Religio-Crimmigration: The Intertwinement of Religion, Crime, and Migration in Lebanon

Reeda Al Sabri Halawi

Abstract
The forced movement of people grew progressively fast due to wars happening worldwide engendering with it an important number of refugees. The adaptation of the immigrant civilizations to that of the host countries has been a growing challenge and created a sort of “othering”, a concept through which the fear of the newcomers and the “risks” they brought with them had been significantly debated on the political scenes of destination countries. Thus, migration control in the era of “mass mobility” has been central in exercising global governance and social control over different groups in society. To preserve one’s identity, scholarship from the Global North has proved that, the exclusion of other cultural groups by boosting surveillance and criminalizing migration seemed the answer. Looking at this phenomenon in the context of Lebanon in the Global South, it seems that, because one’s belonging is rooted in the notion of religious identity instead of national identity, “religion” seems to be a key mechanism triggering the criminalization of the “Other”.

Keywords
comparative crime/justice, migration, crimmigration, securitization, Lebanon

Introduction

Human mobility has long been a steady aspect of modern life, through which individuals leave their home countries, in the search of a better life opportunity. Due to wars and conflicts occurring in several states worldwide, notably in the Global South, another type of human mobility—that of the forced movement of people—grew progressively fast. Such forced migration engendered with it an important number of displaced persons or in another term; refugees. Noting that, since the beginning of human mobility, especially in the aftermath of the World War II, the adaptation of immigrant civilizations to that of the host countries has been a crucial challenge and had engendered with it a sort of
“othering”, a concept through which the fear of the newcomers and the “risks” they brought with them—as they come from different backgrounds, have different traditions, speak different languages, and share different values—has been significantly debated on the political and social scenes of destination countries (Aas, 2007; Huysmans, 2000; Ibrahim, 2005).

Globalization has also had an impact on the intensification of human mobility in the last three decades, and technology and media played an important role as well. In fact, the media has been used by political actors as a tool to shed light on the crimes committed by migrants to frame them as potential threats and risks (Ibrahim, 2005). This framing has led to the criminalization of migration in destination countries, and lessened the adaptation of those individuals, as society perceived them as “challenging the social order”. Hence, insecurity has inevitably been interconnected with mobility, and the immigrant’s framing as “stranger”—a concept first employed by George Simmel (1950) referring to mobility in criminology—has been the result of the classical division in society, between “them” [strangers] and “us” [nationals of a destination country] (Aas, 2007; Bauman, 2000; Ibrahim, 2005). Thus, by “shrouding migrants within a context of threat and insecurity, a dichotomy forms between host states (us) and migrants (them)” (Ibrahim, 2005, p. 171).

As such, migration control in the era of what we can call “mass mobility”, has been central in exercising global governance and social control (Aas, 2011). This control strategy has clearly established the nexus between insecurity and migration (Pickering et al., 2015) or what has been recognized by Jeff Huysmans (2006) and Philippe Bourbeau (2006) as the “securitization of migration”. The latter has been translated in practice through the application of increasingly restrictive migration policies and control practices. The “war on terror” in the post-9/11 era has led to an intensification of immigration control, where migrants have been closely intertwined with terrorist activities (Ibrahim, 2005; Miller, 2005). In fact, important counter-terrorism efforts have been employed by reinforcing immigration control and applying criminal law to migration-related offenses (Stumpf, 2006). Thus, the “criminology of mobility” has shifted the focus from the security–migration nexus and introduced the concept of Crimmigration Law in the Global North.

The crimmigration scholarship, representing the progressive interconnectedness of both the areas of criminal law and immigration law, has been thoroughly studied in the Global North with little comparative work done in different geographical areas, mainly the Global South and more specifically the Middle East and North Africa (MENA) region. Additionally, most of the scholarship on this topic has been analyzed in a context of a common political system, a democratic political system that has been adopted in all the Global North countries. In the Global South as well, in India, for example, a paper entitled “The Contours of Crimmigration Control in India” published in 2019 by the Global Detention Project has shown that the enforcement of tough immigration laws has somehow been also linked to the rise of Islamophobia. However, it does not tackle the same issue of crimmigration on the basis of religion, as the context in Lebanon is different, due to the difference in the political system in place in both countries. Hence, there has not been any scholarship yet on the concept of Crimmigration in the context of a confessional political system, which paves the way to explore a new aspect of crimmigration. Accordingly, I choose to focus in this article on the case of Lebanon, a small Middle Eastern country adopting a confessional system of representation.

With the rise of ISIS and its religious extremism polity since the beginning of the war in Syria, the relationship between the war on terror and religion has been accentuated, and inflicted badly on the humanitarian response to the refugee “crisis” (Mavelli & Wilson, 2016), especially in the context of Lebanon. Whether governments have directly or indirectly implied it, religion has affected the discourse on migration throughout the development of international politics. The resurgence of the notion of safeguarding national identity in the face of threats and risks that the immigrant civilizations can cause to the nation, has brought forward the importance of patriotism. For this reason,
the relationship between nationalism, security, and migration has gained a lot of importance recently, especially in Europe, and has justified the adoption of restrictive immigration policies (Koulil & van der Woude, 2020). In Lebanon, the religious balance is key to maintain a political continuum (Lijphart, 1969). For this reason, the policy-making process is rather affected by the link between nationalism, religion, and migration.

For the purpose of introducing the concept of Crimmigration into the Global South—specifically studying the case of Lebanon—the following research question needs to be reflected upon: How do nationalism and “othering” structure the process of crimmigration and securitization of migration in a consociational democracy?

To answer this question, the extensive scholarly literature on the securitization of migration as well as on the sociology of crime and its relation to migration will be reviewed carefully. The insights of this literature review will be used to analyze the way by which two specific groups of “others” are approached in Lebanon: Palestinian and Syrian refugees. In so doing, the article aims to further contribute to deepening the understanding of the process of crimmigration and the mechanisms of triggering the criminalization of the “other”. It is important to note that although these two concepts are different, they somehow, in the case of Lebanon, overlap, where both aspects of crimmigration have led more than ever to the criminalization of the refugee populations. Hence, are the processes and mechanisms as identified in the Global North equally visible in the Global South, or are there different factors in place? And if so, what do these insights mean for our understanding of processes of othering that seem to be predominantly informed by research from the Global North?

