Authors Draft: Can There be a Right of Return?

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Abstract

During long-term refugee displacements, it is common for the refugees' country of origin to be called on to recognize a right of return. A longstanding tradition of philosophical theorizing is sceptical of such a right. Howard Adelman and Elazar Barkan are contemporary proponents of this view. They argue that in many cases it is not feasible for entire refugee populations to return home, and so the notion of a right of return is no right at all. We can call Adelman and Barkan's view the feasibility objection. Many defenders of rights will deny that empirical facts such of the kind to which Adelman and Barkan appeal are relevant to determining whether a moral entitlement amounts to a right. In contrast I offer a response to the feasibility objection that does admit the relevance of facts. On my view, considerations of feasibility do matter to determining what rights human beings possess. Nevertheless, the feasibility objection is undone by its failure to acknowledge a distinction between two different kinds of feasibility constraints. "Hard" constraints include logical, nomological and biological considerations. "Soft" constraints include political, cultural and institutional factors. A necessary condition of a moral entitlement achieving the status of a right, I argue, is that it be feasible in the hard sense. Crucially, however, a right need not always be feasible in the soft sense. Refugees can have rights that it is not currently possible to implement politically.

Introduction

Intractable political conflicts can see refugees displaced for extraordinarily long periods. During such displacements, it is common for the refugees' country of origin to be called on to recognize a right of return. Typical in this regard is the situation of Sahrawi refugees, who for decades have occupied remote desert camps in Algeria. Tent cities first rose from the dunes to house them in 1975 after they were displaced from Western Sahara as a result of military occupation by Morocco. A widespread view among non-government organizations (NGOs) supporting the Sahrawi is that they "have a legitimate right of return home to a free Western Sahara" (Norwegian Support Committee for Western Sahara 2008) The refugees have been in exile for so long that the right being affirmed is not simply the generic right everyone has

to return to their state of origin. Long-term refugee populations include children or even grandchildren who were not born at the time of displacement. The right of return therefore includes the right of many refugees to "return" to a country they have never previously stepped foot in. Thus while the right of refugee return may seem to overlap with the generic right to return to one's country of origin in the case of first-generation refugees, because it is meant to be exercised by members of subsequent refugee generations, it effectively amounts to a different right.[1] It is the right of return in this sense, one that pertains to refugees rather than citizens, that is commonly put forward by refugees and their advocates as the solution to multigenerational exile as is has been experienced by Sahrawi, Palestinian, Lhotshampa and other long-term refugee populations (Adelman and Barkan 2011).

   Despite the frequency with which calls to implement a right of refugee return (hereinafter, a right of return) have resonated in international crisis zones, philosophers have devoted little attention to analyzing such a right. On those occasions when philosophers have taken up the right of return their conclusions have often been negative (Arendt 2004: 369-84; Carmi 2005; Walzer 1983: 48-51). Howard Adelman and Elazar Barkan are contemporary proponents of this skeptical view. They argue that in many cases it is not feasible for entire refugee populations to return home, and so the notion of a right of return is no right at all.

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[1] An important issue concerns whether or under what conditions a right of return ceases to be passed on to the descendant of refugees. I argue elsewhere that so long as the descendants of refugees occupy a condition of statelessness, as by, for example, occupying a refugee camp, they too will possess a right of return (Lamey forthcoming)

We can call Adelman and Barkan's view the feasibility objection. One response might be simply to dismiss it. An influential view in political philosophy holds that rights and other principles of justice do not include matters of fact among the grounds of their justification (Cohen 2008: 229-73). On this view it is a mistake to think that any sort of fact about a right, including the recurring historic failure to implement it, are grounds to deny that it is in fact a right. Even proponents of rights who do not endorse such a "fact free" view of their justification may wonder if the feasibility objection is well made. We do not normally think that the fact that many people are murdered, for example, is grounds to reject a right not to be murdered. So why think that historical failures to return invalidate return as a right?

I offer a critical response to the feasibility objection that does admit the relevance of facts. On my view, considerations of feasibility do matter to determining what rights human beings possess. Nevertheless, the feasibility objection is undone by its failure to acknowledge a distinction found in the political feasibility literature, between two different kinds of feasibility constraints. "Hard" constraints include logical, nomological and biological considerations. "Soft" constraints include political, cultural and institutional factors. A necessary condition of a moral entitlement achieving the status of a right, I argue, is that it be feasible in the hard sense. Crucially, however, a right need not always be feasible in the soft sense. We can have rights that it is not currently possible to implement politically.

