overt interference but from non-coordination. Both forms violate the negative claim-right not to be exposed to avoidable harm, because foreseeability rather than intent determines the correlative duty.

invoking “lack of capacity” in receiving ports. Sociologically, this mode of governance allows Spain to preserve its humanitarian self-image while reducing the political visibility of rescue operations. Ethically, however, the effect is the same as more aggressive forms of obstruction: preventable suffering is prolonged, and vulnerability is compounded by uncertainty.

From a deontological standpoint, such delays breach the duty to respond when lives are at stake. From a consequentialist perspective, they produce foreseeable harm while offering little measurable benefit. Spain thus occupies a morally ambiguous position: less hostile than Italy or Greece in rhetoric, but similarly implicated in practices that undermine the negative claim-right not to be exposed to avoidable harm.

Cooperation with Morocco

Spain’s partnership with Morocco is central to its border governance. Through successive agreements, financial support, and diplomatic coordination, Spain has effectively outsourced significant parts of its border control to Moroccan security forces. This arrangement has produced a pattern of violent pushbacks, including the deadly 2022 Melilla tragedy, where dozens of migrants died after Spanish and Moroccan authorities jointly suppressed a border crossing.

The ethical problem is not merely the violence itself, but the predictability of violence when relying on an actor with a documented history of abuse. As with Italy’s cooperation with Libya, Spain’s collaboration with Morocco creates a system of moral distancing: responsibility for harm is shifted across the border, while Spain benefits politically from reduced arrivals. Yet under the Hohfeldian analysis developed earlier, claim-rights cannot be circumvented by changing where the harm occurs. If individuals are foreseeably exposed to danger as a direct consequence of Spanish policy, Spain retains moral responsibility.

Although Spain’s cooperation with Morocco differs in tone and institutional design from Italy’s partnerships with Tunisia, Libya, or Albania, it nevertheless functions as a form of moral distancing. Spain does not typically transfer rescued migrants to third countries nor establish extraterritorial processing sites. Instead,

externalisation operates through sustained police, diplomatic, and financial cooperation with Moroccan security forces, whose border practices, especially in Melilla and Ceuta, include well-documented violence, indiscriminate force, collective expulsions, and rapid pushbacks. By delegating the "hard edge" of border enforcement to Moroccan authorities, Spain preserves its humanitarian self-presentation while benefiting from reductions in arrivals achieved through methods Spain could not legally or ethically employ itself. In this sense, Spain's externalisation is less formalised than Italy's, but structurally similar: both seek to retain sovereign control over mobility while shifting the humanitarian and legal consequences of deterrence onto actors with weaker accountability frameworks.

The 24 June 2022 Melilla tragedy is the clearest illustration of how Spain's cooperation with Morocco functions as a form of externalised and morally distanced border enforcement. On that day, around two thousand people – primarily from Sudan, Chad, and South Sudan – attempted to cross the border between Nador (Morocco) and the Spanish enclave of Melilla. Moroccan security forces used batons, tear gas, stones, and metal rods in densely confined spaces, provoking lethal stampedes and mass suffocation at the access gate to the Barrio Chino border post. At least twenty-three people officially died, though independent investigations estimate the number to be significantly higher[60].

Spain's involvement was not limited to passive observation. Guardia Civil units coordinated closely with Moroccan forces, sealed the Spanish side of the border, and conducted rapid chain-pushbacks through side gates even as injured and unconscious individuals lay on the ground. Video evidence[61] and NGO reports[62] documented Spanish officers returning people directly to Moroccan control without identification, medical screening, or access to asylum procedures. The actions of both states were later criticised by UN experts and human-rights organisations for failing to provide immediate medical assistance and for facilitating unlawful expulsions.

[60] BBC News. "Deadly Crash: How Dozens Died in the Melilla–Morocco Border Tragedy." BBC News, June 2022.

[61] Ibid BBC News

[62] Human Rights Watch. "Spain/Morocco: No Justice for Deaths at Melilla Border." June 22, 2023.

From an ethical perspective, the Melilla events demonstrate the foreseeable and structural nature of the harm generated by Spain's externalisation strategy. Violence by Moroccan forces is not accidental nor aberrational; it is a predictable component of the operational environment that Spain financially and diplomatically supports. Delegating border control to an actor known for recurrent abuses does not diminish Spanish responsibility. Under the Hohfeldian framework developed above, migrants' negative claim-right not to be exposed to avoidable and foreseeable harm does not disappear merely because Spain acts through a partner state. Responsibility, both causal and moral, remains intact because the harm was a foreseeable consequence of Spain's cooperative arrangements.

