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What Do We Owe The Forcibly Displaced?

Serena Parekh, *Refugees and the Ethics of Forced Displacement* (New York: Routledge, 2017).

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There is a near consensus in the ethics of migration literature that, even if states do have a presumptive right to exclude foreigners, they nonetheless have a moral obligation to admit refugees. This has meant that the philosophical debates surrounding refugees has tended to focus on the pros and cons of expanding (and in some cases radically altering) the definition of 'refugee' or deciding which class of desperate foreigners should be given special preference in a state's admissions policy. Underlying this debate, however, is the common assumption that what justice requires for the refugee is special admission status into a 'developed' or 'first-world' country. In this respect, Serena Parekh is correct to note that the normative debate concerning refugees has not departed very far from the 'ethics of admission' debate or the debate about which foreigners must be admitted (i.e., refugees) and which may be excluded (i.e., all the rest).

Although Parekh does not dismiss the value of this debate, her concern is that in a world like ours the solutions offered by such a debate (i.e., admission into a developed country) will be relevant for only a small percentage of the forcibly displaced. The reality is that in today's world the forcibly displaced rarely find a 'durable solution' (i.e., voluntary return, asylum in their current country of residence or resettlement in a third country). Instead, long-term refugee encampment has become the de facto solution for almost all of the forcibly displaced. In *Refugees and the Ethics of Forced Displacement* Parekh therefore makes a persuasive case that if normative theorists truly care about finding justice for the forcibly displaced they must expand the scope of the current debate and include discussions about an 'ethics of the temporary.' In other words, discussions about what would be a morally acceptable way to house the forcibly displaced so that they can live with dignity as they await a durable solution, all the while knowing that such a solution might never come.

Parekh begins in Chapter One by explaining how long-term encampment became the de facto solution for dealing with the world's forcibly displaced. She

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notes the shocking statistic that almost one out of every hundred persons lives permanently outside of the nation-state system and that less than one percent of those persons ever get resettled in a new country! This means that for more than 65 million displaced people, no nation-state acknowledges responsibility for them nor feels obligated to insure that their human rights are met. How and why did this come to be?

As Parekh explains, the current refugee regime contains two normative obligations: (1) the principle of non-refoulement and (2) the obligation to contribute to the protection of refugees not in the state's territory. The first obligation has proven to be very strong. States have shown an incredible reluctance to send persons already in their territory back to a place where they might be persecuted or killed. The second obligation, however, has not had the same kind of uptake. Developed countries have treated the second obligation more as an act of humanitarianism or Good Samaritanism (e.g., benevolence) rather than a demand of justice (e.g., moral responsibility). A strong respect for the first obligation coupled with a lackadaisical commitment to the second has produced a situation in which developing countries bear a disproportionate amount of the burden for housing the forcibly displaced. Because the principle of non-refoulement makes it difficult for developed countries to repatriate refugees after they have arrived, these countries are incentivized to not let potential refugees cross (or even come close to) their borders. Instead, they are willing to send money to organizations that 'help' refugees, but do so by keeping them in the territory of developing countries. At the same time, what little aid they do send to these developing countries is considered charity, so above and beyond what justice actually demands.

So what do philosophers have to say about this situation? In Chapter Two, Parekh outlines six of the most prominent philosophical views on what justice demands for refugees. In methodically outlining their views, she shows that even the strongest proponents of refugees understand their moral duty to the displaced as a careful balance between a refugee's right to be admitted and a state's right to control its borders. The question of what happens to displaced persons who remain outside of *all* political communities is never raised here because, as Parekh notes, these philosophical accounts work under the assumption that there are 'international agents [who] will bear the responsibility to respect and protect the human rights of those forcibly displaced from their homes.'[1] As already shown in Chapter One, however, this assumption is problematic at best. Most of the international agencies responsible for helping the forcibly displaced are funded by developed countries who make this funding contingent

1 Serena Parekh, *Refugees and the Ethics of Forced Displacement* (New York, NY: Routledge, 2017), p. 77.

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on ensuring that the displaced never make it to their territory where they can claim asylum.

Most migration-justice philosophers decry the current system and recognize that developed countries have seriously abused it. Their solution, however, is that we simply need to resettle more displaced persons because displacement is in their view only a temporary or exceptional condition. But given how long it actually takes to resettle migrants and the fact that most of the displaced will never be resettled, philosophers need to begin to address a different question: what does justice require for those who remain displaced and what are the potential harms that come with long-term displacement?

In Chapter Three, Parekh outlines two potential harms that come with long-term displacement. First, long-term encampment comes with a legal/political harm, which entails 'the loss of a legal identity and a political community, and it is only within this political community that human rights can be protected.'[2] This harm can be addressed through more and quicker resettlement and repatriation, as many philosophers have correctly argued. Parekh, however, argues that there is a second and perhaps more fundamental harm, which she calls the 'ontological deprivation.'

This second harm has three dimensions:

> The loss of identity and reduction to bare life; expulsion from common humanity; and finally, the loss of agency, understood not as a subjective disposition, but an ability to have your words and actions be recognized as meaningful and politically relevant.[3]

Using the work of Hannah Arendt, Giorgio Agamben, and Michel Agier, Parekh argues that justice for the forcibly displaced, especially those in camps, requires giving them a meaningful identity, even and especially when citizenship in a nation-state is not possible.

In Chapter Four Parekh returns to the question of responsibility for the forcibly displaced. Recall from Chapter One that developed nations have not seriously taken up the second obligation (i.e., assisting with the protection of unsettled refugees) because they have understood this to be a matter of benevolence and not of moral responsibility. One of the reasons that states and their citizens often give for not taking moral responsibility for various global problems, which includes forced displacement, is that they do not think they are *causally* responsible for having created the situation. Although in many cases one could argue that developed countries are in fact causally responsible

2 *Ibid.*, p. 82.
3 *Ibid.*, p. 85.

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for the plight of the forcibly displaced, Parekh pursues a different approach that makes her conclusion stronger and more universal. Relying on the work of Iris Marion Young, David Miller, Thomas Pogge, Elizabeth Ashford and Gillian Brock, Parekh develops:

> an account of responsibility for displacement that does not require that an individual or state be causally connected to the given harm and is not rooted in traditional phenomenology of agency, where we are responsible for only what we experience ourselves as having caused.[4]

This account has three key elements. First we ought to understand these sorts of injustices as structural rather than caused by individual agents. On this account, responsibility does not arise through legal wrongdoing, but through the consequences of collective self-interested actions. Second, it asks us to shift our focus from causal to remedial responsibility. In other words, instead of obsessing on who caused the harm, we focus our attention on who is best situated to remedy it. Thirdly, it asks developed countries (and its citizens) to consider how they participate in a global system that both benefits them and connects them to the causes of displacement and its eventual outcomes (e.g., long-term encampment).

In the book's conclusion, Parekh does not provide the reader very many practical solutions. Nonetheless this book is a smashing success if for no other reason than it shows that we have far more (and deeper) ethical obligations to the forcibly displaced than most of us might have originally thought. As Parekh notes in the final pages of the book, this is not nothing because at the end of the day 'the primary problem around encampment and forced displacement is not that there is a lack of solutions; the problem is a lack of moral determination to change the status quo.'[5]

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4 *Ibid.*, p. 105.
5 *Ibid.*, p. 145.