When this distinction is noted, it becomes clear that Adelman and Barkan are concerned with soft feasibility constraints on the right of return. While such constraints may prevent a right from functioning as an *end* to aim at, they do not prevent a right from functioning as a *standard*. Applied to a right

of return, such a standard-right can have bearing on situations even where it is not possible to implement return as an end. In particular, a right of return understood as a standard can be used to determine which among a set of feasible options should be adopted as an aim. A right of return so understood can also be used to guide the reform and development of future political institutions. It can serve as a moral principle that directs us toward new structures that respect the right of refugees to voluntarily return home. Given these possibilities, even if we accept for the sake of argument all of the feasibility constraints cited by proponents of the feasibility objection, this does not gainsay the status of return as a genuine right.

In what follows I do not mount any positive defence or outline of a right of return or its basis, a task I have taken up elsewhere (Lamey: forthcoming). Nor do I deny that in practice outcomes other than return will sometimes be the most prudent to pursue (Long 2013). We can have rights that it is not currently possible to exercise. Instead I try to show why a right of return, whatever its nature and foundation prove to be, is not undone by the fact that return so often remains for refugees an unfulfilled dream.

The Feasibility Argument Against the Right of Return

Adelman and Barkan take over and adapt an argument originally put forward by Hannah Arendt in *The Origins of Totalitarianism*, which contains a long chapter discussing the treatment of European refugees during the first half of the 20th century. Arendt argued that once someone had lost the rights that come with being a citizen of a state that person was consigned to a position of rightlessness. This is the condition she took refugees to embody, a condition that ringing declarations of human rights did nothing to alleviate. In Arendt's view, rights are only real if they are enforceable, and a refugee

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has lost the protection of the law of her country. A person in that situation has no meaningful rights to speak of, Arendt concluded. Hence her bitter and pessimistic conclusion that "the loss of national rights in all instances entail the loss of human rights," and that the concept of human rights itself "broke down" when human rights advocates were confronted for the first time with refugees as a mass phenomena (Arendt 2004: 380).

Arendt made her argument in 1951, the same year the Convention Relating to the Status of Refugees was signed. One possible response to her argument thus might be to suggest that her empirical claim that the rights or refugees are systematically violated is no longer true. Adelman and Barkan however present extensive empirical evidence to support the view that a certain category of refugee is today commonly unable to exercise a right of return. These are refugees who are ethnic minorities in the country of return. When such refugees are displaced by conflict that has an ethnic component, Adelman and Barkan argue, it is common for the animosity that originally caused the minority refugees to flee to linger long after the fighting stops, making the dominant population unwilling to accept return.

Adelman and Barkan argue that the inability of minority refugees to exercise a right of return is a problem for any account of rights that takes feasibility as a necessary condition of a moral claim being a full-fledged right, whether or not the feasibility mechanism takes the form of national law. "Claims for the right of return have weak grounds on the basis of historical success, functionality, [the] tradition of civil law . . . or emergent historical principles," they write (Adelman and Barkan 2011: 226). The two authors thus conclude that when it comes to the right of return, Arendt's conclusion remains sound. "When the [state] ends, either as a general political reality or

as a political reality for the individual, so too do the rights of humans" (2011: 226).

As noted above, one possible retort to this critique of the right of return is to deny that feasibility is a necessary condition of possessing such a right. On this view of rights, the bearer of a right need not have the ability to exercise it. A right is rather understood as a purely aspirational notion, and so is unscathed by a critique to the effect that its exercise is systematically unfeasible. Adelman and Barkan however reply that this view is too toothless to count as a full-fledged "right":

> There is no sanction attached or even any built-in measure to demand, let alone ensure, compliance. It s merely a claim with no correlative principle of delivery, akin to an assertion that everyone has the right to be loved but with no duty imposed on another party for delivering that love. Rights as claims end up providing a universal ground but virtually no implementation conditions. When extended to the right of return, such a sense of rights undermines a much thicker and richer sense of rights. Though it is true that all rights are claims, rights seem not to be reducible to claims. If that is the sense of a right of return, it might be best to not to dub it a right except in a metaphorical sense where it is simply one claim among many others (2011: 234).

In other words, in order for a moral claim to achieve the status of a right, it must be accompanied by a measure to ensure compliance. The frequency with which minority refugees are unable to return home suggests that there is no effective measure that will allow them to do so, thereby gainsaying refugee return as a genuine right.

