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David Miller

Our Responsibilities to Refugees

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Our Responsibilities to Refugees

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Abstract

The paper explores the basis of the responsibilities we owe to refugees. That we have such responsibilities is a very widely shared intuition: the need of those fleeing from persecution seems to call out for a response on our part. But what exactly are our obligations to such people? Who are they owed to and why do we have them? The paper argues in favour of a human rights approach to refugee protection that includes the requirement of the implementation of a burden sharing scheme.

Keywords

Ethics of migration; refugee protection; human rights; burden sharing

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My aim in this paper is to explore the basis of the responsibilities we owe to refugees – responsibilities that we discharge primarily through our governments, though sometimes more directly when we decide to join a refugee support group, for example, or contribute to a charity. That we have such responsibilities is a very widely shared intuition. The picture we are likely to have of refugees, as desperate people trapped in miserable encampments or squashed together in unseaworthy boats trying to cross the Mediterranean, seems to call out for a response on our part. But what exactly are our obligations to such people? Who are they owed to and why do we have them? These are the questions I want to investigate here.

Notice to begin with that the legal obligations that states have towards refugees leaving other states are quite narrow, and mostly negative in character – at least until

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the refugee succeeds in entering the state's territory, at which point a number of human-rights-related obligations cut in.² There is no legal obligation to help refugees leave their home country, or to support them once they have crossed the border and are living in temporary accommodation. There is no legal obligation to ensure their safety during passage or to make it easy for them to lodge asylum applications. There is no legal obligation to offer refugees permanent resettlement. States and international organizations often do provide assistance of all these kinds, but on a voluntary basis. Those that decline to do so may be criticized, but they are never sanctioned. Yet many of us think that states and their citizens have moral obligations that are considerably more demanding than this – obligations to take in refugees and therefore to open up safe avenues through which they can make asylum applications, obligations to mount rescue missions on behalf of refugees who are making hazardous journeys, obligations to provide financial and other forms of support for those who are currently living in poor conditions in third countries. The question, though, is why we think this. Why does being a refugee give a person such a strong moral claim on us? What is the source of their special rights and the obligations we owe in return?

Refugees are needy people – that much is obvious. By fleeing from their home states, they make themselves vulnerable to various kinds of harms. But that alone does not distinguish them from millions of other people who are not refugees, but towards whom we appear not to have the same moral responsibilities, such as those living under repressive regimes or in severe poverty. Is it just that refugees are more visibly in need, that they press themselves upon our attention by trying to enter our societies (though of course only a small minority actually take that step)? But that surely could not justify a special obligation towards them, even though it might explain why we believe we have one. We should look for a firmer basis for responsibilities to refugees.

Nevertheless, the first path that I want to explore says that our obligations to refugees are essentially humanitarian in nature. They are people in great need, and we have the resources to meet those needs at modest cost to ourselves. The analogy that is often drawn here is with the individual duty of rescue. The duty of rescue is the duty each of us has to save a fellow-human being from death or serious harm when one can do so at relatively small cost to oneself. The classic example, introduced by Peter Singer and much-discussed since, involves a passer-by pulling a drowning child

² I have discussed these more fully in D. Miller, 'Border Regimes and Human Rights', *Law and Ethics of Human Rights*, 7 (2013), 1-23.

out of a shallow pond at the cost of ruining the expensive suit he is wearing.³ Confronted with the example, almost everyone agrees that the passer-by has a duty to save the child, that it would be seriously wrong for him to carry on walking just because he is going to miss an appointment or doesn't want to spoil his suit. Since refugees, likewise, are facing an imminent threat of death or serious harm, it is very tempting to model our obligations towards them on the duty of rescue. Indeed, in the case of those trapped on sinking boats half way across the Mediterranean, the analogy seems particularly close. The ongoing refugee crisis looks like Singer's pond multiplied many times over.

Tempting though the rescue model is, I am going to argue that that it should be rejected. Let's begin by noticing some special features of the pond case as described by Singer that make the conclusion that the passer-by has a duty to rescue the child so compelling.⁴ There is only one adult walking past the pond, so there is no question where the responsibility to carry out the rescue falls. The child is just a child, and therefore not responsible for having got herself into difficulties. The rescue will have no further consequences beyond the saved child and the ruined suit: there are no other children around, so no danger that any of them will be tempted to jump into the pond in anticipation of being rescued. And the child herself, we would naturally assume, will be returned to her anxious parents and live a happy life thereafter. The cost of the rescue is very small compared to the expected benefit.

