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Refugees, Safety, and a Decent Human Life¹

Abstract

In this paper, I explore how engaging with refugee voices might contribute to more nuanced and informed philosophical responses to refugee movements. I also highlight a common methodological approach in political philosophy and propose that there are virtues in rethinking it. The common approach assumes that first ‘we’ need to settle ‘our’ views about the requirements of justice, and then apply these fixed ideas to questions about migration and other such topics. Instead, I ask what might happen if that order is revised.

I. Introduction: Look Who’s Talking. This paper begins with two ‘texts’: an exhibition and a book. In the summer of 2017 I visited ‘Call me by my name: stories from Calais and beyond’ at London’s Migration Museum Project. It documented fragments from life in the ‘Jungle’—the semi-formal camp in Calais which was home to thousands of refugees and other migrants, before it was demolished by the French authorities. ‘Call me by my name’ displayed artwork by residents of the Jungle, as well as pieces from visitors to the camp and members of the public.

At the exhibition I was struck by the apparent significance of the cultural (in the sense of ‘arts and culture’) life and community in the Jungle. The pieces on display conveyed the impression that books, music, art, social spaces, learning, and creativity in general were central features of life in the camp, playing a vital role in making it a bit more bearable for the residents. This impression was reinforced by the account of Nasr Chamma, a visitor to the camp:

In The Jungle, there are many different nationalities, communities, languages and the cultural life is vivid and vibrant. There are many things for the *mind* but almost nothing for the *body*; the physical conditions are terrible. Residents have personalized their environment and created socio-cultural spaces like schools, churches and mosques, community kitchens and makeshift restaurants. The vivid community life and this certain sense of “freedom” are the two most important characteristics that were mentioned by almost every resident of the camp... These places are not only for learning but also for gathering, meeting with others, talking, playing games and music, doing art ... They are the breathing spaces of the camp (Chamma and Komlosi 2016, emphasis in the original).

One reason this observation about cultural life in the Jungle made such a mark on me is that the importance of art, creativity, and cultural community are rarely emphasized in public discourse about refugee movements, and appropriate responses to them. It is also an aspect of refugees’ experiences that is missing from prominent philosophical literature in the ethics of migration. Of course, many issues do not receive due consideration in popular and academic debates for all sorts of reasons, but I suspect this particular omission is not just coincidental. Rather, it is likely to be a symptom of a wider phenomenon, already familiar from much contemporary political and philosophical discussion about refugees: the near

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absence of the voices of refugees. Little attention is paid to what refugees, other migrants, and displaced people say about their own experiences, intentions, and aspirations.

My visit to the exhibition happened to take place at a time when I was re-reading David Miller's *Strangers in Our Midst: The Political Philosophy of Immigration* (2016). One striking feature of the book is Miller's definition of a refugee, and the implications that Miller draws from it. According to the international legal definition of a refugee—which comes from the 1951 Convention Relating to the Status of Refugees, and the 1967 Protocol Relating to the Status of Refugees—a refugee is a person who, 'owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality [or, for those with no nationality, is outside the country of former habitual residence] and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country' (see UN General Assembly, 1951). Like many political philosophers who turn their attention to this subject, Miller asks whether this so-called 'Convention definition' is too narrow, failing to capture the full range of people who should be considered refugees.²

In a move away from the international legal definition and its focus on the fear of persecution, Miller argues that we should understand refugees 'as people whose human rights would be unavoidably threatened if they remain in the place they inhabit, regardless of whether the threat arises from state persecution, state collapse, or natural disaster' (Miller 2016, p. 167). It is the unavoidable threat to human rights that is the distinguishing factor, rather than the source of that threat. In one sense, this expands considerably on the Convention definition. Thus it might appear as though Miller's preferred definition would cover all the people already considered refugees under the Refugee Convention, and then also include millions more people who do not qualify as Convention refugees.

However, Miller's definition is revisionist in two other respects as well, and these revisions end up restricting its scope. First, for Miller, refugeehood relates to conditions in the place the person *currently inhabits*, whereas on the Convention definition refugeehood relates to the conditions in the person's country of origin (country of citizenship or habitual residence). Second, the unavoidability of the threat to human rights is crucial on Miller's account. Whereas the Convention definition focuses on the actual conditions in the person's country of origin, Miller's definition asks us to do more than assess the existing situation. There is a 'counterfactual element' central to his understanding of a refugee: could the threat to human rights 'be averted without the person moving, for example by creating a safe haven within current state borders for those displaced by civil war or by erecting temporary accommodation for earthquake victims'? If the threat 'could' be averted without the people in question crossing borders, then their human rights are not at unavoidable risk in the country where they currently live, and they are not refugees on Miller's view (Miller 2016, pp. 167-8).

Miller distinguishes between refugees and 'economic migrants'. According to him, economic migrants are all the people who move for any reason other than unavoidable threats to their human rights (Miller 2016, pp. 167-8). This distinction is a key feature of his argument,

² See also Shacknove 1985, and Gibney 2004, pp. 7-8, who also argue that the Convention definition is too narrow.

because he maintains that states have considerably more stringent duties to refugees than to the people he calls economic migrants (Miller 2016, p. 78). In particular, he emphasizes that states have a duty of non-refoulement. This duty, as laid out in Article 33 of the 1951 Refugee Convention (as well as in other human rights conventions, and now considered a principle of customary international law, binding on all states) prohibits states from returning refugees to places where their lives or freedom may be at risk, for reasons of race, religion, nationality, membership of a particular social group or political opinion. As I will discuss further in Section IV, according to the Refugee Convention, states have a number of duties to refugees who have arrived on their territory—including the duty not to penalize refugees for illegal entry.³