Section I: Crimmigration in the Global North

To understand the concept of “Crimmigration” in the Global North, it is first necessary to understand the security discourse on migration (I) and then explore what crimmigration law is (II).

I—The Securitization of Migration: An Application of the “New Racism”

The securitization of migration represents the new security discourse of the 20th and 21st centuries, by which the primary discourse on migration has been shifted from the human rights concern to that of the human security (Ibrahim, 2005). Due to excessive transnational challenges such as international terrorism, trafficking in humans and in narco, as well as the extravagant movement of people, the media has redefined the notion of “threat and disorder” by linking it to migration, highlighting the concept of what has been labeled as the “New Racism” by Martin Barker (1981), at the core of which, the fear of the “Other” is deeply rooted (Ibrahim, 2005; Wæver, 1995). In fact, this discourse is built upon the understanding that differences in ethnicities and cultures lead to a social breakdown (Ibrahim, 2005; Simes & Waters, 2014). As such, in order to preserve one’s identity—and therefore culture—the exclusion of other cultural groups (who are perceived as alarming to the destination country’s society) is indeed required (Aas, 2007; Barker, 2012; Huysmans, 2000; Ibrahim, 2005).

That said, the security discourse can be divided into two sub-discourses; the first representing state security, and the second representing societal security, since migration is discerned as an issue of both international and national security (Bigo, 2001; Bourbeau, 2006; Gattinara & Morales, 2017; Iov & Bogdan, 2017; Wæver, 1993). On the one hand, since migration affects the safety of national borders due to illegal entry and the presence of criminal networks (through smuggling and trafficking activities), migration is labeled as a matter of international security (Iov & Bogdan, 2017). On the other hand, since migrants (whether legal or illegal) become a workforce and affect the economy and the labor (and Black) market(s) of host countries, and since many benefit from medical and social aid provided by the welcoming state, their presence thus affects the internal security of the
host country (Iov & Bogdan, 2017). More importantly, cultural differences trigger the threat of internal insecurity. In fact, societal security—what is of focal interest to this research—is what mostly underpins the security discourse on migration (Gattinara & Morales, 2017; Harell et al., 2012). Since the culture of the host country is different from and external to that of migrants, fears of uncertainty regarding what the newcomers will cause to the national identity are what triggers their societal exclusion (Buzan, 1993; Den Boer, 2008; Huysmans, 2000). Thus, this threat emerges from the fear that migration might affect and change the “prevailing way of life of receiving societies and the believed cultural and religious foundations of national identities” (Bail, 2008; Gattinara & Morales, 2017).

Additionally, as the state has to ensure its territorial security as well as that of its citizens, its policies on migration should provide adequate social cohesion and prevent from inter-cultural conflicts. The correlation between criminality and social unease has been propagated—especially against Muslim immigrants intertwined with religious extremism in the aftermath of the 9/11 attacks—through political and security officials’ speeches, as well as the mass media (Boswell, 2007; Den Boer, 2008; Iov & Bogdan, 2017). As such, the need to “securitize” migration was deemed key. In the United States, for example, a “profiling” system has been put in place to target persons of specific features, under the label of a counterterrorism measure (Kerwin, 2005). This restrictive immigration measure, along with many others, has been violating the rights of asylum seekers and refugees, in the name of national security (Kerwin, 2005). Similarly, the use of punitive policies ranging from the enforcement of criminal justice practices in the immigration sphere to the application of prosecutorial discretions in immigration detention saw light (Koulis & van der Woude, 2020; Meissner et al., 2013). In the European Union (EU), a security agency “FRONTEX” was created in 2004 to monitor the borders of the Schengen Area, and harmonize border control efforts between Member States (Aas & Gundhus, 2015; Den Boer, 2008; Iov & Bogdan, 2017; Léonard, 2010). This agency’s efforts to over protect the external borders of the EU were criticized by human rights advocates, nongovernmental organizations, and scholars because it “militarises” the borders of the EU and undermines the humanitarian response to the refugees’ crisis (Aas & Gundhus, 2015; Léonard, 2010; Wolff, 2008).

Thus, migration has become a security issue that prevails over criminal conducts that affect national security, especially in Europe at this time. This has led to the exclusion of migrant groups and the intensification of borders and internal controls to prevent against illicit activities and risks associated with migration. This boost in surveillance, along with the strategy of social control adopted by governments throughout the years, has been reflected in the criminalization of those migrants, a phenomenon that created a new sort of law, that of Crimmigration Law that would be interesting to analyze in the following paragraph.

II—Crimmigration Law: From Substance to Enforcement

“Crimmigration” has been progressively and excessively studied in the Global North since the term was first used by Juliet Stumpf in 2006 (García Hernández, 2018; Pickering et al., 2015). Stumpf (2006) labeled the merger of two distinct areas of the law—that of Criminal law and Immigration law—as crimmigration law, as they are both systems of inclusion and exclusion. Notwithstanding the differences in both their substance and their procedural enforcement, both disciplines tend to regulate the state-individual relationship (Stumpf, 2006, p. 367). In her foundational article The Crimmigration Crisis (2006), the author focused on the reconstruction of the substantive and procedural law of Immigration law, as well as its practical enforcement. David Sklansky (2012, p. 162) also believes crimmigration law to be a “merged system of rules, procedures, and sanctions”. The most common alteration in the procedure is for instance the incarceration of migrants as a result of civil immigration proceedings while this mechanism has long been a feature of criminal processes
The exclusion in the recent immigration proceedings of procedural safeguards guaranteed in criminal sentencing reflects the severity of crimmigration law. For instance "people are confined without a rigorous assessment of whether they pose a risk that justifies confinement" (García Hernández, 2018, p. 221), especially in the United States since the PATRIOT ACT of 2001 allowed the Attorney General to order the detention of immigrants prior to any indictment and without any charge, for a period of 7 days (Stumpf, 2006). Another example would be the lack of access to a lawyer in immigration proceedings since "roughly two-thirds of migrants in removal proceedings go without an attorney; for detained migrants, the overwhelming majority do not have access to a lawyer" (Eagly & Shafer, 2015; García Hernández, 2018, p. 229). The latter undermines procedural justice and more specifically the right to a fair trial, since without a lawyer present, a good defense cannot be established (Tyler, 2006). Thereof, the surge dependency on criminal law enforcement in immigration-related violations is redirecting both the system of policing—justifying intolerant policing—and that of corrections—legitimizing severe elements of each area of law. Accordingly, one can question the legitimacy of this new law, as it engenders important costs on migrants’ life, because it pivots around the idea of insecurity and punishment.