The Melilla tragedy also reinforces the thesis's broader argument about moral distancing. Spain publicly emphasises its humanitarian commitments and maintains a less confrontational discourse than Italy or Greece, yet relies on a partner state whose practices systematically violate the standards Spain claims to uphold. This divergence between rhetoric and delegated practice exemplifies a subtler form of deterrence: one in which the state avoids direct violence but remains deeply implicated in the structures that produce it. As such, Melilla case reveals the ethical limits of Spain's model of border governance, showing how administrative ambiguity and delegated enforcement can culminate in outcomes as morally indefensible as more overt forms of obstruction.

Cooperation with Morocco therefore reveals the structural tension in Spain's approach: it publicly embraces humanitarian norms while operationalising border control through actors who do not meet those norms. This undermines its claim to be the "humanitarian exception" within the European context.

The Politics of Selective Solidarity

Spanish scholar Fernández-Suárez described the country's migration politics as a mix of welfare chauvinism, humanitarian gestures, and pragmatic restriction. He noted that compassion in Spanish political discourse is often reserved for specific categories of migrants (e.g., minors, women, politically persecuted individuals), while "irregular

young men" are increasingly portrayed as security risks or economic burdens[63]. This selective empathy creates a hierarchy of deservingness that shapes administrative behaviour: groups deemed more "sympathetic" are processed faster and with more care, while others face prolonged detention, slow procedures, or offshore containment in the Canaries.

This selective solidarity is ethically problematic not because compassion is misdirected, but because it is unequally distributed in ways that amplify vulnerability. Such patterns reinforce the broader argument of this thesis: when states attempt to reconcile humanitarian commitments with deterrence logic, the result is not a balanced policy but an inconsistent one: compassionate in principle, exclusionary in practice.

Viewed through the spectrum of obstruction described in Chapter 2, Spain exhibits both the initial failure to ensure adequate rescue and the subsequent interference with third parties who attempt to act in response. Spanish authorities have used forms of discouragement, warning NGOs not to intervene independently, and have imposed administrative obstacles through complex registration requirements, selective port assignments, and lengthy inspections. Indirect forms of prevention also appear when rescue vessels are instructed to travel long distances to disembarkation points or delayed in ways that predictably reduce their rescue capacity. These practices replicate the moral structure highlighted earlier: Spain first falls short in providing effective protection, and then narrows the operational space for those who seek to make up for this failure.

Spain's approach to rescue and migration governance is defined by ambiguity rather than open hostility. Its reliance on administrative delay, externalisation to Morocco, and selective compassion enables the state to maintain a humanitarian self-image while implementing policies that undermine the moral duties identified previously. Even if Spain does not criminalise NGOs to the extent seen in Italy or Greece, its practices still compromise the negative claim-rights of migrants and fail both deontological and consequentialist standards. Spain thus exemplifies a quieter, more

[63] Fernández-Suárez, Belén. "Migration Policies at the Spanish Border in Southern Europe: Between Welfare Chauvinism, Hate Discourse and Policies of Compassion." In Handbook on the Governance and Politics of Migration, edited by Emma Carmel et al., 239–253.

bureaucratic form of deterrence, one that preserves political legitimacy while perpetuating moral inconsistency.

3.3 Greece

Greece represents the most acute form of state-driven obstruction in the Mediterranean: one where deterrence is enacted through physical practices, legal ambiguity, systematic pushbacks, and the criminalisation of humanitarian actors. While Italy relies on regulatory and jurisdictional distance, and Spain on administrative ambiguity and delegated force, Greece operates a direct, materially coercive border regime. The Aegean islands built under EU migration management frameworks, where humanitarian vocabulary coexists with procedures that function primarily to regulate and restrict movement show how assistance and deterrence are intentionally folded together.

As with Italy, Greece illustrates both the failure to fulfil its own duty to rescue and the secondary wrong of obstructing those who attempt to compensate for that failure. Reports from the Aegean document systematic omissions in search-and-rescue coverage, delayed response times, and patterns of non-intervention in areas of known distress. At the same time, Greek authorities have taken steps—formal and informal—to restrict access for journalists, NGOs, and volunteer rescuers, including criminal investigations, limits on operational zones, and administrative controls. These actions closely correspond to the normative categories described earlier: an initial retreat from humanitarian obligations, followed by coercive interference with third parties who attempt to "take up the slack" left by that retreat.