The implications of Miller's refugee definition are laid bare at the end of the book, in a postscript about 'the European Migration Crisis of 2015'. There Miller wonders whether the so-called crisis presents a challenge for the position he has defended, and particularly the way in which he has drawn his distinction between refugees and economic migrants. A possible source of discomfort, Miller notes, is that on his definition some refugees essentially become 'economic migrants' simply by moving on. For example, refugees from Syria who move from, say, 'underfunded refugee camps' in Jordan and Lebanon to Greece, or from Greece to Germany, do not appear to 'qualify as refugees' any longer, because they were 'already located in places where their basic rights either are or could be secured' (Miller 2016, p. 168).⁴ This way of characterizing the issue is in direct tension with UNHCR's (the UN Refugee Agency's) own guidance on the question. UNHCR emphasizes that 'a refugee does not cease to be a refugee... simply because they leave one host country to travel to another. A person is a refugee because of the lack of protection by their country of origin' (UNHCR 2016, emphasis in the original). Some people who qualify as Convention refugees would *not* be refugees on Miller's account. In the end, though, Miller concludes that people who, in his words, have 'decided to quit refugee camps in which they were protected against attack but where opportunities to work were inadequate' in order to move on elsewhere do *not* qualify as refugees, and that it is legitimate for European governments to take steps to discourage and deter them from entering their territories (Miller 2016, pp. 169-71).

This conclusion did not sit comfortably with the evidence from the Calais exhibition. I was concerned about the suggestion that people effectively forfeit their refugee status—and so the set of special entitlements which accompany that status—if they move on from places where it assumed 'they are protected against attack', as I shall explain in more detail in the course of the paper.

Experiencing these two related but quite different texts at the same time prompted me to draw comparisons and contrasts between them. One clear difference between the exhibition and the book is the degree of engagement with refugee and other migrant perspectives. Whereas Miller is concerned to give voice to 'popular anxieties about immigration', he shows

³ See the helpful analysis in Hathaway (2005, chapter 3). As Hathaway explains, and as I will explore in more detail in Section IV, refugees acquire additional rights in a state of asylum as their attachment to it develops. There are some core rights to which refugees are entitled as soon as they are under a state's jurisdiction—and they can be under a state's jurisdiction without being in its territory.

⁴ Miller focuses on people who reside in or leave refugee camps (2016, p. 166, 168, 170). Yet it is worth emphasizing that, according to UNHCR estimates, around 69% of refugees are living outside camps (UNHCR 2017). The proportion of Syrian refugees in the Middle East living outside camps is even higher, at around 85% (Crisp 2017, p. 95).

less concern about engaging with the anxieties of refugees and other migrants (Miller 2016, p. 10). In fact, he explicitly cautions against judging an immigration policy ‘by thinking about the way in which it might affect specific individuals who were subject to it’—by which he means the ways in which it affects *migrants*, rather than the ways in which it affects resident citizens (Miller 2016, p. 159). A complex set of issues around which voices dominate and are heard, and which are marginalized, ignored or silenced have risen to greater prominence in the discipline, thanks to important work in areas such as feminist philosophy and critical philosophy of race (see for example hooks 1981; Lugones and Spelman 1983; and Mills 1998). I would like to bring these concerns to bear on debates in the ethics of migration.

This paper has two main objectives. The objectives are both methodological and substantive. First, I want to think about how listening to and engaging with voices of refugees and other migrants might contribute to a more nuanced understanding of refugee and other migrant experiences and thus help inform a ‘realistic’ (in the straightforward sense of ‘in touch with reality’) and sympathetic approach to refugee movements.⁵ I concentrate on the case of so-called ‘onward movements’, sometimes called ‘secondary movements’. Refugees have left their country of origin. They may transit through various countries along their journey. They may stop temporarily—weeks, months, years—in a country before moving on. They may or may not seek formal protection in countries through which they pass. ‘Onward movement’ is the name given to the (uncoordinated, usually irregular—without the required authorization and/or documentation) movement of asylum seekers and refugees, from a country in which they have sought or supposedly could have sought some form of international protection, to other countries. These onward movements are the focus of much critical and political attention, as many states and transnational actors seek to manage and curtail them.⁶ The ‘safety’ of refugees and other migrants, and the ‘safety’ of countries are frequently invoked in this debate, usually to legitimize, or more often delegitimize, particular movements. I explore the role of discussions about ‘safety’, and reflect on what refugees and other migrants actually say about their own safety, and their reasons for moving.

Second, I aim to highlight and reflect on a common methodological move in political philosophy in general, and in the ethics of migration in particular, and to propose that there are virtues in rethinking or at least supplementing that approach. The common move in question is to think or assume that first ‘we’ need to settle ‘our’ views about ‘the requirements of justice’—something that is done by reading (primarily philosophical texts, and particularly other work theorizing about justice) and thinking carefully. Then these more or less ‘fixed’ ideas are applied to questions about migration and other such topics. For example, Miller writes that ‘we can’t think properly about the specific issue of immigration without knowing where we stand on the wider issue... which is whether and to what extent states are justified in showing what I shall call “compatriot partiality”—treating their own citizens more favourably than outsiders’ (Miller 2016, pp. 20-21). But perhaps it is possible that we cannot think properly about the requirements of justice (or other crucial theoretical

⁵ The importance of a ‘realistic’ approach to the political philosophy of migration is a central theme of Miller’s *Strangers in Our Midst*. My paper represents an implicit critique of Miller’s understanding of what a ‘realistic’ approach should involve.

