

*War Refugees: Risk, Justice, and Moral Responsibility*

The current refugee crisis is unparalleled in history in its size and severity. According to the United Nations High Commissioner for Refugees (UNHCR), there are roughly 60 million refugees worldwide, the vast majority of whom are refugees as the result of wars and other military actions.<sup>1</sup> This social and political crisis—1 in every 122 humans is a refugee—cries out for normative explanation and analysis.<sup>2</sup> Morally and politically, how should we understand this crisis? How should we respond to it, and why?

In this book, I undertake a full-length philosophical treatment of the refugee crisis from a normative political and moral standpoint. Using arguments and principles drawn from just war theory, applied and normative ethics, critical race theory, and philosophy of gender, I argue that refugees have suffered a series of injustices and oppressions, and so are owed recompense and restitution of various kinds by the institutions responsible for their refugee status. I conclude by exploring the moral responsibilities of refugees themselves; for, in order to respect them as moral actors as well as people who have been acted upon, it is necessary to consider what obligations and duties refugees have, as well as what is owed to them.

Much of the classic philosophical literature surrounding refugees has focused on who, precisely, counts as a refugee and why. While this is an interesting and important philosophical question, I leave it aside to focus on the moral status of refugees. And conversely, much of the contemporary philosophical literature has focused on what we owe to refugees in virtue of our shared humanity. In other words, what do we owe to refugees simply because they, like us, are people? This is also an essential question; however, I also leave it aside in order to have a comprehensive discussion about the moral status of refugees as refugees. What do we owe to refugees, specifically *because* they are refugees, and why? What, if anything, do refugees owe to us?

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1 UNHCR. 2015. "UNHCR Mid-Year Trends 2015." The UN Refugee Agency, Geneva, Switzerland.

2 UNHCR. 2016. "UNHCR Global Appeal 2016-2017." The UN Refugee Agency, Geneva, Switzerland.

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The introduction will consist of a brief history of refugees, focusing on the international laws and statutes put into place in response to the post-World War II refugee crisis. This serves to situate the book within the actual political and moral dialogue surrounding refugees, as well as to make the reader aware of the relevant background and context. The introduction will also discuss the classic philosophical issues surrounding refugees in international relations theory and just war theory, namely, the definition of refugee, the principle of non-refoulement, and the right of asylum. The introduction will conclude by placing these philosophical issues within our contemporary political context. Again, the focus here is make salient how much these issues should matter, not only to political and moral philosophers, but also to concerned citizens of our world.

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Chapter 2 begins with the claim, familiar from just war theory (and echoed in popular culture), that war refugees are morally liable for their current situation because they took a moral risk when they chose to flee. More broadly, the thought goes, if you knowingly take a risk, then you are morally responsible for the consequences of that risk.<sup>3</sup> This view is mistaken when it comes to war refugees, however, because war

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<sup>3</sup> This view is espoused by Jeff McMahan in his seminal work *Killing in War*. McMahan, Jeff. 2009. *Killing in War*. Oxford: Oxford University Press.

refugees have a compelling moral reason for taking the risk that they do. Namely, they are trying to save themselves and their families from becoming so-called collateral damage. This compelling moral reason for fleeing, I argue, makes it the case that war refugees are not morally liable for their current situation; rather, that moral liability falls to those who made the risk of flight a practical necessity. Refugees should not be blamed or held responsible for the bad actions of others.

### 3. **Who Owes What to War Refugees**

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Chapter 3 argues against the common view that the suffering of war refugees is a wrong-less harm. This common view states that although war refugees have been made worse off in severe ways, they have not been wronged (in some cases), because no one intentionally caused their suffering. In military (and popular) parlance, war refugees are collateral damage. As such, nothing is owed to them as a matter of justice, because their suffering is not the result of intentional wrongdoing; rather, it is the regrettable and unintended result of necessary and proportionate wartime actions. So, while the warring national or extra-national groups might help war refugees, such aid is regarded as humanitarian, not as justice.