Over the past decade, Greece has been repeatedly accused by NGOs, journalists, and international institutions of engaging in systematic pushbacks across the Aegean Sea. These include towing dinghies back towards Turkish waters, disabling engines, abandoning people on inflatable life rafts, and detaining new arrivals in unofficial sites before expulsion[64]. The Greek government consistently denies these practices, yet

[64] United Nations Special Rapporteur on the Situation of Human Rights Defenders and others, "Greece: Public Statements Against Migrants' Rights NGOs and New Restrictions on the Right to Seek Asylum (Joint Communication)," 21 November 2025, ProtectDefenders.eu / SR Defenders,

growing forensic and video evidence, investigations by major newspapers, and reports by the UN Special Rapporteur on the Human Rights of Migrants all converge on the same conclusion: pushbacks are not exceptional incidents but a structural element of Greek border policy.

Ethically, pushbacks represent one of the clearest violations of the negative claim-right not to be subjected to foreseeable harm. Whether people are abandoned at sea in unpowered rafts or forcibly returned to Turkish jurisdiction, the risk of drowning, hypothermia, or disappearance is inherent to the practice. Under the Hohfeldian structure, Greece lacks any legitimate power to ignore claim-rights in conditions of vulnerability, especially when such actions constitute active wrongdoing.

The EU-Turkey Statement of 2016 entrenched the "hotspot system"[65] on Greek islands, transforming reception centres into hybrid spaces of registration, detention, and slow asylum processing. Reception centres such as Moria (before its destruction) and its successor, Mavrovouni, have been characterised by chronic overcrowding, inadequate sanitation, persistent violence, and long delays[66]. The asylum seekers are held there for prolonged periods in environments marked by overcrowding, inadequate sanitation, insufficient medical care, and persistent protection gaps – far below the standards required by EU and international humanitarian law.

From a sociological viewpoint, hotspots illustrate how humanitarian infrastructure can be weaponised, as described by Keady-Tabbal and Mann. The very facilities meant to guarantee protection become instruments of deterrence through neglect, stagnation, and deprivation[67]. The message communicated – implicitly but clearly – is that seeking asylum in Greece will involve prolonged hardship. This

[65] The hotspot system is an EU migration-management framework introduced in 2015 as part of the European Agenda on Migration. In Greece (and Italy), "hotspots" are designated entry-point facilities where EU agencies (such as Frontex, EASO/EUAA, and Europol) work alongside national authorities to identify, register, fingerprint, and initially process arriving migrants and asylum seekers.

[66] Médecins du Monde Greece. *Mavrovouni Camp: Living Conditions, Protection Gaps, and Human Rights Concerns*. Athens: MdM Greece, 2023.

[67] Keady-Tabbal, Niamh, and Itamar Mann. "Weaponizing Rescue: Law and the Materiality of Migration Management in the Aegean." Leiden Journal of International Law 35, no. 4 (2022): 897–918. https://doi.org/10.1017/S0922156522000528.

reinforces the moral-distancing logic observed in Italy and Spain, but in a more explicit, material form: suffering becomes a functional part of border governance.

Criminalisation of Humanitarian Actors

Greece has also pursued one of the most aggressive criminalisation campaigns against humanitarian workers in the EU. The most widely known case is that of Sarah Mardini and Seán Binder, alongside twenty-two volunteers of Emergency Response Centre International (ERCI), who were arrested and charged with espionage, money laundering, and facilitating illegal entry[68]. Though many charges were dismissed in 2023 as baseless, the prosecution itself had a chilling effect on civil society organisations operating in the Aegean.

Ethically, this is deeply significant. Humanitarian volunteers act as moral witnesses – individuals whose presence makes state practices visible and accountable. Criminalising them suppresses independent oversight and restricts actors who perform duties aligned with the moral obligations of rescue.

In Hohfeldian terms, the state uses its power not only to interfere with claim-rights of migrants, but also to block the privilege and duty of third parties to provide life-saving assistance. This constitutes a double violation: of those seeking protection and of those attempting to uphold humanitarian norms.

Externalisation Through the EU-Turkey Deal

Greece's position is shaped by the broader framework of EU externalisation. The EU-Turkey Deal effectively designates Turkey as a "safe third country," enabling large-scale returns and making admission to the asylum procedure more difficult for many nationalities. Yet extensive reports document torture, arbitrary detention, deportations to war zones (notably Syria), and systemic violations in Turkish removal centres[69]. The assumption that Turkey is "safe" is therefore politically expedient but normatively indefensible.

[68] Ibid

[69] Greek Council for Refugees. Submission to the OHCHR Call for Inputs on Externalization and Its Impact on the Human Rights of Migrants. Athens: Greek Council for Refugees, 2025.