⁶ The term ‘onward movements’ is controversial, because it seems to characterize movement as a problem and to imply that refugees and asylum seekers should remain in the first place where they could have sought protection. I use it for the purpose of highlighting the tendency to problematize refugee movements.

questions) without first or simultaneously thinking carefully about migration and other such issues, or at least that thinking about those issues will help us to clarify and modify our provisional thoughts about the requirements of justice. Furthermore, as I wish to suggest, perhaps listening to the voices of refugees and other migrants may help us all to engage productively with some important and enduring controversies in debates about the requirements of justice. What follows is an attempt to think about how to put these ideas into practice.

II. Listening and Speaking. The call for philosophers to ‘listen to the voices of refugees’ might sound straightforward enough, but what does it demand? How should it be done? Who should be listening? Listening to whom? In this paper, I draw from interviews, newspaper articles, talks, documentaries, and surveys, but there are various alternative and/or complementary approaches and sources. Of course, many well-known students and scholars of philosophy are and were refugees and exiles, and some—such as Hannah Arendt and Isaiah Berlin—famously engaged with their own experiences of displacement in their work (see for example Arendt 1986 [1951], and Berlin and Lukes 1998). One obvious and important way of foregrounding refugee perspectives in philosophical discussion is via the writing and participation of philosophers who are or were refugees.⁷

In addition, alongside refugee perspectives, there are other people that will have much to contribute to the discussion. For example, there are those who are not displaced but who are bearing witness, such as reporters, aid workers, scholars, residents from countries of origin who are not themselves at risk of persecution, and people in neighbouring countries. There are the people who have not and often cannot cross borders but are internally displaced. There are also the contributions of people who reside in the countries hosting large refugee populations.

Then there are the numerous hazards that a project like mine should try to avoid. For example, there should be no suggestion that refugees and other migrants speak in a single voice. Refugees may have nothing more in common with each other than the experience of crossing borders in search of protection that cannot be found in their countries of origin. Generalizing from the comments of some refugees will obscure myriad differences in individual (and group) experiences, attitudes, and aspirations.

What is more, some people will speak out and be heard, while others will not. When the voices of refugees are mediated through surveys and interviews, extracted into pithy quotations, paraphrased and abridged, we are seeing only a fragment of the wider picture, and perhaps even a tidied-up version of the messier original. Some comments fit more neatly with favoured narratives than others, and are repeated and repackaged as a result. Any attempt to engage with refugee and other migrant voices must acknowledge that the result is inevitably a selective, incomplete, partial representation, and forms just one contribution to a wider discussion and set of narratives.

⁷ Here I draw attention to two exciting-looking books, not yet published at the time of writing, which explore themes of exile and dislocation through the work of philosophers, such as Arendt, Berlin, and Adorno, with personal experience of displacement: Benhabib (2018), and Stonebridge (2018).

This brings us on to concerns about how refugees are represented—in news reports, popular discourse and imagery, academic literature, through humanitarian agencies, and so forth. Much of what follows highlights forms of suffering that many refugees experience, but there is a danger that this kind of focus perpetuates the widespread impression of refugees as mere helpless, passive victims rather than as competent, autonomous agents (see Greussing and Boomgaarden 2017). A consequence of the common ‘passive victim’ picture is that it seems to lend support to the problematic practice of leaving refugees out of refugee-related decision-making processes, policy planning, and institution building, as though refugees can only be on the receiving end and cannot be active participants in the schemes and policies shaping their lives. Since a central aim of this paper is to emphasize the importance of engaging with refugee voices in order to foreground their perspectives, improve understanding, and develop appropriate responses, it is crucial to acknowledge the risks of one-sided and/or inaccurate representations of refugees.

Moreover, it has not escaped my notice that there may seem to be something strange about an academic who is not a refugee, and who is speaking from a position of relative privilege, arguing about the importance of making space for the voices of refugees. I cannot claim to represent or speak on behalf of refugees, and in a sense I am speaking in their place. For someone who is making the case for listening, I appear to be doing a lot of the talking. Shouldn’t I just move over and give this space to refugees themselves?⁸

Indeed, worse than speaking in another’s place is the inappropriate or even exploitative use of another’s experiences. The stories and experiences I draw on here are not my own. Elizabeth V. Spelman cautions about ‘borrowing’ from the suffering of others and then ‘compounding’ that suffering, ‘by expropriating yet another product of the horrific labors of the sufferers—their now “exemplary” experiences of suffering’ (Spelman 1997, p. 10). These experiences are not commodities, to be used and sold in the service of others’ ends. It will be particularly important to bear this in mind in Section VII, where I consider the positive contribution refugee voices may add to debates about justice and ‘a decent human life’ in political philosophy.

At the same time as acknowledging the risks of this exercise, though, it is also crucial to note the dangers of staying silent and retreating from philosophical discussion about migration and refugees, especially at this moment. The ways in which countries across the world respond to the movements of refugees and other migrants is one of the defining issues of our era. My paper is a tentative attempt to think about how to listen and how to speak in this context—and about the potential pitfalls of doing both, either, or neither.

⁸ On these questions about speaking for others and speaking in their place, see the instructive analysis in Alcoff (1991-92).

III. 'They have already left safe countries...' Miller accepts what he sees as an implication of his revisionist definition of refugees: that people should no longer be considered refugees if they leave host countries where they are, or could be, 'protected from attack'. I will argue that this way of characterizing refugees could have serious—even harmful—consequences for many of those who move on in search of protection, particularly if it is understood to legitimize turning people away at the border without proper assessment of their status, or penalizing them for illegal entry.

Miller's position on refugees feeds into a wider set of narratives and longstanding policy debates about refugee movements, which I will outline here. Beyond political philosophy, the debate over refugee onward movements—and attempts to curtail those movements—is often framed in the language of 'safety'. In this section, I will critically explore the widespread assumption that there is an essential connection between refugeehood and the absence of safety (usually narrowly construed), and I will emphasize how this assumption affects attitudes and responses to onward movements.