Adelman and Barkan present empirical evidence documenting the frequency with which NGOs and refugees themselves appeal to a right of return in advocating for the resolution of refugee crises around the world. They suggest that the right of return has become the default claim of refugees and their advocates internationally. Despite the frequency with which such

calls are issued, there is something inauthentic about the right of return, they conclude, which should not occupy any place of prominence in solving refugee crises. Instead refugees and their advocates should be more open to alternative solutions to mass displacement, such as integration in the country of exile or resettlement to a third country. The moral and political prestige that currently attaches to a right of return only has the negative effect of prolonging the exile or refugees who could otherwise seek more effective solutions.

Wide vs. Narrow Feasibility Objections

It is helpful in responding to Adelman and Barkan's version of the feasibility objection to distinguish what their narrow version of the objection from the wider variation pressed by Arendt. Arendt's argument was a challenge to *any* right refugees might be said to possess. Her analysis was meant to show that such rights are merely "supposed." (2004: 372). Such a claim does not merely highlight the political challenge of legally enforcing rights, but questions the very notion of rights that adhere at the level of humanity (as opposed to citizenship).

Such a conclusion however is counter-intuitive. Insofar as rights are not merely legal concepts but moral ones, it is not clear why the loss of legal protection would entail one's loss of standing as a bearer of *moral* rights. Compared to Arendt, Adelman and Barkan's argument is more focused. It singles out the right of return, in particular, as unfeasible and so not a genuine right. It is less ambitious in a second way, in that it does not seek to show that feasibility concerns rule out the notion of a right understood as a purely moral claim, divorced from any type of enforcement mechanism. While allowing that a purely moral understanding of a right of return is

conceptually possible, they question the value of a non-enforceable right of return through their comparison to a right to be loved, arguing that such a right is ineffective to the point of being an empty platitude.

Criticism

I accept for the sake of argument that the contemporary refugee situation is a grim as Adelman and Barkan make out. My concern is not with the empirical but rather the theoretical aspect of their account. To begin with, their parallel to a right to be loved seems overdrawn. A duty to love a particular person would require the duty-bearer to have a particular emotional reaction. Attempting to force someone to uphold such a duty would seem to generate a paradox. To the degree that coercion is required to uphold a duty of love, love itself will not be the result, as love must be freely given to be genuine. We thus encounter a variation of the endorsement constrain referred to by Ronald Dworkin, which holds that it is pointless to coerce individuals to uphold the tenets of a religion they do not believe in, as coercion can generate only the outward signs of belief, rather than belief itself (Kymlicka 2001: 216).

In the case of a right of return, by contrast, coercion could be an entirely effective means of implementation. In such cases no emotional reaction or inner attitude needs be generated. Rather unwilling parties need only be coerced to the extent that they not prevent a journey of return. Thus the same paradoxical outcome of having to coerce someone into having an emotional reaction that must be uncoerced to be authentic does not seem to apply.

In the case of a right of return it also seems possible to identify entities with a correlative duty to seek to bring about return: they would include the government of the country of return, international organizations such as the

United Nations, European Union and African Union, and human rights and refugee Non-Government Organizations (NGOs). Historically, these are the three types of entities, governments, international bodies and NGOs, that have worked toward, and sometimes actually brought about, refugee returns. To what degree each type may be an effective implementer of a right will of course vary from situation to situation. If a government was the original agent of displacement, for example, we can legitimately wonder how soon thereafter it will recognize a right of return. On the other hand, if the government changes, or merely tolerated rather than instigated displacement, it could conceivably accept return.

Adelman and Barkan, in sum, fail to acknowledge that a right of return can be upheld through coercion, and can be the subject of duties borne by governments, international bodies and NGOs. In both these ways, the right of return amounts to more than just a free-floating moral claim. It is rather a right that can in principle be enforced. But if the possibility of enforcement makes the right of a return a genuine right, where this means more than a disembodied moral claim, it is necessary to be maximally clear on the relationship between feasibility and rights. Do rights require *any* kind of feasibility and if so in what way? Are rights more than aspirational notions, and if so how? Let us now turn to an account of rights that seeks to answer these questions.

Two Functions of Rights: End vs. Standard

Rights are tools to both bring about, and to think about, justice. Although rights often play both these roles at the same time they are not quite identical.