If we were to change some of these features, for instance by introducing multiple possible rescuers, or by turning the child into a teenager who has ignored a large warning sign advising him not to swim, then we might begin to wonder whether the man in the fancy suit still has a duty, as opposed merely to a reason, to plunge into the pond. In other words, we may begin to ask exactly how the duty to rescue arises, who bears it, what its outer limits are, and so forth.

To see what implications this has for our duties towards refugees, consider European experience over the last few years. The first and most obvious feature is that we are looking at several million refugees trying to move to Europe, and at least 28 states with some capacity to offer them refuge. So at once the question arises: how does any particular state acquire an obligation towards a particular refugee? It looks immediately as though we are facing a problem of distribution: if refugees are going to be admitted or resettled, how many is each state required to take? How is that question to be decided?

³ P. Singer, 'Famine, Affluence and Morality', *Philosophy and Public Affairs*, 1 (1972), 229-43.

⁴ I draw here on D. Miller, 'The Nature and Limits of the Duty of Rescue' (under review).

The second factor that differentiates the refugee case from the pond case is that the refugees are exercising agency in order to put themselves into the position where European states are forced to respond by rescuing and/or admitting them, while the child, we assume, just fell into the pond by accident. Typically refugees from countries such as Syria have to decide whether to sit out their period of exile in refugee camps, or by scratching a living in one of the nearby host states like Lebanon, in the hope that they will in due course be able to return home, or alternatively to bet what is often their lifetime's savings on buying a passage to Europe in the hope of being admitted there. Now this is far from being a voluntary choice in the full sense: it is a choice made under very difficult circumstances. So by pointing to the agency of the refugees, I am not trying to suggest that they are to be held fully responsible for their later predicament. Nonetheless it is important to see that because agency is involved, the behaviour of refugees is going to be influenced by the policy decisions that receiving states make, once these become known. If refugees can expect to be rescued and then granted asylum, they are more likely to embark on the journey in the first place.

The third factor that bears upon the question whether refugees are owed a humanitarian duty of rescue is the potential cost of doing so, particularly if rescue takes the form of admitting them on a temporary or permanent basis to a Western state. There is of course an argument about whether over the long term these states will derive a net benefit from admitting refugees once they are allowed to become fully participating members of society. But in the short term there are quite heavy processing and support costs, plus the possible costs to social cohesion if the numbers being taken in are large. This makes the case very different from the individual duty of rescue where the costs that need to be taken into account are only the immediate costs involved in the act of rescue itself.

The question, then, is what guidance a humanitarian approach will give us in the case of refugees, assuming that the resources we are willing to deploy are limited – humanitarian aid has to compete with all the other objectives that governments and individuals want to pursue. In such circumstances – and here thinking about the analogy with the allocation of scarce medical resources can be instructive – we would normally want to consider two criteria. First, who are the people most in need of our help? Second, how effectively can they be helped given the resources at our disposal? These two factors have to be traded off against each other, since unfortunately it is sometimes impossible to do much to help the very worst cases. Applying this to the case of refugees, our first observation must be that there is nothing from a humanitarian perspective to single out refugees as especially deserving of help. There

is no reason to think, for example, that they are more vulnerable overall than those who have stayed behind in the countries they have left, and therefore remain subject to the persecution or generalized violence that caused the refugees to leave. Nor are they necessarily worse off in absolute terms than the millions of people worldwide who fall below the UN's poverty line, regardless of whether they are oppressed in other ways.

Are refugees special because they can be helped more effectively with limited resources than other needy people? This might be the case for those sheltering in refugee camps. Refugee camps are much maligned nowadays in the academic literature, but remain popular with governments, presumably because people are visibly being helped at relatively small per capita cost, so it is easy to justify allocating money for this purpose. There are also no obvious incentive effects or unintended consequences to take into account as there often are with other forms of aid. So from a humanitarian perspective, refugees who stay in camps might merit our special attention. This will not carry over, however, to those who apply for resettlement or attempt to enter directly into Western states. Taking them in is not an efficient use of resources, and they are also unlikely to be among the neediest cases, as has often been pointed out with reference to those who pay smugglers extortionate sums to transport them by land or sea.

What I am trying to do here is draw attention to the limitations of a humanitarian way of understanding our responsibilities to refugees. If we start from humanitarian premises, refugees won't in general register as special cases. I am hardly the first to notice this. Peter Singer, who as we saw was responsible for popularizing the drowning child analogy, was certainly sympathetic to the plight of refugees, but could see no reason to distinguish between those fleeing persecution and those fleeing drought, or between those applying for asylum and those remaining in camps. As he put it 'immigration policy in general, and refugee intake in particular, should be based on the interests of all those affected, either directly or indirectly, whether as an immediate result of the policy, or in the long run'.⁵ Singer's approach, which allows no special weight to be given to the interests of fellow-citizens, would certainly produce radical policy conclusions as far as admitting immigrants is concerned, but offers no special protection to refugees.