One important feature of crimmigration law is the reconstruction of immigration proceedings. First, the sharp increase in local police involvement in immigration enforcement reflects the reshaping of immigration control (Simmel, 1950; Sklansky, 2012). Local law enforcement entities have been enlisted as “partners in the enforcement of immigration laws and, conversely, allowing the police to use immigration law as a tool of crime control” (Sklansky, 2012, p. 186). This implication of the criminal justice system in immigration proceedings clearly identifies criminal law as a medium to control immigration. Additionally, the ways in which internal policing is being spread—security checks, random stop and search, and extensive surveillance—identifies the "increased merger of crime control and immigration control" (Chacón, 2009; Van der Woude & van der Leun, 2017, p. 28).

Second, the shift in the detention and deportation mechanisms undeniably underpins the blurred line between criminal law and immigration law. In fact, detaining migrants for immigration-related violations was never an application of immigration law since immigration infringements were not tried as crimes. Moreover, the transformation of detention centers into prisons sheds light on the severity of crimmigration law since criminal penalty is being applied to immigration violations, as this new law incorporates the methods of criminal law into the sphere of civil adjudication (Chacón, 2009; Sklansky, 2012). If we take the example of Britain, where the detention system is the largest in Europe, according to the Home Office’s report in 2017, 2,738 persons are held in detention, together with 484 prisoners for immigration-related offenses (Turnbull, 2017). In fact, Sarah Turnbull argues that in the United Kingdom, “immigration detention is reflective of a “carceral migration policy” (Turnbull, 2017, p. 5) for which incarceration is adopted as a punitive solution to limit immigration. Similarly, in Poland, since 2017, the Polish Government has been introducing amendments to the existing detention practices, increasing the laws criminalizing migrants and leading to confinement, while harshening the incarceration conditions (Klaus, 2017). In fact, it introduced an accelerated asylum procedure, which requires mandatory incarceration of asylum seekers (Klaus, 2017). Immigrants have thus been treated as criminals and detained only because they requested asylum, without committing any crime. This reflects the application of harsh penalties bringing out the punitive side of crimmigration law.

Third and finally, the application of the deportation mechanism as a result of a criminal prosecution is a new feature of crimmigration law. Initially, crimes were never punished by removal, but instead, were sanctioned by imprisonment and/or the payment of fines. However, since this new set of law is a result of the constant criminalization of migration, criminal conducts are today...
penalized by deportation (Sklansky, 2012). For authors such as Sklansky (2012), the phenomenon of crimmigration is explained with regard to the theory of “ad hoc instrumentalism”. In fact, by applying ad hoc instrumentalism to the context of the criminalization of migration, the use of criminal law tools in immigration violations or vice versa, translates in using “whichever tool works best against a particular offender or suspect” to reach the specific goal of security (Sklansky, 2012, p. 202). The creation of the Kongsvinger prison in Norway to single out and incarcerate foreign nationals would be a perfect example here (Ugelvik & Damsa, 2018). In fact, this prison that has specifically been created as an “exclusionary alternative system” to detain “outsiders” has its raison d’être in the deportation of those foreigners or “others” in the post-release stage (Ugelvik & Damsa, 2018, p. 1026). This is a clear example of how the line between immigration and criminal law practices has blurred to the extent that crimes are being penalized with deportation, and immigrants are being imprisoned instead of being held in detention centers. As Uglevik and Damsa put it, “introducing immigration control measures into the criminal justice and correctional system changes the way the system is experienced” (Ugelvik & Damsa, 2018, p. 1037).

Another key feature of crimmigration law is the transformation of substantive immigration law. In fact, several immigration infringements which were previously administrative violations are being defined as crimes (Miller, 2005; Stumpf, 2006). Those criminal immigration violations are resulting thereof in the removal of migrants (Miller, 2003; Stumpf, 2006). Moreover, crimmigration law has also been of importance in countering terrorism. In fact, in the aftermath of the 9/11 attacks, following the PATRIOT ACT, immigration legislations have seized the long-established role of criminal law and replaced it with the detention and/or removal of migrants, potentially involved in terrorist activities (Akram & Karmely, 2004; Stumpf, 2006). Consequently, and as Rumbaut et al. (2018, p. 1) have visibly explained it, the outcome of framing immigrants in general and refugees in specific, have caused a sort of moral panic among the host communities which encouraged the enactment of restrictive laws and regulations and “built the ‘crimmigration’ enforcement apparatus into the ‘formidable machinery’ underpinning mass deportation today”.

That said, it seems safe to say that the over-criminalization of migration, together with racial profiling of immigrants and their framing as threats to security is what gave birth to crimmigration law, the latter legitimizing the creation of harsh policies to monitor immigration, the progressive interference of the criminal justice system in immigration proceedings and the enforcement of severe sanctions. Looking at the crimmigration scholarship, fairly little specific importance seems to have been given to the relationship between religion and the criminalization of migrants, but have rather focused their attention on the importance of race in building up the crimmigration process of the “Other”. Some authors such as Erin Wilson and Mavelli (2016), Alexander Betts (2016), as well as Mary Bosworth, Katja Franko Aas, and Sharon Pickering have highlighted the important relationship between migration, religion, and crime control (Bosworth et al., 2018; Bosworth & Guild, 2008). Nevertheless, the relationship between refugees and racial discrimination has been strongly reflected in the political and public discourse on migration and in policy narratives across Europe. In the United States, Teresa Miller (2005) highlighted America’s top policy agenda linked with the rising insecurity concerns about the phenomena of “religion” and “migration” that have undergone a sharp increase in political attention since the 9/11 attacks. This can thus explain the rise of crimmigration law and the successive criminalization of Arabs and Muslims. The restrictive policies imposed on them to obtain visas, enter or remain on American soil also showed the flagrant racism against those migrants, without undermining the role of religion as a triggering mechanism by itself for their criminalization. On the other hand, in Lebanon, the scholarship has constantly been focused on the human rights violations of these refugee groups, and has not been focused on crimmigration per se.