To see the difference it is helpful to distinguish between a right's function as an end and its function as a standard.[2]

A right is an aim when it is a goal to be implemented. When we read about human rights causes or campaigns—improving prison conditions, publicizing the mistreatment of migrant workers, launching a lawsuit to legalize gay marriage—the right in question is functioning as an aim. In this capacity rights denote a basic political minimum to which all citizens or human beings are entitled, an entitlement that rights groups, legislatures and courts variously seek to implement.

Separate from this is a right's ability to provide a standard of justice. In this capacity it offers a basis of judgement. Much of the time, a right serves as both a standard *and* an aim. Indeed, its function as an aim presupposes that it has first been taken as a standard. Important to note however it is that it is possible for a right to provide a standard even when it does not function as an aim.

Consider the example of a right to health care. To possess such a right is to be entitled to some basic minimum of medical services and treatment. But now suppose there is a hospital with resources too limited to provide all of its patients with the basic minimum of care. In such an instance it is not feasible for the right to be a hospital-wide aim. It can however still function as a standard, by providing a framework under which different options are evaluated. Suppose for example a small number of patients suffer from a condition that requires an expensive drug to treat, while a larger group of

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[2] This terminology is inspired by a distinction Agnieszka Jaworska and Julie Tannenbaum make between end-aims and end-standards (2014). Their understanding of the relationship between aims and standards differs from mine by not taking into account the considerations of feasibility I emphasize below.

patients have a disease that is cheaper to cure. Analyzing the two options by reference to the right to health care recommends buying the cheaper drug, as the right to health care will be upheld on a wider scale. Despite the fact that the right to health care cannot function as an aim at the level of the entire hospital population, it still plays an important role by serving as a basis by which to judge and rank second-best options, choosing whichever comes closest to fully satisfying the right in question.

In the hospital example a lack of feasibility prevents the right from serving as an end. It seems obvious that feasibility considerations can practically restrain rights in this way. We generally consider it pointless to try to bring about outcomes that are not possible. Of course there will be cases in which we will not know in advance whether it is feasible to aim at upholding a given right. But there are cases in which it is clear that a right has no chance of being upheld. In the early 1990s for example the government of Somalia collapsed. The right to a fair trail, like other rights dependent on the existence of a functioning government, was not possible to implement under such circumstances. At least some of the time, rights violations are so entrenched that it is reasonable to focus on coming as close as we can to upholding them, rather than seeking to bring about the impossible goal of full compliance.

This view clearly takes feasibility considerations seriously when it comes to upholding rights. But what feasibility prevents here is a right functioning as an *end*. In the hospital scenario feasibility constraints do not prevent the right to health care from functioning as a *standard*. Surely the reason is obvious. Just because we cannot fully implement a right to health care, it does not follow that we should give up upholding such a right even partially. Even in the Somalia scenario, we might judge how disputes are adjudicated by a standard

of procedural justice based on a right to a fair trail, judging the available methods by how much they approximate a fair trial.

Can feasibility considerations prevent rights from functioning not just as an end, but also as a standard? Yes, but in order for this to occur the feasibility constraint must be at a higher order of magnitude. Consider the example of a right to communicate with one's dead relatives. This is an implausible candidate for right status, and its implausibility is sufficiently demonstrated by its impossibility. Rights are normally thought of as in principle achievable, which this right is not. It therefore is reasonable to deny that there is any right to communicate with the dead, including as a right-standard.

There are thus different ways can feasibility constraints can undermine rights as aims vs. rights as standards. Feasibility concerns must meet a lower threshold of difficulty to stop rights-ends than to stop rights-standards. In 19th century Britain it was not considered feasible to have universal suffrage; in the 1950s United States it was not considered feasible to elect an African-American president; and today doubts are expressed over the feasibility of countries working together to provide an effective response to climate change. Feasibility constrains of this kind involve issues of political possibility which can change considerably over time. The unfeasibility of a right to communicate with ones' dead relatives by contrast is due to an unchanging biological and ontological fact of the human condition, that of death itself. When these two types of infeasibility are not distinguished we risk inadvertently proclaiming changeable political constraints as timeliness and insurmountable barriers to progress.