The deal operates as a form of regional moral distancing, allowing EU member states to rhetorically affirm humanitarian principles while relying on Turkey to contain flows through methods incompatible with those principles. Greece becomes the legal and geographical point of implementation, but the moral logic is EU-wide: responsibility is shifted to a partner whose legal standards and oversight mechanisms fall below those the EU claims to uphold.

Considered in the spectrum of obstruction described in Chapter 2, Greece combines neglect of its own rescue obligations with a range of measures directed at humanitarian actors. At the level of discouragement, Greek authorities routinely portray rescue NGOs and volunteers as security threats, foreign agents, or facilitators of irregular migration. At the level of administrative obstruction, registration requirements, restricted access to hotspots, and legal proceedings against rescuers function to narrow the operational space available to civil society. And at the level of physical prevention, credible allegations of pushbacks, non-intervention, and forced returns from Greek territorial waters represent the most direct form of obstruction. Through this pattern, Greece mirrors the normative structure identified earlier: an initial failure to meet basic rescue obligations escalates into an unjustified exercise of power aimed at preventing others from discharging their independent moral responsibilities. The Greek case therefore serves as a clear example of how moral and legal failures converge in contemporary border governance.

Greece exemplifies the sharpest contradiction between border governance and moral obligation. Pushbacks, hotspot containment, and criminalisation of humanitarian actors reveal a model where deterrence is pursued through coercion rather than ambiguity or administrative design. While Spain externalises through delegation and Italy through jurisdictional distancing, Greece engages in direct physical obstruction that violates both deontological duties and consequentialist constraints. In the normative framework developed in this thesis, Greece therefore occupies the extreme end of the obstruction spectrum: a system in which humanitarian norms are rhetorically acknowledged but operationally negated through practices that foreseeably place people at grave risk.

The three case studies demonstrate how Mediterranean border practices systematically violate the moral structures developed in Chapters 1 and 2. Migrants, as argued in Chapter 1, hold a negative claim-right not to be exposed to avoidable and foreseeable harm during migration. When states engage in deterrence strategies that knowingly place individuals in conditions of danger they breach this primary duty. Italy's reliance on distant ports and third-country interceptions, Spain's administrative stalling and delegated enforcement through Morocco, and Greece's overtly coercive pushbacks all constitute clear violations of this claim-right.

Yet the empirical analysis in Chapter 3 also confirms a second and more specific wrong. When a state fails in its primary duty to rescue, migrants acquire a remedial claim-right against that state: if the state will not discharge the duty itself, it must at minimum permit others to do so. In other words, the failure to rescue does not nullify the right, but transforms it into a remedial one that authorises, morally, third parties to intervene. NGOs, civil society actors, volunteer rescuers, and even ordinary seafarers can thus step in to fulfil the duty the state has neglected.

The case studies show that states frequently violate not only the primary claim-right but also this remedial claim-right. Italy's vessel detentions and port-assignment strategies actively restrict humanitarian organisations who attempt to save lives in the state's stead. Spain's administrative obstruction and contested port practices impede timely disembarkation and cooperation with NGOs, even when Spain itself delays rescue. Greece represents the most acute violation: pushback operations and the criminalisation of humanitarian workers show a state that not only refuses to rescue but uses its coercive power to prevent others from rescuing as well. This is not merely a continuation of the original wrong but a qualitatively distinct one: an interference with the remedial claim-right that beneficiaries acquire precisely because of the state's prior failure.

This two-level analysis clarifies the full ethical stakes of obstruction. A state that fails to rescue violates a negative claim-right. A state that also obstructs third parties violates both the original claim-right and the remedial claim-right, thereby committing a deeper kind of moral wrong: one that forecloses the very possibility of assistance. Even

sovereignty theorists examined in Chapter 2 agree that border control cannot extinguish duties of basic protection, and certainly cannot justify interfering with morally permissible acts of rescue by others. The empirical record of Italy, Spain, and Greece therefore exposes the limits of sovereignty-based justifications and confirms that contemporary deterrence regimes cannot be rendered morally coherent.

In this sense, the practice-based analysis completes the argument of Chapters 1-2: what begins as a theory – claim-right and its corresponding duties – becomes visible as a structured pattern of neglect and interference. The cases show that when states both fail to rescue and obstruct those who would fulfil the duty in their place, they undermine the moral architecture of border governance.

CONCLUSION

This thesis set out to answer a research question: Does the state have a moral right to obstruct humanitarian rescue missions in the Mediterranean?

Through the examination of competing moral frameworks it has argued that no consistent ethical theory can justify the obstruction of rescue, even under the restrictive premise that states may legitimately control entry.