I challenge the view that war refugees are harmed (i.e., their interests are made worse off) but not wronged (i.e., their rights are not violated) when those harms directly result from necessary and proportionate wartime actions. War refugees are innocent bystanders, and so are an exception to the principle that permits defense by any necessary and proportionate means. Just as an individual may not kill or seriously harm an innocent bystander to save herself, so too national or extra-national groups may not create refugees to win a war. If such groups do create war refugees during the legitimate pursuit of military goals, they have wronged those refugees, and so owe them recompense. I conclude this chapter with a brief discussion of what forms such recompense might appropriately take. (This chapter was published

previously in article form in 2016: “Who Owes What to War Refugees,” *Journal of Global Ethics* 12 (3): 327-346.)

#### 4. **The Oppression of War Refugees**

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Having established that war refugees are wronged as well as harmed, chapter 4 goes on to contend that they are oppressed, as well. I begin by drawing attention to the fact that war refugees, in addition to being refugees, are also overwhelmingly likely to be either women, children, persons of color, or members of some other systemically oppressed (to use Marilyn Fricker's term) group. As members of these systemically oppressed groups, refugees are especially vulnerable to straightforwardly oppressive harms and wrongs. However, war refugees are not only oppressed in virtue of being women, children, or persons of color; they are also, I contend, oppressed *insofar as* they are war refugees. “Refugee,” like gender, race, class, and ability, delineates an axis of oppression. I demonstrate, via Fricker's concept of systemic oppression, Young's five faces of oppression, and Frye's concept of oppression as a series of double binds, that refugees, as refugees, are an oppressed group or class of persons. This oppression generates a general obligation to take due care with war refugees, to be sensitive to their (often multiple and intersecting) oppressions, and to protect and help them in the ways that they want to be protected and helped. And furthermore, it generates obligations of justice to change the social structures, norms, and laws that create, enable, and contribute to that oppression.

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At this point in my argument, it becomes necessary to turn to the question of who is responsible for refugee justice. I have argued that the ongoing refugee crisis is an extraordinarily complex problem of widespread injustice, involving serious harms, wrongs, and oppressions. Given this, it is not surprising that there is serious disagreement, both philosophically and politically, about who is responsible for solving the problem. Does the relevant obligation fall to individuals, or to institutions? In chapter 5, I argue that institutions are primarily responsible for refugee justice, for the straightforward reason that institutions are primarily responsible for the creation of war refugees. Then, I go on to argue that, even if I am wrong at the theoretical level, my argument still holds at the practical political level. Let us assume that individuals, not institutions, are responsible (strictly speaking) for solving the refugee crisis. At a practical political level, the only way for individuals to successfully discharge this obligation is via various institutions. So, I conclude, the result is the same, regardless of whether the obligation lies with individuals or institutions: institutions are responsible for refugee justice, and that justice will involve providing morally appropriate recompense and restitution of various kinds.

## 6. **The Moral Responsibilities of Refugees**

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- a) Migrants versus Refugees
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### 6.4. The Obligation to Get Along

- a) Taking Up Political Norms
- b) Avoiding Active Subversion

Chapter 6 explores the moral duties and obligations that refugees owe to others. I contend that war refugees have many, although not all, of the moral obligations that ordinary persons have, with the important exception that refugees cannot, at least for some time, be held responsible for knowing and adhering to the laws of the state they come to inhabit. To hold refugees responsible in this way is to make a straightforward moral mistake. In addition, refugees do not have an obligation to take up the cultural and social norms of the state they come to inhabit; while there is some argument that migrants have such an (admittedly imperfect) obligation, refugees do not, in virtue of their cultural, social, and political relocation being forced by practical necessity. But conversely, refugees do have an obligation, insofar as it is possible, to try to get along in the state they come to inhabit. This may include taking up (some of) the political norms of their new state, and at the very least it will include not actively working to subvert that state's cultural and social norms. This, I conclude, is what refugees owe to others.