Turning back to the example of the Jungle, the residents of the Calais camp were refugees and other migrants who had reached France and wished to enter the UK. Many were from Syria, Afghanistan, Eritrea, Somalia and Sudan, and wanted to apply for asylum in the UK. Some had family in the UK and were waiting to be reunited with them. They were in Calais in part because they were prevented, temporarily or permanently, from using legal routes to cross the border into the UK. The British government made no secret of its determination to keep out as many of the Jungle's inhabitants as legally possible. In Parliament in 2016, the then UK Prime Minister, David Cameron, infamously made the following comment about residents of the camp. Referring to Labour leader, Jeremy Corbyn, and shadow Chancellor, John McDonnell, Cameron said: '...They met with a bunch of migrants in Calais, they said they could all come to Britain. The only people they never stand up for are the British people and hardworking taxpayers' (quoted in Mason and Perraudin 2016). A number of Cameron's political opponents accused him of employing 'inflammatory' and 'dehumanising' language (Mason and Perraudin 2016). In using the phrase 'bunch of migrants', Cameron was understood to be implicating that the people in question were not refugees.⁹

In fact, many of the Jungle's residents were Convention refugees, as Cameron well knew. Recall the Convention definition of a refugee, according to which a refugee is a person who, 'owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, ... is outside the country of his nationality [or, for a person without a nationality, outside his/her country of habitual residence] and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country'. There is a great deal of debate (legal, philosophical, political) about how to understand the different elements of this definition, and indeed whether it ought to be

⁹ The official response is interesting (and I think revealing) here. 'A spokesperson for the prime minister said: "The point the PM was making was that he very strongly disagrees with the approach that Labour are now taking, which is to allow people from Calais into Britain, to open the doors to migrants. That will only make the situation in Calais much worse. It will produce a huge draw to Calais..."', quoted in Mason and Perraudin (2016). Thanks to Eliot Michaelson for discussion about Cameron's utterance.

amended.¹⁰ However, most parties to the debate are willing to recognize this at least as the *minimum* core of refugeehood. In addition, it is not generally disputed that everyone has a human right to seek and to enjoy in other countries asylum from persecution (Article 14.1, Universal Declaration of Human Rights). To seek asylum in other countries, a refugee must cross borders (and by definition a Convention refugee is already outside his or her country of origin). Often the critical question is where may people go in search of asylum.

An obvious challenge for refugees is that states are under no obligation to go out and offer asylum to refugees who are beyond their jurisdiction, and it is assumed that sovereign states have the right to control the entry of non-nationals into their territories. For most refugees, the first step towards acquiring asylum is to arrive ‘uninvited’ on the territory of another state and submit an asylum claim. Once a refugee presents on a state’s territory, the duty of non-refoulement is supposed to prohibit that state from returning the refugee to places where her life or freedom may be at risk.¹¹ In practice, so as not to breach the duty of non-refoulement, the receiving state ordinarily must admit the person seeking asylum at least as long as the person’s asylum claim is being assessed (see Gammeltoft-Hansen and Hathaway 2015, p. 238).

However, the next challenge for refugees is that there are many barriers to accessing protection. It is common practice (even for states that are formally committed to respecting the rights of refugees under international law) to put in place a variety of *non-entrée* measures, designed to prevent asylum seekers from reaching their territories and triggering any protection responsibilities there (Hathaway 2005, p. 291). These policies include imposing visa requirements that ensure nationals of certain countries cannot enter the country legally, and the use of carrier sanctions which are penalties for those who transport people without the relevant documentation.

Reaching a state’s territory is far from the only challenge. Even once refugees have arrived on the territory of a state, there are circumstances in which that state might remove them, without giving them the opportunity to apply for protection, and send them back to a country through which the refugees have travelled. These are so-called ‘safe third country’ practices, which I address in the next section. For example, the well-known and much strained Dublin System in Europe usually allocates responsibility for processing an asylum seeker’s claim to the first (participating) country of arrival.¹²

¹⁰ Interpretations of ‘persecution’ can be more or less expansive. It is worth noting UNHCR’s definition of refugees as ‘people outside their country of origin because of feared persecution, conflict, violence, or other circumstances that have seriously disturbed public order, and who, as a result, require ‘international protection’ (UNHCR 2016).

¹¹ Many lawyers maintain that states have non-refoulement obligations to any asylum seekers who come under their jurisdiction, even where the state is exercising its authority beyond its own territorial borders. See the discussion in Gammeltoft-Hansen and Hathaway (2014, section III).

¹² See Costello (2015, chapter 6) for detailed discussion of the Dublin System. As Costello highlights, the responsible state is the one in which (in the following order of priority):

- ‘A family member of an unaccompanied minor is legally present, or if there is no such State, where the unaccompanied minor makes her most recent application;
- A family member has been recognized as a refugee or has an outstanding asylum application.
- A visa or residence permit has been issued;

In addition to the obstacles that states erect in the paths of refugees, it is clear that there is also a special kind of public suspicion of, and hostility towards, those refugees who have left or are trying to leave supposedly 'safe' places where, at least in theory, they could have sought protection, such as the refugees in France who are trying to cross the border into the UK.¹³ One commenter on a YouGov survey describes refugees crossing state borders within Europe as 'illegal immigrants (as they have already left safe countries)'.¹⁴ This sentiment is not unusual.

The emphasis on the relationship between safety and refugeehood is commonplace. While some of the emphasis on safety with respect to refugees is perfectly understandable and justifiable, much of it is actually thoroughly disingenuous, as I will illustrate. In fact, it seems that the 'safety rhetoric', as I will call it, plays a significant justificatory role in the public hostility towards—and state practices designed to prohibit—onward movements.