For this reason, in the next section, I will focus on this underrepresented factor, that of religion, in configuring the process of crimmigration. I choose to emphasize this element that has only been
considered amongst the sub-elements of the xenophobic umbrella in previous studies on crimmigration. The lack of scholarship on crimmigration studied through the lens of religion could perhaps be explained by the fact that the quasi-totality of countries in the Global North do not have a consociational (confessional) political system, making religion a less important factor in the policy-making process.

Section II: The Lebanese Case

As previously established in Section I, the crimmigration laws and practices seem to have largely developed out of fears of the “Other” as a potentially dangerous stranger. This criminalization of the “Other” has thus its roots in the cultural obsession of host communities and governments to protect national identity through national solidarity and allegiance to the State (Buzan, 1993). For the purpose of establishing why does nationalism affect the criminalization process in Lebanon, this section, will first start by explaining how nationalism is perceived in Lebanon. The way nationalism is perceived in a specific country is of high importance to assess the community’s willingness to integrate or exclude the “Other”, the latter potentially challenging the notion of identity. Since the securitization of migration, as has been argued in section I, seems to initially have been triggered by the assumption that national identity is at risk when it comes to integrating strangers into the host community, this paper will take this as a point of departure for studying the crimmigration process in Lebanon.

I—Lebanese Nation Building: Another View of Nationalism

“The historical process that a country goes through to establish a political system, i.e. nation-building, has a formative effect on the development of a national identity for the constituents of the country both as individuals and as communities” (Ziadeh, 2006, p. 16)

Nationalism centers around the idea of homogeneity in ethnicity, language, and religion, as necessary prerequisites to create a nation and establish a sort of political solidarity. However, in the Lebanese context, a new sort of nationalism exists. In fact, the Lebanese “modern” state pivots around the notion of communalism, while trying to establish a compromise between national community and communal identity (Buzan, 1993). The complexity of the Lebanese communalism has been the result of the political elites’ ruling, together with the influence of their international and regional partners on Lebanese politics.

As Hannah Ziadeh has identified it in his book Sectarianism and Intercommunal Nation-Building in Lebanon, Lebanon went through three stages to achieve its current intercommunal nation (Buzan, 1993). The first phase reflects—as the author describes it—a “bi-communal” system of representation, dating back to the period of the Ottoman Empire and its ruling over Lebanon, more precisely over the Mount Lebanon province in 1843 (Hudson, 1978a; Ziadeh, 2006). The two existing communities back then were the Christian Maronites and the Druze (McMillan, 2016; Ziadeh, 2006). In 1920, the creation of the Grand Liban, pushed the Christian Maronites to reassert their national presence and power over state administrations supported by the French colonial power, to the detriment of the Druze and other existing communities (Entelis, 1979; Ziadeh, 2006).

Following this phase, in the 1930s, the Lebanese Muslim advocates of the pan-Arabism stance, under the influence of the British colonial power, initiated an opposing wave to the Christian assertion of power in Lebanon (Hudson, 1978a; 1978b; McMillan, 2016). Two opposing fronts were thus facing each other, competing over political power. Nonetheless, with the aim of maintaining a “Lebanese unity”, a compromise was met and later legalized in the postindependence era. This compromise was translated into the National Pact of 1943, an unwritten legal instrument recognizing a
mutual agreement on power-sharing between Christians and Muslims, through which, both communities, respectively, renounced to the claims of “French tutelage” and “the return of Lebanon to the Arab fold” (Hudson, 1978a; Ziadeh, 2006, p. 14). However, no political agreement was finalized regarding the identity of the country, since the communities themselves which constitute the human and sociological infrastructure of the Lebanese State, have not yet found a national platform that links them, as in each community a kind of ancestral vocation to the formation of a specific nation exists (Dagher, 1993). This double identity of Lebanon was thus recognized by the Prime Minister back then Riad Al-Solh, in his ministerial speech of 1943, where he affirmed that “Lebanon is a homeland with an Arab face that embraces the beneficial aspects of Western civilisation” (Hudson, 1978a, 1978b). This dilemma over the Lebanese identity can be recognized as the second phase of nation building in Lebanon.

In the aftermath of the Nakba (catastrophe) of 1948, the establishment of the Palestine Liberation Organization (PLO), and the progressive rise of the Arab Nationalism with Jamal Abdel Nasser in Egypt and his influence in the region (over all Arab states), was a turning point in Lebanese history. This third phase of the Lebanese nation building can be thus attributed to the era following the events of 1948 until the signing of the National Accord Document, or what is known as the Taif Agreement of 1989, which ended the Lebanese Civil War (1975–1989) and amended the Constitution of 1926 (Baylouny, 2013; Jaulin, 2014; Saseen, 1990; Ziadeh, 2006). It wasn’t until the signing of this Agreement for the radical transformation of Lebanon’s identity to happen.

Under the Taif Agreement (that took place in Saudi Arabia), it was intelligibly expressed—although faced with a Christian opposition—that Lebanon is an “Arab” state (Ziadeh, 2006). This Agreement, which substantially reduced the prerogatives of the President of the Republic, and gave more power to the Sunni Prime Minister, fuelled the bitter and worrying feeling among Christians, and in particular the Maronites, of being defeated (Dagher, 1993; Saseen, 1990). What even amplified the complexity of the new identity attributed to Lebanon is Syria’s de facto control over the country—with an American “green light”—since it had previously deployed its forces in Lebanon under the umbrella of the Arab Deterrent Forces to fight in the Lebanese Civil War (Baylouny, 2013; Ziadeh, 2006). Accordingly, the current Lebanese Constitution of the post-Taif-era, clearly sanctifies “communal power-sharing” and embodies “a consensual communal democracy of an Arab, yet separate, permanent, Lebanese nation-state with a special message: the inter-communal” (Ziadeh, 2006, p. 11, my emphasize).

That said, one can understand that Lebanese citizens’ loyalty to their community has primacy over their allegiance to the nation, since an important part of the Lebanese society does not approve the “Arab” identity of the country.

Thereafter, by depicting nationalism differently, the integration or exclusion of migrants in Lebanon can be triggered differently, with reference to the migrant’s religion, and its impact on the sociopolitico sphere.