The analysis proceeded in three steps.

Chapter 1 established that migration, understood as the pursuit of safety, dignity, and subsistence, constitutes a moral right grounded in the equal worth of persons. Building on Joseph Carens's cosmopolitan defense of open borders and Veit Bader's principle of democratic justification, it showed that exclusion must always be morally justified to those it affects. When exclusion foreseeably endangers life, as in the Mediterranean crossings, states acquire a remedial duty to prevent harm or facilitate rescue.

Chapter 2 considered the counterclaim that states possess a moral right to enforce their borders and that irregular entry represents a form of rule-breaking. Drawing on David Miller's conditional theory of human rights and debates on moral luck and desert, the thesis demonstrated that even if migrants bear some responsibility for their choices, this never annuls the duty to preserve life. Sovereignty cannot extend to allowing or enabling preventable death.

Chapter 3 analyzed how this moral reasoning is applicable to contemporary Mediterranean practices. Across Italy, Spain, and Greece, states have employed administrative, legal, and discursive tools to deter or criminalize rescue. These practices blur the line between omission and commission, transforming inaction into obstruction. When humanitarian actors are portrayed as smugglers or destabilizing agents, moral responsibility is displaced onto those who act ethically. The case studies revealed how deterrence operates not only through policy but through narrative – by redefining compassion as transgression.

Taken together, these findings demonstrate that obstructing humanitarian rescue is never morally defensible. The state's right to regulate migration ends where the duty to preserve life begins. Legal categories such as "irregular entry" may structure administrative action, but they cannot determine moral worth. The obligation to rescue, unlike border control, is unconditional: it derives not from consent or citizenship, but from shared human vulnerability. The deeper lesson of this inquiry concerns the fragile boundary between legality and morality. Law aspires to express moral order, yet in the politics of migration it often lags behind moral reality. The persistence of deterrence policies, despite their foreseeable human cost, reveals a disjunction between what states may do legally and what they ought to do ethically.

To reflect on the ethics of rescue, therefore, is to confront a broader question about who we believe ourselves to be as moral agents. States claim legitimacy through law, but their moral standing depends on the principles they embody when law is silent or complicit. Humanitarian organizations, in acting where states withdraw, remind us that moral responsibility is not exhausted by sovereignty. Their defiance of unjust restriction is not a violation of order but an affirmation of humanity's moral duty: that no one should be left to die when help is possible.

Ultimately, the argument of this thesis is modest in form but far-reaching in implication. It neither advocates open borders nor rejects the legitimacy of migration control. Rather, it seeks coherence: that the ethical principles democratic societies claim to uphold – the deontological commitment to human dignity, the equal moral worth of persons, and the duty to prevent foreseeable harm – be applied consistently. Failing to fulfil the duty to rescue already contradicts the principles that underpin democratic ethics. Obstructing third parties who act in one's stead deepens that contradiction, amounting to a double failure of those same principles. In that contradiction lies the moral failure of contemporary border politics: not merely the abandonment of migrants, but the quiet erosion of our own ethical foundations.

Beyond the scope of this thesis, several lines of inquiry emerge from its core argument. One concerns the ethics of humanitarian resistance. As states increasingly criminalize or obstruct humanitarian action, NGOs often occupy a space between legal

compliance and moral responsibility. Their decisions to continue rescuing, despite administrative sanctions or political hostility, raise important questions about the moral justification of civil disobedience in humanitarian contexts.

Another important avenue of research is the evolving category of necessitous migrants, especially in the context of climate change, environmental degradation, and state failure. The current legal distinction between refugees and other displaced persons no longer maps onto the realities of contemporary displacement. As urgent, life-threatening forms of mobility expand beyond the 1951 Convention framework, philosophers and legal theorists alike will need to develop more adequate moral and conceptual tools. Future scholarship could clarify how new forms of necessity – ecological, economic, or structural – generate moral claims to protection, and what obligations they impose on states beyond the existing refugee regime.

Finally, further work is needed on the ethics of deterrence. State arguments for restricting rescue often rely on narratives of fear, threat, and burden: narratives that shape public intuition far more powerfully than philosophical reasoning. Understanding how emotions, rhetoric, and symbolic politics influence moral judgment is critical for evaluating the ethical legitimacy of deterrence-based policies. Research in this direction could examine how collective imaginaries of borders, deservingness, and danger are constructed, and how these imaginaries obscure the moral salience of preventable suffering. Such analysis would deepen our understanding of why humanitarian obligations are so easily overridden in political discourse, and how public moral reasoning might be reconstructed to better reflect the intrinsic value of human life.

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