IV. The Safety Rhetoric. Safety is central to common understandings of how and why people become refugees. One challenge is that it is difficult to pin down what 'safety' is understood to mean and demand in this context. Sometimes it is used in a more expansive sense, to include secure material conditions, such as access to employment, but more often it is used a narrow sense, to cover just physical security. Furthermore, there is a manifest but often overlooked difference between being in a country that is considered 'safe', and being safe in that country.

The Convention definition of a refugee itself is designed to cover people who fear that their lives are at risk, and who cross borders in desperate search of safety. From the perspective of refugees and other displaced people, there is no denying that concerns about safety are often pivotal. Oxfam reiterates that, in its surveys over 15 years, 'one thing it has consistently heard is that their physical safety is the first, vital thing that displaced people are seeking' (Cairns 2016, p. 3).¹⁵

It is clear, then, that the search for safety is crucial to understanding refugee movements. There are also different stages in which the presence or absence of safety is key for refugees. First, its absence is usually central to reasons for leaving a country of origin. Second, it is ordinarily the primary thing sought in a country of refuge. Third, there is the issue of when or if refugees will be able to return to their country of origin, and that option is supposed to

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- The first irregular external border crossing took place;
 - Visa requirements have been waived for the particular applicant;
 - The application was first lodged.'

But, Costello adds that this priority ordering is often disregarded, and in the end it is usually the state in which the application was first lodged that is responsible (Costello 2015, pp. 255-256).

¹³ Britain's *Daily Mail* newspaper runs regular stories questioning the status of refugees and migrants in France. See Martin et. al (2016).

¹⁴ See the first comment here: <https://yougov.co.uk/news/2015/09/24/public-no-more-10000-refugees/>, emphasis added.

¹⁵ See also Mary Maker's TEDx talk, 'Why educating refugees matters', delivered at from Kakuma refugee camp in Kenya, in which she explains that her mother fled Sudan in search of safety for her and her children. Available here: <http://www.unhcr.org/afr/news/stories/2018/9/5b8ce07d4/why-educating-refugees-matters.html>.

hinge on the question of whether conditions there are sufficiently 'safe'.¹⁶ As UNHCR highlights, returning to their country of origin is the 'durable solution of choice for the largest number of refugees'.¹⁷ (UNHCR promotes three 'durable solutions' for refugees: local integration in the host country, resettlement in another country, and voluntary repatriation to the country of origin.) UNHCR's 1996 handbook on voluntary repatriation emphasized that its 'pursuit of lasting solutions to refugee problems' was 'oriented, first and foremost, in favour of enabling a refugee to exercise the right to return home in safety and with dignity' (UNHCR 1996). Note that it defined 'return in safety' in the more expansive sense, as:

Return which takes place under conditions of legal safety (such as amnesties or public assurances of personal safety, integrity, non-discrimination and freedom from fear of persecution or punishment upon return), physical security (including protection from armed attacks, and mine-free routes and if not mine-free then at least demarcated settlement sites), and material security (access to land or means of livelihood) (UNHCR 1996, section 2.4.).

Importantly, for UNHCR, conditions of safety include not just physical security, but also legal assurances and material security.

Since safety is key to refugee movements, it seems appropriate for it to figure centrally in responses to refugee movements. Yet, it transpires that the emphasis on safety often does not track the interests of refugees themselves. First, there is the increasingly common use of 'safe country practices' (Costello 2016, p. 604). There are the 'safe third country' policies mentioned above, where states may join together or even act unilaterally to remove or return refugees who have entered their jurisdiction to a so-called 'safe' country which then is 'supposed' to take responsibility for processing their asylum claims (Gil-Bazo 2006). There are also 'safe country of origin' practices. Here a state or group of states may declare that there is 'generally no risk of persecution' in a particular country or set of countries, and will designate those as a 'safe'. The result is that citizens and residents of the 'safe' countries will find it much more difficult, if not impossible, to secure recognition of their refugee status in countries that have made that declaration (Costello 2016, p. 605). These practices are dressed up in the language of safety. The attempts to manage and limit irregular 'onward movements' and close irregular routes are presented as designed to protect refugees and other migrants themselves from the real and myriad dangers of clandestine journeys, exploitative smugglers, traffickers, being turned away from subsequent destinations and ending up in 'orbit', and so on. However, the claim to be concerned with the safety of refugees and other migrants usually looks insincere, especially since the closing of one irregular migration route means increased use of other, often more dangerous, routes. Witness the increased number of deaths in the Mediterranean Sea that followed the 'closure' of the shorter Aegean route between Turkey and Greece (see Dehghan 2017). The safety label is affixed to policies that really reflect the relevant states' own priorities, such as controlling international migration figures, reducing irregular migration, and discouraging asylum seekers from arriving on their territories.

¹⁶ Many refugees return or are returned to their countries of origin before conditions are even approaching 'safe'. Consider here the case of Rohingya refugees and plans to return them to Myanmar—see BBC News (2018).

¹⁷ From the 'Voluntary Repatriation' page on UNHCR's website, here: <https://www.unhcr.org/en-au/voluntary-repatriation-49c3646cfe.html?query=repatriation>.

Safe country practices are controversial for a variety of reasons, not least the question marks over the criteria for determining ‘safe country’ status (how safe? In which respects? And safe for whom?). While we might expect the process to involve ‘a rigorous assessment of the actual state of human rights in the country’, explains Cathryn Costello, in reality we find that political ‘concerns about the number of asylum seekers... and extraneous political concerns dominate’ (Costello 2016, p. 610). The EU’s designation of Turkey as a safe country of origin, and well-publicised deal to return asylum seekers arriving in Greece back to Turkey, speak volumes here.¹⁸ As Mohammad, a Syrian refugee in Lesbos explained to Oxfam and ActionAid, ‘I want to tell Europe that if Turkey was a safe country, I wouldn’t have risked the lives of my wife and children and put them in the boat to cross the sea’ (quoted in Rendón and Samiou 2016, p. 5).