Hence, the sense of belonging in Lebanon is understood with reference to religion (and therefore community) rather than to the State (national identity). The famous saying of the Lebanese lawyer and historian Edmond Rabbath in his Essai de Synthèse can summarize the complexity of the Lebanese nationalism as follow “Le peuple Libanais est organiquement formé au premier degré, non d’individus revêtus de la qualité de citoyens, mais de communautés. De telle sorte que le Libanais ne saurait exister en tant que citoyen indépendant, mais uniquement comme membre de la communauté à laquelle il appartient du fait de sa naissance ou, très exceptionnellement, par son libre choix ” (The Lebanese people are primary formed not as individuals coated in citizenship but rather in communities. In such a way that the Lebanese cannot exist as an independent citizen, but only as a member of the community to which he belongs, by birth, or very exceptionally, by his free choice). As such, in Lebanon, identity first refers to religious sect and then to the Nation (Rabbath, 1973).
This focal point—one’s belonging rooted in the notion of Religious Identity instead of the National Identity—is what underpins the phenomenon of crimmigration in Lebanon. That being the case, it would be interesting to analyze a new version of Crimmigration by studying this phenomenon in the Lebanese context. In the following paragraph, the importance of religion is to be highlighted as an essential element in the shaping of the Crimmigration process, an element long put in the shadow by crimmigration scholars.

II—A New View on Crimmigration?

As a starting point, what is of crucial importance is to explain that the primary triggering point leading to ethnoreligious cleavages among Lebanese prior to the Lebanese Civil War (1975–1989) was not sectarianism per se. In fact, the latter was used as a mask covering other political diseases engendered by external regional problems which themselves led to an escalation of internal Lebanese sociopolitical challenges (Hudson, 1978b). All of those combined with the emerging political issues with regard to the identity of Lebanon—as an Arab state or not—later translated into sectarian confrontations and hatred between different sects, a sectarian diversity that was once, on the contrary, a characteristic of the Lebanese “consociational democracy” system (Hudson, 1978b; Lijphart, 1969).

The political system in Lebanon is known to be a “consociational” democracy, where power-sharing has been considered an alternative solution to a plural society. Due to the fact that Lebanon is one of the rare countries in the Middle East that has 18 different sects, under three main religions, power-sharing has been perceived as a guarantee to a rightful political representation of all communities. This makes the political system very fragile and centered around religion, as the different confessions are politically represented according to their numerical proportions in the Lebanese society.

Since external regional events and international interferences affect the Lebanese political scene leading to a sectarian confrontation between Lebanese, researching Crimmigration in Lebanon will be analyzed with regard to two groups of migrants from two neighboring countries, Occupied Palestine and Syria, who found refuge in Lebanon following massive political turmoil and wars in their homelands. On the one hand, the Palestinian factor was of great importance in provoking the sectarian confrontation in Lebanon since it was a key factor that started the Lebanese Civil War in 1975. On the other hand, since the Lebanese Civil War ended on the basis of an agreement that would reshape the political power-sharing balance rather than on the basis of a solution to intercommunal strife, that came together with a Syrian de facto control over Lebanon which reflected the country’s incapacity for self-governing, it crystallized the attachment of the Christian Maronites to the Western identity of Lebanon (Hudson, 1978b). As a result of the two important events that shook the internal stability of Lebanon as well as the social cohabitation between the different religions and sects, sectarianism became rooted in the core of Lebanese politics.

Accordingly, in order to study how the response of the Lebanese Government with regard to the refugees’ crises that the country has been dealing with over the years, and to understand why is migration a problem of crime and social order, it is essential to study the case of two refugees groups in Lebanon. I will first analyze the reasons behind the harsh exclusionary migration policies related to Palestinian refugees since the Nakba (catastrophe) of 1948 until this date (A), and then explore the essence of the criminalization of Syrian refugees following the 2011 war in Syria (B).

A—Criminalisation of Palestinian refugees in Lebanon.

“The presence of Palestinians in Lebanon contributed to the creation of multiple Lebanese identities, that disabled the formation of a unified national identity. The 1958 war and later the 1975 war, divided the Lebanese people on their position towards the question of
Palestine and the Palestinians. Thirty years later, Lebanon is still healing from a “déchirure”, in which the Palestinian played a key role” (Abu Rida in Sfeir, 2010, p. 11).

As it has been explored, an important number of Palestinians were concentrated in camps across Lebanon, striving for the liberation of Palestine from the Israeli occupation. Their military presence on Lebanese soil as a sort of “para-state” engendered feelings of anxiety and fear among both the Lebanese society and part of its Government (Entelis, 1979; Faksh, 1984a; Khalidi, 2013). By opposition to how crimmigration is perceived in the Global North through the lens of the fear of the “Other”, Lebanese and Palestinians did not have this challenge per se, since there was a high degree of “cousinhood” between the two peoples” (Hudson, 1997, p. 245). In fact, both societies shared common features such as the same Arabic language, similar values, a common history—as both were under the Ottoman Empire’s ruling as parts of the society of Bilad Al-Sham of the Ottoman Province—as well as the same religiosity, since both communities encompassed Christianity and Islam (Entelis, 1979; Faksh, 1984a; Khalidi, 2013).

It wasn’t until the signing of the Cairo Agreement in 1969 which legitimized the militarization of the PLO with the aim of fighting Israel, followed by the invasion of Lebanon by the Israeli troops in response to the Palestinian attacks—the latter backed by the Lebanese Muslim (Sunni) elites’ support for the Palestinian cause—that they became a “threat” in the eyes of the Christian Maronites of Lebanon (Entelis, 1979; Faksh, 1984a; Khalidi, 2013; Sfeir, 2010). The problem was that the chairman of the PLO back then, Yasser Arafat, “was [now] a head of state in all but name, more powerful than many Arab rulers. His was no longer a humble revolutionary movement, but rather a vigorous para-state” (Khalidi, 2013, p. 29).

Due to the fact that the Lebanese political system is based on a power-sharing between the different communities according to their numerical size, the Lebanese Christian Maronite elites feared the presence, settlement, and naturalization of Sunni Palestinians, the latter forming the majority of the Palestinian population that was forced to find refuge in Lebanon—present as either military activists or civilian refugees—that would shift the political balance to their detriment (Hudson, 1997; Sfeir, 2010). In other words, those refugees would consist of a “factor that might tip the demographic and political balance towards the Muslims” (Sfeir, 2010, p. 7). The latter triggers the securitization of migration in Lebanon, with reference to religion as a primary mechanism for such criminalization. In fact, as religion is set to play a key role in maintaining political stability, any threat to such secure-ness is thus to be eliminated.