Following Pablo Gilabert and Holly Lawford-Smith, we can term these two different types of feasibility constraints hard and soft (2012). Biological, physical and logical restraints are examples of hard feasibility constrains. They are typically binary: they either rule something out categorically or not at all. Cultural, political and social restraints are examples of soft constraints. They are typically scalar, in that they admit of degree. Applied to the two functions of rights, scalar infeasibility can prevent a right from functioning as an end to varying degrees. To the degree that government institutions have gradually reclaimed control of Somalia, for example, one feasibility barrier to upholding the right to a fair trial will be removed, even if others may remain. To the degree that Somalia is an impoverished society, its poverty imposes another feasibility constraint on the degree of rights-protection its citizens can realistically expect. But as government institutions and poverty are both social phenomena, the feasibility barriers in question are categorically different from the binary infeasibility death poses to the right to communicate with the dead. Nothing in the laws of nature or logic prevent Somalia from one day becoming a fully rights-respecting society. Even in its most anarchic period, the feasibility barriers to upholding rights in Somalia were scalar rather than binary.

Applied to Adelman and Barkan's argument, the feasibility consideration they cite against the right of return involves a form of soft infeasibility: the reluctance of the society of origin to re-admit people it has expelled. The underlying barrier to return in such instances is an intolerant and unwelcoming attitude toward the expelled. Such an attitude does seem sufficient to undermine a right of return as an end. But in order to rule out a right of return altogether feasibility considerations would need to rule out

such a right as both an end and a standard. And the right of return's function of a standard in a given scenario does not depend on it functioning as an end. Like any right it can still have value as a standard, including in situations in which it cannot function as a feasible end.

If return is a right, what value can it have in scenarios in which it cannot be implemented? One value it can have is to help determine which of the available options is best. Another value is that it can help guide the ongoing development of political institutions and norms with an eye to reducing the feasibility constraints on return in future instances of displacement.

To see the first kind of value, consider a refugee scenario in which widespread return is not a realistic option. The available options may include outcomes that resemble return to a greater or lesser degree. One way they may differ for example is in relocating refugees to two different locations, one of which was much closer and more similar to their country of origin. Alternatively, one option may involve preserving the cultural identity of a group of refugees and their cohesiveness as a group, compared to other alternatives that involve dividing the group and scattering its members across different locations. In both choice situations, even though return is not possible, the right of return can be invoked as a standard by which to judge the two available options, recommending the one that most closely resembles actual return.

Some might question how valuable this use of a right of return really is. Consider the example of Jews expelled from Spain during the Inquisition. Might there have been value in them simple getting on with their lives as opposed to continuing to think of themselves as Spanish in some way?[3] This

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[3] I owe this objection to an anonymous reviewer.

objection however draws a false contrast between continuing to being able to function within one's culture of origin and getting on with one's life. Consider the example of Heinrich Blücher who, like his wife Hannah Arendt, was a refugee from Nazi Germany. After the couple found refuge in the United States, Arendt thrived as a successful academic. Blücher by contrast experienced a decade of melancholy and unemployment. 'Politically he was grateful for his refuge, but socially he was bewildered,' Arendt's biographer wrote. 'Throughout his first year in America, Blücher was disoriented. Learning English was painfully difficult' (Young-Bruehl 2004: 165). Blücher, far from unique, illustrates an all too common outcome for people forced to flee their societies of origin. Preserving some ability on the part of refugees to function in their culture of origin will in many cases make it more rather than less likely that they will get on with their lives.

The second value of a right of return is that it can serve as a design principle to apply to future political norms and institutions. Adelman and Barkan characterize the Dayton Peace Agreement, which marked the end of the Bosnian War in 1995, as the first peace treaty to include a right of return that was supported by the international community. A right of return could serve as a principle by which to outline similar peace agreements in the future. Alternatively, there is a view among rights advocates that human rights clauses should be written into trade agreements (Douglas et al. 2004; Hafner-Burton 2009). A right of return could conceivably be included among such rights. Or the United Nations might be reorganized so as to give UNHCR more resources in dealing with refugee-producing states. Such states might alternatively or additionally be subjects of boycott campaigns seeking to pressure them to respect a right or return. Finally, the right of return might be

promulgated as a norm that should be enforced by the international community, similar to how the responsibility to protect, for better of for worse, has recently been proposed as such a norm.

Considerations of this kind are forward looking. As such they are unscathed by Adelman and Barkan's critique, which is backward looking. Such considerations show that even if a right of return has not had an effective enforcement mechanism to date, this does not rule out the possibility of it obtaining some such mechanism in the future. This suggests there is a third option in between an effective right with a reliable enforcement mechanism and a free-floating claim with no such enforcement mechanism. There is also the possibility of a moral claim that compels one to create an enforcement mechanism—to make someone subject to a duty of enforcement. This impulse is a longstanding one in the history or rights-respecting institutions, and it is not undone by considerations of the kind Adelman and Barkan cite. For all these reasons, the right of return can have value as a standard even when it is not feasible to implement as an end.