Many lawyers, activists and refugee advocacy groups have raised serious concerns about the ways in which these practices restrict access to asylum procedures, threaten the safety of migrants, and may be in contravention of international law, especially the duty of non-refoulement. It is important to emphasize, as María-Teresa Gil-Bazo clarifies, that the duty of non-refoulement ‘includes the obligation not to reject asylum-seekers at frontiers and to grant them access to a fair and efficient asylum or status determination procedures’ *and* that ‘there is no duty in international law for an individual to seek asylum in the first country that they enter’ (Gil-Bazo 2011, p. 2).

Additionally, it is notable that the safety rhetoric has trouble accommodating the real life practices and experiences of the many refugees and other migrants moving onwards, compelled to act in ways which may compromise their physical safety, as when people embark on dangerous journeys that could end in imprisonment, injury, torture, and death. Again, the quest for ‘safety’ is usually part of the story, but is clearly not the whole story. Ahmad Mohammad, a Syrian living in Zarqa, Jordan, fled Syria after his young daughter was shot. He says, ‘That’s why I left Syria. Now I am going to risk the danger of going to Europe for my kids. Even if I die, I need them to have a better future. Whatever it takes, I will do it’ (quoted in Cairns 2016, p. 15). Sometimes all the available options are dangerous. Note Patrick Kingsley’s description of the decision many African migrants make once they are in Libya and encounter unendurable conditions:

Without proper paperwork, they can’t ask for help from their embassies—many of whose staff, in any case, have left the country while the hostilities continue. There’s little point to returning the way they came—across the desert—because the cost and risk of death is as great if not greater than crossing the sea. So the sea suddenly becomes the realist’s choice (Kingsley 2016, p. 68).

There is also something troubling about the assumption that refugees ought to be satisfied with safety (particularly simply physical safety), that this is all they can reasonably expect, and must prize above all other considerations, as refugees. While it is true that the search for safety is key, refugees are entitled to expect more than safety—especially more than safety narrowly construed. UNHCR itself emphasizes, as Katy Long and Jeff Crisp point out, that “‘effective protection” in a country of first asylum must include access to adequate and

¹⁸ See the European Commission’s statement: [http://europa.eu/rapid/press-release MEMO-16-4321_en.htm](http://europa.eu/rapid/press-release_MEMO-16-4321_en.htm). On the dire human rights situation in Turkey after the 2016 attempted coup, see <https://www.hrw.org/news/2018/07/20/turkey-normalizing-state-emergency>.

dignified means of subsistence’, and in fact ‘that failure to ensure this is a justification for continued movement’ (Long and Crisp 2010).

The immediate priority is for refugees to escape the danger in the country of origin, but the duties of host countries party to the 1951 Refugee Convention and 1967 Protocol far exceed the provision of conditions necessary for safety (narrowly or more expansively defined). As Hathaway highlights, ‘while all refugees benefit from a number of core rights, additional entitlements accrue as a function of the nature and duration of the attachment to the asylum state’ (Hathaway 2005, p. 154). The different degrees of attachment are: being subject to a state’s jurisdiction, being present on a state’s territory, being lawfully present in the country, lawfully staying in a country, and finally being habitually resident in the state (Hathaway 2005, chapter 3). At the lowest level, for example, states have the duty of non-refoulement. Then all refugees who are present on a state’s territory have rights to ‘freedom of religion, to freedom from penalization for illegal entry, and to be subject to only necessary and justifiable constraints on freedom of movement’. Next, with lawful presence, come further rights, including protection against expulsion and the right to seek self-employment. The stage of lawful stay is accompanied by additional rights, including freedom of association, and access to public housing and welfare. Then there some rights that refugees acquire only at the ‘durable residence’ stage (Hathaway 2005, pp. 171-190).¹⁹ In short, the duties of asylum states go beyond providing conditions of safety.

Furthermore, safety—especially when narrowly defined—as a maximum expectation is also at odds with familiar arguments about the ‘social minimum’ and the concept of a ‘decent human life’ from various theories of justice. As Martha Nussbaum writes, in her account of the Capabilities Approach and its notion of a decent human life, ‘we do not want politics to take mere survival as its goal’—a theme to which I will return in Section VI (Nussbaum 1999, p. 40).

Hence, while the emphasis on safety may have its roots in the circumstances that create refugees, it also contributes to the widespread sense that refugees move primarily in search of safety (especially physical safety), that the only legitimate movements are those that happen in search of safety, and that safety is all that refugees are ‘owed’. Focusing on safety to the exclusion of other fundamentally important elements in the story of refugeehood threatens to misrepresent the nature of many refugees’ experiences, needs, and desires, and may result in problematic recommendations and responses to refugee movements.

V. Why Refugees Keep Moving. Attempting to understand why ‘onward movements’ happen is obviously crucial to thinking about appropriate responses to them. In this section I explore what refugees and migrants say about their reasons for moving on.

Physical safety is also a factor here. As Mohammad’s comment above illustrates, there is the pressing question of whether and in which senses host countries are actually ‘safe’, whether they are safe for the relevant individuals and groups (some people are at greater risk than others), and whether the specific places in which refugees are living are ‘safe’. For example, an Afghan woman at Katsikas Camp in Greece told interviewers: ‘I can’t sleep at night—I don’t feel safe. We [two women] live in a tent together and we take turns sleeping’ (quoted in

¹⁹ See the text of the Convention here: <http://www.unhcr.org/uk/3b66c2aa10>.