It was following the Lebanese Civil War of 1975, when the Palestinian resistance and the left-wing Lebanese militias (mainly composed of Sunni and Druze but not exclusively Muslims) fought against the Christian Maronite militias, that sectarianism became a challenge in Lebanon (Sfeir, 2010). With the Ta’if Agreement (the National Accord Document) of 1989 came the criminalization of Palestinians for the first time in Lebanon. By amending the Lebanese Constitution of 1926, this Agreement brought to light important reforms to Lebanese politics. Its provisions set a ban on any sort of naturalization (specifically targeting Palestinians), demobilized all types of militias whether Lebanese or not (targeting the PLO para-state), and gave full authority and control to the Lebanese state through its army and law enforcement agencies over the refugee camps (Entelis, 1979; Faksh, 1984a; Khalidi, 2013; Yassine, 2010). This militarization of the refugee camps reflects a securitization practice to safeguard national security.

The only Lebanese census of 1932 establishing that Christian Maronites were the dominant sect in Lebanon then, as well as the reforms of the Ta’if Agreement which aimed at limiting the number of Lebanese Muslims, allowed the Christians—and specifically the Maronites—to stay in a position of power. From here, one can establish the importance of religious sectarianism in the competition to power reflected on the political scene, a mechanism triggering the criminalization of Palestinians in Lebanon. As Michael Hudson puts it “For the vast majority who became registered refugees
with the United Nations Relief and Works Administration (UNRWA), it was a traumatic uprooting” (Hudson, 1997, p. 248). The latter reflected in the exclusion of Palestinians from the Lebanese political and social scenes. In fact, only Palestinian camps that were located in areas of Muslim presence were preserved, whereas in areas of Christian presence, they were completely destroyed (Hudson, 1978a, 1977).

Another feature of their criminalization is their prohibition from working in specific domains such as law or medicine, professions to which formal associations or syndicates exist (Hanafi et al., 2012; Hudson, 1977). Governmental policy “made it extremely difficult for them to obtain employment, fearing that it might lead them to remain in the country” (Hudson, 1977, p. 250; Hudson, 1978a). Here one can reflect on the role played by the religion of those refugees in the crimmigration process, since it was the key factor that triggered their criminalization. It is interesting to mention here that, when an approximate first wave of 40,000 Armenian refugees arrived in Lebanon in the post-World War I, when Lebanon was controlled by the French colonial power, the latter was responsible for the settlement of those Armenian refugees in Lebanon (Geukjian, 2009; Jaulin, 2014). To reinforce the presence of Christians in Lebanon, the colonial Power, under the Treaty of Lausanne, granted Armenian refugees the Lebanese citizenship on August 31, 1924. They also incorporated Armenian refugees in the Lebanese political sphere, by reserving them a place in the newly established Lebanese confessional system. Thus, the migration of Armenian refugees increased the Lebanese demography, specifically the number of Christians of Lebanon (Üstün, 2016). Christians, especially Maronites, warmly welcomed and defended Armenians’ presence on Lebanese soil, considering it “a significant factor for the preservation of their dominant political power in the country” (Bedoyan, 1979, p. 120).

Additional criminalization of Palestinian refugees came as a result of the Lebanese Government’s negligence to take into consideration the socioeconomic rights of these people since their camps lack sanitation and most of those displaced individuals along with their children have limited access to education, electricity, and water (Haddad, 1996; Hudson, 1997). Another aspect of the criminalization of Palestinians is their “caging” inside of camps, since they were—and still are to date—prohibited from owning a house in Lebanon, as per Law No. 296 in 2001 on the Right to Real Estate Acquisition for Foreigners. Also, some Palestinian camps such as Nahr Al-Bared and Ayn Al-Hilweh were seen as “shelters for criminals” since many terrorist Islamic groups—previously U’sbat Al-Ansar and lately Fath Al-Islam—took roots there by recruiting from among the poorest of the refugee community that was left without a political leader in the post-Tai’f era (Sfeir, 2010, p. 18).

This reflected in the intensification of camps’ surveillance by the Lebanese Army (LAF), through controlling the entry and exist of those refugees and the application of the stop and search mechanism (Hudson, 1997; Sayigh, 2013). This xenophobia and segregation that highlight a sort of racism against those refugees, showing a per se attribute of rejection, can only be explained through the lens of the fear of the “Other”. Such feeling of insecurity with regard to the presence of those migrants reflected the importance of religion in negatively affecting the integration of Sunni Muslim Palestinians in Lebanon. Only because those refugees were of a specific religion that they were excluded and criminalized. Hence, for the anti-Palestinian Lebanese, mainly Christian Maronites, the Palestinian refugee was “seen as the enemy who threatens the unity of Lebanon, and the cause of the partition of the Lebanese state and population” (Sfeir, 2010, p. 14). This can be reflected in the mediatization of Lebanese politics, where criminalization of Palestinian refugees can be summed up in the words of the former Lebanese Prime Minister Rafiq Hariri as he declared that “Lebanon will never, ever integrate the Palestinians” (Sfeir, 2010, p. 14). Thus, the total refusal of any sort of Palestinian settlement had been clearly expressed for more than two decades. It has also reflected recently, more than ever, following the proposed Peace Plan (aiming at settling Palestinians in the countries of refuge) elaborated by the former American President Donald Trump in January 2020, which might negatively affect the sectarian equilibrium in Lebanon.
Let’s now turn to the second group: the Syrian refugees. If the analysis of the following paragraph establishes the same basis for the criminalization of this second group of refugees in Lebanon, it would necessarily mean that crimmigration in Lebanon does indeed exist and that it is specifically being triggered by the same mechanism.

**B—Criminalization of Syrian refugees in Lebanon.** The Lebanese hatred toward the Syrian regime which interfered in Lebanese internal affairs from 1975 to 1989, and later imposed itself through its *de facto* “occupation” of the country in the post-*Tai‘fera* until 2005, was translated into a resentment and xenophobia toward Syrian refugees since 2011 until this date (Awada, 2016; Baylouny, 2013; Geisser, 2013). In fact, the brutal practice of the Syrian troops during their presence on Lebanese soil, along with that of the *Deuxième Bureau* (the latter representing the Lebanese military intelligence that was forced to abide by the commandment of the Syrian troops from 1990 until 2005) established a negative social perception of Syrians in Lebanon. It wasn’t until the withdrawal of the Syrian army in 2005, following the assassination of the former Lebanese Prime Minister Rafiq Hariri —of which the Syrian regime was accused—that Lebanese people took the streets to protest against the Syrian “occupation” of the country (Awada, 2016; Baylouny, 2013; Jaulin, 2014). Massive demonstrations together with the important mediatization of political speeches of several Lebanese officials forced the Assad regime to withdraw its army from Lebanese soil. It wasn’t until 2005 that Lebanon was truly considered independent in the eyes of its citizens, although it gained its official independence from the French mandate in 1943. It was thus the end of the “*Pax Syriana*” that lasted from 1976 to 2005 (Gade, 2013; Hinnebusch, 1998).