Nevertheless, a critic might still maintain that while there is value in applying a rights-based standard to refugee scenarios, the right of return per se will not provide this standard. Rather the standard will be provided by the underlying normative justifications for a right of return.[4] Different proponents of a right of return have appealed to different justifications. One view for example holds that return is rooted in a right of residency and occupancy in the refugee's country of origin (Halwani 2008; Moore 2015). Another view holds that return is justified by a background right to re-occupy the status of someone's whose rights are protected by their state of origin (Lamey

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[4] I owe this objection to Rekha Nath.

forthcoming). I have deliberately not taken sides in this debate here in order to focus on overcoming the feasibility objection, which is directed at every account of a right of return rather than one particular justification. But let us imagine for the sake of argument that a right of return is based on a prior right to occupy a particular territory of origin. It would be this underlying territorial right, not the right of return per se, that would provide the relevant standard. Similarly, we might imagine a right of return being an outgrowth of a prior right to be part of the refugee's original political community. Again it would be this prior right of belonging that would function as a standard of guidance. The right of return, on this objection, will play no role in helping decide which available option is best.

This objection overlooks how a right of return affirms moral claims above and beyond the relevant background rights. Whatever the correct background rights turn out to be, the right of return makes a separate affirmation about the moral status of refugees.

The Arendtian tradition of theorizing about refugees holds that because they are not protected by law, although they may still in some sense deserve various moral entitlements, these entitlements lack the importance or priority that has traditionally been noted by bestowing them with the status of a right. Hence the remark of Adelman and Barkan that when the law ends, so too do the rights of humans. Thinkers in the Arendtian tradition thus do not deny that human beings in general possess territorial, belonging or other rights. What they reject rather is that such rights *extend to refugees*. Affirming a right of return is a rejection of this view. It affirms that refugee status does not change a person's entitlement to the moral goods protected by background rights.

There are some social roles a person can adopt that can see them lose some rights. Soldiers for example lose the right not to be targeted in warfare. The right of return affirms that refugee status is not a role that sees its occupant lose background rights. A right of return thus goes beyond simply affirming the relevant background rights by specifying that coming to occupy refugee status is not a defeater for the possession of such rights. Saying that a right of return plays no role in serving as a rights-standard in non-return is therefore inaccurate, as it is in virtue of possessing a right of return that refugees remain bearers of the background right or rights in question.

Conclusion

The largest refugee crisis of the second half of the 20th century occurred in 1971, when over ten million people were displaced from what was then East Pakistan to India. Refugees in the Indian town of Basarat were described as "so thick on the streets that cars can only inch through. Refugees overflow every doorstep, porch and empty building" (Schanberg 1971). When Bangladesh gained independence 18 months later, the same people formed the largest refugee return in history. Although the sheer number of refugees able to return in this case was unique, mass return as such was not. Afghan refugees have existed in Pakistan in large numbers since Afghanistan experienced a communist coup in 1978. In the years following the fall of the Taliban in 2001 millions of refugees, including many who had spent their entire lives in Pakistan, moved to Afghanistan. "The three generations of Afghan refugees in Pakistan all have slightly different expectations," one aid official involved in the mass relocation observed in 2014. "For the younger two generations who choose to repatriate, they have never lived in their own country, but they've decided that it's time to try" (James 2014).

These cases should be born in mind alongside their more tragic counterparts from Western Sahara and elsewhere who are unable to return. Although return is sometimes politically impossible it is not necessarily so. Return, crucially, has been a reality for millions of refugees. As important as the non-ideal reality of refugees is, and as real as the challenges to return can be, return ultimately remains within the realm of political possibility. As such, the challenges facing a right of return should not be regarded as so strong as to disqualify return as a right. And as we have seen, even when return is not possible, the right of return can still function as a rights-standard, providing a model for how to apply other rights to other situations of non-ideal justice. For both these reasons, we should endorse a right of refugee return. Of course, to do so is not to say return will always be the best course of action to pursue, all things considered. The reality of long-term displacement means that there will be cases in which local integration or resettlement is the better option compared to holding out for return, which could potentially prolong refugees' misery. Nevertheless, until we live in a world without refugees, return will be not only a dream but a right.

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