Rendón and Samiou 2016, p. 13). Refugees and undocumented migrants in France report that they are on the receiving end of frightening levels of brutal treatment by police, including the use of tear gas and physical violence (Bulman 2017). The Conseil d'État in France has ruled the authorities in Calais are exposing migrants there 'to inhuman or degrading treatment' (see O'Carroll 2017). While many people are aware that thousands of migrants are dying on route to Europe, there may be less awareness of the fact that hundreds of asylum seekers have died within Europe since the 1990s, in camps, detention centres, and prisons. Many of these are suicides (McIntyre et. al 2018). In one week in 2017, three migrants died in the makeshift refugee camp in Lesbos. The cause of death was thought to be the inhalation of toxic fumes from the heaters in their tents (BBC News, 2017). Physical safety for refugees and other migrants certainly is not a given in European countries.

But people say they leave or want to leave (even supposedly 'safe') host countries for a wide range of reasons often not related or at least not reducible to physical safety. There are reasons relating the conditions in the host country and reasons relating to the destination countries. For example, the interviewers for an Oxfam and ActionAid study on refugees and migrants in Greece reported that 'almost everyone' to whom they spoke 'said that they did not wish to remain in Greece'. Fatima, from Syria, living in Kara Tepe Camp in Lesbos, explained: 'Life in the camp is very hard. One day is like a lifetime. We want to feel our humanity and to have our respect. We feel forgotten. We want the world to know what's happening to people like us.' Wahid, from Afghanistan, living in Katsikas Camp in Epirus, said: 'We feel we have overstayed our welcome in a country that is struggling to support itself and its own people. The Greek people have their own problems' (quoted in Rendón and Samiou 2016, p. 7).

Many express the desire to go to a specific country in order to be reunited with family members, from whom they may have been separated for years. Again, the interviewers for Oxfam and ActionAid report that 'the urgent yearning to be reunited with family was a constant theme' but that 'the process for reunification is confusing, with little information provided, while a narrow definition of "family" means that for many, family reunification is not an option' (Rendón and Samiou 2016, p. 9).

Another recurring reason refugees and other migrants want to move on is the anxiety, despair and sense of hopelessness that come from existing in 'limbo', as they wait in temporary accommodation, their lives on hold, with little information about what may happen next. The Oxfam and ActionAid report explains that 'the state of physical, psychological and legal limbo in which people find themselves [in camps within Europe] has led to a sense of hopelessness and desperation' (Rendón and Samiou 2016, p. 3). Laura MacFarlane, who worked as a medic at Moria camp in Lesbos, describes a hunger strike and multiple attempted suicides at the camp, and explains that 'a lack of knowledge about the future creates an overwhelming sense of uncertainty, which can exacerbate any pre-existing psychological problems and is contributing to new diagnoses of anxiety and depression' (MacFarlane 2017).

In short, people move or wish to move from host countries for a variety of factors, and the notion that it is unjustifiable to leave for any causes and reasons other than 'safety'—particularly just physical safety—fails to take seriously the living conditions and experiences of refugees and other migrants.

VI. A Decent Human Life. These reflections may help us to reevaluate Miller's definition of refugees and the implications he draws from it in *Strangers in Our Midst*. To repeat, on his view, refugees are people whose human rights are at unavoidable risk in the place they inhabit and who must leave in order for their human rights to be protected. He suggests that people should no longer be regarded as refugees if they move on from places where they are protected from attack but lack other opportunities. But why? A number of their other human rights could be under threat in their current place of residence. Human rights (even on minimal conceptions) are far more extensive than physical security. Miller explains that there are 'requirements that people everywhere need to have fulfilled if they are going to lead decent human lives' (Miller 2016, p. 31).

...There are activities and practices that are present everywhere... Human beings work productively, play, raise families, make music, participate in religious rituals, and so forth, and in order to do these things, certain preconditions must be fulfilled. We can then define human needs as the needs that must be met if people are to be able to lead minimally decent lives, engaging, if they so choose, in each of the activities on the list that make up the human form of life. And correspondingly, human rights are the rights whose possession allows people to meet these needs, securing them against various potential threats... (Miller 2016, p. 32).

It seems evident, then, that people's human rights can be at risk even where their physical safety is not threatened, for example, where they are separated from family members against their will, unable to practice their religion, and unable to work, and these threats seem 'unavoidable' where there is no prospect of securing any meaningful change to their circumstances in the place they currently live. This is true for many of the refugees who move on or wish to move on from one host country to another. Moreover, the Universal Declaration of Human Rights includes the following:

- Article 22: Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.
- Article 27 1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

In other words, if we are concentrating on unavoidable risks to human rights, then it looks as though refugees may and often do have numerous, human-rights-related (though non-safety-related) reasons for leaving a host country—reasons which in no way compromise their status and/or entitlements as refugees.

One possible response here is that we ought to distinguish between the short term and the longer term. The response may readily acknowledge that refugees are entitled to expect more of their human rights to be secured *in the longer run*, and that a durable solution must be found eventually, so that people have the chance to lead decent lives. Miller himself makes a distinction between the shorter and longer term in this context:

How is this human rights standard to be applied? This will depend to some extent on how long the period of refugeehood is likely to last. If it is short term (as sometimes in the case of escape from a civil war), it may be sufficient for the refugee to be housed in a purpose-built camp so long as this provides physical security, adequate food, medical care, and so forth. But as the time period extends, it becomes essential that the refugee should be in a place where he has opportunities for work and recreation, can have his children educated, can practice his religion—in other words, is able to engage in all of the activities that make up a decent human life (Miller 2016, p. 86).