In Syria, a Muslim minority sect, the *A‘lawites*, has been holding the most powerful governmental positions for decades, with Hafez Al Assad as head of state primary and lately his son and President of Syria—at the time of writing—Bashar Al Assad (Faksh, 1984b; Heller, 1980). Although the Sunni Muslims of Syria composed the majority of the Syrian population, the political power, as well as most of the administrative functions, were held by *A‘lawites* (just like Maronites in Lebanon prior to the *Tai‘fera* Agreement) (Faksh, 1984b; Heller, 1980). Following the Arab Uprisings, the Sunni Muslims of Syria started demonstrating against the Syrian regime. Many of them later joined the radical Islamic group *Dae’sh*—or what has come to be known as the Islamic State (IS)—to fight the regime of President Al Assad. Thus, the 2011 brutal war, led by a terrorist organization that joined hands with Sunni Muslims of the Syrian population, impacted negatively on the Syrian refugees later on.

As a matter of fact, when those refugees first arrived in Lebanon, the haunting memory of Syrians in Lebanon translated into xenophobia against them, as physical individuals *per se* (regardless of their circumstance or situation), that culminated with the idea of them “invading” Lebanon once again (Geisser, 2013). The latter invasion would this time consist not of a military invasion but rather through the huge influx of refugees, most of them unskilled and dangerous (since they were mostly of Sunni religion that was associated with terrorism in Syria). It also revived the spectrum of the Palestinian refugees’ migration flows of 1948 and 1967, the latter blamed together with the PLO, for initiating the Lebanese Civil War, and causing massive damages to the country and its citizens (Geisser, 2013). As a matter of fact, according to the United Nations High Commissioner for Refugees (UNHCR), in 2021, Lebanon hosts the higher number of Syrian refugees per capita, around 1.5 Million registered refugees, knowing that an important number is not registered with the UNHCR (UNHCR, Report, 2021). This unparalleled movement of people from a specific religion into this multi-confessional country was not only considered a social burden on infrastructure and job opportunities, but was also perceived as a threat to the fragile political equilibrium, in the events of refugees’ settlement in Lebanon.

Additionally, the idea that Sunni Muslims of Syria are fighting their own regime together with the IS caused the Lebanese society to perceive them as risks and as a challenge to the social order, since if
they are affiliated with a terrorist organization in their own country, what would stop them from doing the same in Lebanon? Lebanese in general and Christians in specific were thus frightened and felt threatened by the presence of Syrian refugees in Lebanon. This feeling of insecurity with regard to the presence of this specific group of migrants in Lebanon can be explained by the fact that no specific camps were set up to welcome those refugees, thus, the latter were “invading” some Lebanese cities and villages. In villages where there was a majority of Christians, very strict regulations were imposed on Syrian refugees, making it impossible for them to cohabit with the host community there. They were totally excluded. This exclusion can only be understood through the lens of the religious factor since the majority of the displaced Syrian population was of Sunni Muslim religion. This exclusion reflects again the feeling of worrisome with regard to the demographical factor that would threaten the existence of Christians in Lebanon if it was to be shifted to their detriment. For this reason, Syrian refugees had to move to other parts of Lebanon where the Christian presence was not major. Also, in the region of Mount Lebanon, where the majority of its inhabitants are Druze (along with some Christians), Syrian refugees were not well integrated.

On the other hand, in other areas of the country where the Sunni Muslim presence is important such as in Tripoli in the North of Lebanon, in A’kar, and in Arsal in the Bekaa Valley, Syrian refugees mostly found refuge there (Gade, 2013). They were allowed to live among the Lebanese Sunnis (they rented small flats to live with their families) and they were allowed to work (although for cheap labor). In Tripoli, for instance, they were well-integrated especially since an important part of this region is poor, and follows the Islamic ideology—and not the Islamic polity adopted by terrorist groups such as Al-Qaeda and Da’esh—used as a cover for a Salafi (religious extremism) ideology (Gade, 2013). They were thus culturally integrated only in the Sunni villages of Lebanon.

Sunni leaders have often been accused by their political opponents of wanting to overturn the sectarian balance to their benefit, a recurring and ancient accusation. In fact, Sunni political and religious circles are by far the most favorable to the extension of civil and social rights of Palestinians, as well as the reception of Syrian refugees, against the opinion of the majority of the Lebanese political class which is totally hostile to it (Haddad, 2012). Hence, the Lebanese Government presided by a Sunni leader first adopted an “open-door” policy, allowing Syrian refugees to enter the country, under the condition of being registered with the UNHCR and the Lebanese General Directorate of General Security (Sûreté Générale) (Gade, 2013). This “open-door” policy was coupled with intense surveillance and control of the Lebanese–Syrian border with the aim of preventing the smuggling of jihadist fighters (combatants of Da’esh) and hindering the trafficking of arms and ammunition from and to Lebanon (Gade, 2013). The issue of receiving Syrian refugees in Lebanon was and is still high on the political agenda ever since the war in Syria began in 2011. The huge influx of refugees—and the intensification of their numbers as they were all giving birth to several children in Lebanon—was labeled as a “crisis” by the government. This has been clearly reflected in the speech of the Lebanese head of state—at the time of writing—President General Michel Aoun at the United Nations 73rd Convention, held on the September 25, 2019, where he affirmed that Lebanon is “unable to carry this burden [Syrian displaced persons]”. President Aoun also added in his speech that on the security level, there has been an “increase at the level of crimes [committed by Syrian refugees] by 30%” since the beginning of the crisis, and “unemployment [in Lebanon] reached 21%” because those refugees are replacing Lebanese in several jobs since they accept low wages that Lebanese people don’t. Thus, President Aoun recognized that the Syrian refugee crisis is causing important economic and political instabilities (Geisser, 2013).

But the Syrians are not just a humanitarian, social, or economic problem in Lebanon. Their presence increases the internal cleavage between the two rival camps and we see them participating in certain political activities alongside the Lebanese (Geisser, 2013; Haddad, 2012). Even more, they arrive in Lebanon as civilians fleeing the fighting and quickly transform themselves into combatants,
recruited under one banner or another and ready to fight with the camp qualified as an opponent (Haddad, 2012). Thus, they also pose a political and perhaps security problem, as they affect the national security of the country (Geisser, 2013; Haddad, 2012). Since Lebanon did not sign nor ratify the Geneva Convention of 1951 (the Refugee Convention) nor its 1967 Protocol, and noting that Lebanon is not an asylum country, this “open-door” policy was faced with important criticism from many Lebanese officials of the counter-Syrian movement, and called to an end. This reflected the religious criminalization of Sunni Syrian refugees, especially since the Christian and A’lawite Syrians were nicely received in Lebanon. One major event led to their quasi-total criminalization; the terrorist attack on the Lebanese Army that took place in August 2014 in Arsal, a region on the Lebanese–Syrian borders. In fact, it is known that in Lebanon, the only fully respected entity by all sections of the Lebanese population is the Lebanese Army, which puts the interests of the nation and its citizens above all. Following the 2014 cruel slaughtering activities initiated by Syrian refugees affiliated with the terrorist group Da’esh (the IS) that killed 12 Lebanese soldiers and high-ranked officials, the Lebanese Government rushed to put an end to the “open-door” policy adopted since 2011 (Civil Society Knowledge Center, 2017). This brutal terrorist attack multiplied the Lebanese hatred toward Syrian refugees as they were not only perceived as criminals and as a threat to the national stability of the country now, but also, created a new feeling of fear, that of the “Islamic State” that would definitely eradicate all other sects and religions in Lebanon.

The religious factor has been thus highlighted once again as a key mechanism leading the policy-making process and negatively affecting the integration of Muslim refugees in Lebanon. This led the Lebanese Government to approve in October 2014, unanimously, a Policy Paper introducing new measures regarding Syrian refugees to be adopted as of January 2015. This new policy centered around three main points, two of them criminalizing those migrants (Dionigi, 2016). The first entails the enforcement of a new legislation aiming at limiting and consequently ending the influx of Syrian refugees to Lebanon, and the second aiming at reducing the number of registered refugees with the UNHCR and the enforcement of the Memorandum of Understanding requiring the UNHCR to find shelter for Syrian refugees outside of Lebanon in a 1-year timeframe after their arrival to the country (Dionigi, 2016). It also requested them to pay important fees (that most of them couldn’t afford) to renew their legal papers, or to find a sponsor “kafeel” to allow them to remain on Lebanese soil (Dionigi, 2016). All those measures enforced the criminalization of Syrian refugees in Lebanon.

Conclusion

The initial approach to crimmigration through the lens of the crime–migration nexus, has been explained in the Global North by the fear of the “Other” as a stranger who is perceived as a threat to the national identity and to the coexistence between the host country and the migrants. It has established a sort of racial profiling against immigrants, in the name of national security and the safeguarding of the nation. This criminalization of migrants has been emphasized by the enactment and enforcement of what has been referred to as Crimmigration Law, merging together the harshest of two disciplines of the law, that of Criminal law and Immigration law. This paper has shed a unique light on crimmigration in the Global South, in Lebanon in specific, focused on the importance of religion as a factor triggering crimmigration in a consociational democracy. It turned out that in Lebanon, sectarianism per se has a role in the criminalization of migrants. Since in Lebanon, the majority of migrants are refugees—Palestinian and Syrian refugees—and since Lebanon, Palestine, and Syria are neighboring states with a common history, the criminalization of those refugees has not been the result of a fight to preserve national identity from a stranger “Other” per se. However, the new view of nationalism in Lebanon, which is rooted in the idea of allegiance to one’s religion and sect rather than to the Lebanese national identity, further extends the role of religion in
shaping the crimmigration process. The importance of “religion” in a confessional democracy is hence the triggering point in the criminalization of migrants, as this factor is rooted in the sociopolitical context of such state. And because Lebanon is a consociational democracy based on a power-sharing arrangement between the different religions and sects according to their numerical size, the demographical factor that is affected by religion is of crucial importance when it comes to the competition to power. Thus, religion has triggered important sensitivities amongst the population, especially since the majority of the refugees are of a specific sect. That said, if the latter were to be given all their socioeconomic rights, and if they were to be allowed settlement and naturalization in Lebanon, the demographical balance would shift to the detriment of the Christians of Lebanon, the latter holding the most powerful position in the country, that of the Presidency of the state. It will thereof lead to a new intercommunal strife amongst the existing communities. Also, since both groups of refugees in Lebanon have played a role in the Lebanese Civil War, the Lebanese society perceived them as risks and endangering the public order and harmony. The involvement of both groups of migrants in military, political, and terrorist activities raised the alarm with regard to their presence on Lebanese soil and the future of Lebanon. Thus, to ensure national security and political stability, and to prevent from a shift in the power-sharing balance between Christians and Muslims of Lebanon, the criminalization of Sunni Muslim Palestinian and Syrian refugees has been the answer. This study shows that in consociational countries, religion not only plays a role in balancing the political power, but also is a mechanism triggering and shaping the crimmigration process. As Yuval Noah Harari puts it “[...] in the twenty-first century religions don’t bring rain, they don’t cure illnesses, they don’t build bombs—but they do get to determine who are ‘us’ and who are ‘them’, who we should cure and who we should bomb” (2018, p. 134). With that, this paper would invite scholars to reflect on the importance of religion in the policy-making process related to migration that can be labeled as “religio-crimmigration”.

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ORCID iD
Reeda Al Sabri Halawi https://orcid.org/0000-0003-0090-9081

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Author Biography

Reeda Al Sabri Halawi is a qualified attorney-at-law at the Beirut Bar Association, specialized in criminal law. She is currently a 3rd year PhD candidate in criminal justice and criminal law at the Leiden Law School of Leiden University, the Netherlands. Her work focuses on several areas of criminal law, particularly counter-terrorism and securitization, the criminalization of migrants victims’ protection as well as anti-money laundering and anti-corruption. She is also the author of the book Dirty money in the banking sector.