Unfortunately, as we have seen, this picture does not capture the reality of refugee experiences. In the first place, it is difficult to predict ‘how long the period of refugeehood is likely to last’. In the meantime, millions of refugees are left in unbearable limbo. The majority of the world’s refugees remain in ‘protracted refugee situations’—outside their countries of origin for five years or more after their initial displacement, and ‘without immediate prospects for implementation of durable solutions’ (see Milner and Loescher 2011, p. 3). Second, a number of the low and middle income countries hosting large refugee populations are not signatories to the 1951 Refugee Convention and/or 1967 Protocol (including Lebanon and Jordan), and many refugees are unable to meet some of their most basic needs in those countries. Third, refugees usually have little reason to hope that a durable solution will come to them. For example, Lebanon, the country which hosts the largest number of refugees in proportion to its own population, does not recognise refugee-specific rights or permit local integration. As the Lebanon Crisis Response Plan to the Syrian refugee situation states, ‘Lebanon is neither a country of asylum, nor a final destination for refugees, let alone a country of resettlement’ (quoted in Janmyr 2017, p. 440). Instead refugees are given every reason to believe that they will have to seek out ‘solutions’ for themselves and their families.

VII. A Decent Human Life, According to Whom? In the final section of the paper, I want to reflect upon the ways in which refugee perspectives and engaging with the voices of refugees might contribute to theorizing about justice and related issues.

In political philosophy, one common approach to thinking about how to respond to refugee movements and other questions about migration is to try to develop a framework or theory, or to adopt an existing framework or theory (normally about ‘justice’), and then apply that to the case in hand. This is a variant of what Jonathan Wolff has called the ‘applied philosophy’ approach (Wolff 2019). On this model, it may look as though theorists first must decide where they stand on a selection of fundamental questions about global and social justice, before drawing on those answers to help solve puzzles about migration. But what about the possibility that thinking about refugees and migration—and engaging with refugees and other migrants—could help to clarify and answer some of those, and other, fundamental questions in political philosophy? This points towards a different approach, a version of what Wolff describes as ‘engaged philosophy’ (Wolff 2019).

To illustrate how this thought might work in practice here, let us revisit the familiar idea of a ‘decent human life’, so central to a variety of contemporary theories of global justice. In his discussion of human rights, Miller alludes to the potential difficulties involved in trying to identify a suitably universal set of human needs and the rights that are grounded in them (Miller 2016, p. 32). Elsewhere he argues that ‘the purpose of a doctrine of human rights is to specify a global minimum that people everywhere, regardless of societal membership or cultural affiliation, are owed as a matter of justice’ (Miller 2012, p. 409). How might one theorize about a ‘global minimum’ in a way that takes proper account of cultural and other differences but does not rely on culturally specific (and thus not properly universal) evaluations?

The same question is raised by advocates and critics of the Capabilities Approach. Nussbaum takes this issue seriously, and maintains that it is possible to determine a list of ‘basic

capabilities' all humans should have by thinking about how to answer the question: 'what activities characteristically performed by human beings are so central that they seem constitutive of a life that is truly human? In other words, what are the functions without [the availability of] which we would regard a life as not, or not fully, human?' (Nussbaum 1999, p. 39). To curate and support this list, which is 'open ended and non-exhaustive', Nussbaum explicitly draws on testimony from women across the world, including from Bangladesh, China, India, and the USA (Nussbaum 1999, p. 47).

Her list of 'Central Human Functional Capabilities' is as follows. The capabilities for:

1. Life
2. Bodily health
3. Bodily integrity
4. Senses, imagination, thought
5. Emotions
6. Practical reason
7. Affiliation (relationships)
8. Other species
9. Play
10. Control over one's environment²⁰

Returning to my initial discussion of the 'Call me by my name' exhibition, this list of basic capabilities seems to cohere well with the exhibition's implicit message that opportunities to engage with and in art, cultural life, creativity, and community are fundamental components of a decent human life. Listening to the words of refugees and other migrants, there can be no doubting the profound importance of 'control over environment'. Here consider the words of Leymah Gbowee, reflecting on her visit to Jordan's Zaatari refugee camp:

[M]emories came flooding back of my own experience as a teenager, living in a refugee camp in Ghana. The scenes were immensely familiar: homes insufficiently built to protect families from the sweltering sun and infrastructure focused solely on keeping people alive but not providing any space to truly live and thrive (Gbowee 2018, emphasis added).

What is more, it seems reasonable to suppose that refugees, other migrants, and displaced people—from different parts of the world; with different languages, cultural practices, educational backgrounds, and religions; who have been compelled to leave their countries, towns, homes, families, familiar environments; who have, in many cases, experienced unimaginable human suffering—are in a prime position to offer evidence and guidance on the conditions necessary for living a decent human life. Engaging with refugees, other migrants, and displaced people, and trying to hear what they say about why they are or are not moving, what they need and desire, may provide an impeccable basis for trying to make prescriptions about such things as 'a global minimum that people everywhere, regardless of societal membership or cultural affiliation, are owed as a matter of justice' (Miller 2012, p. 409). It may be that existing ideas about human rights and capabilities—including which rights and capabilities are to be prioritized and under which circumstances—ought to be modified to accommodate, for example, what refugees report about the special form of psychological suffering involved in a life in enforced limbo.

²⁰ This is a shortened version of each 'capability'. For the list in full, see Nussbaum (1999, p. 41).

With that in mind, and given the objectives of this piece, it seems fitting for the last words on onward movements and the idea of a decent human life to go to a Sudanese refugee in Calais who did not want to give his name:

I do not want to stay in France for the same reason I did not want to stay in my home country. They do not treat us like humans here, they treat us like animals... I will try [to cross the border] until I can be a human being again (quoted in Tasch 2016).

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