⁵ P. Singer and R. Singer, 'The ethics of refugee policy' in M. Gibney (ed.) *Open Borders? Closed Societies?: the ethical and political issues* (New York: Greenwood Press, 1988), p. 121.

So, let's consider a very different way of thinking about responsibilities to refugees, what's sometimes called the political approach.⁶ Here we begin by contemplating the entire system of states in its current form, and consider the refugee's position in relation to that. What is distinctive about a refugee, from this perspective, is that the bond that would normally link her to her home state has broken down. She is forced to leave because that state is either unable or unwilling to protect her basic rights. But where is she to move to? States now claim jurisdiction over the entire habitable surface of the earth, so she can only escape from her own state by entering another. What, then, gives any state the right to exclude her? By claiming jurisdiction over its territory, along with other states, doesn't it simultaneously acquire the obligation to admit those who are in need of refuge and have no other recourse?

This approach portrays our obligations to refugees as remedial in nature. Taken together, states have grabbed all the available land and fenced it in, so human beings can no longer exercise their natural right to wander freely over the earth's surface. There may be good arguments in favour of territorial rights, but these rights come with a cost, and in the case of refugees the cost takes the form of having nowhere to escape to unless another state is willing to provide refuge. So, the argument concludes, states must compensate refugees for the loss of freedom they have suffered by granting them rights of entry. This doesn't imply that a refugee can demand entry to any state that she chooses, since the reparative obligation lies with the system of states as a whole. But it does mean that if a state is going to deny entry to a refugee, it must prove that there is some other acceptable state willing to take her in.

Does this political approach do a good job of explaining our responsibilities to refugees? As I've said, it has the virtue of explaining what makes refugees distinctive – their loss of a normal political relationship with their home state. It explains why the paradigm case of a refugee is a Convention refugee who faces a threat of persecution, though it need not limit the class of refugees so narrowly as this, since a comparable loss is suffered who suffer from generalized violence in a collapsed state like Syria or Somalia, for example. It also promises to deliver a stronger obligation to remedy the harm that refugees have borne. This is because reparative obligations are not subject to limitations of cost in the way that humanitarian obligations are. For

⁶ For a good statement of this view, see D. Owen, 'In Loco Civitatis: On the Normative Basis of the Institution of Refugeehood and Responsibilities for Refugees' in S. Fine and L. Ypi (eds.), *Migration in Political Theory: The Ethics of Movement and Membership* (Oxford: Oxford University Press, 2016).

example, if I carelessly damage one of your possessions – a Ming vase, say – I have to make good the damage even if it costs me a lot to do so. In contrast, where an obligation to prevent harm is simply humanitarian in nature, it is subject to a reasonable cost limitation. This is widely recognized in the literature on the duty of rescue, and equally in the law of states that impose such a duty via so-called Bad Samaritan laws. The duty applies only where the victim faces death or serious injury, and the rescuer can carry out the rescue at relatively minor cost to herself, judged by some standard of what can be reasonably asked of them (as we saw, Singer's example involves ruining your suit to save a child). Applying this now to the case of refugees, a humanitarian approach will limit our responsibilities to what can be done without incurring significant economic or social costs, whereas the political approach imposes no such limitation.

These are important advantages of the political approach. But it faces at least two challenges. The first is to explain why loss of political membership should be so important as compared to other harms that a person might suffer. Of course in many cases loss of political membership will bring with it vulnerability in other dimensions too – lack of access to food, education, health care, etc. But suppose for a moment that these can be provided in a secure zone outside of the state, would it matter so much that people were deprived of effective citizenship? Would this be their main concern, as opposed, for example, to finding work? In our thinking we may be influenced by an Arendtian conception of active engagement in politics as central to the good life for human beings, but even if Arendt is right that political action is the highest form of human activity, it's not so clear that our primary goal in responding to people in need, such as refugees, should be to restore them to full political agency.⁷

The second challenge is to show why the very existence of refugees puts in question the legitimacy of all existing states, even when they have played no direct part in creating the refugee crisis. The assumption is that a legitimate state must be able to justify its existence to everyone outside its borders, in the sense that if challenged to justify its right to exclude it can point to the fact that those excluded have states of their own to accommodate them. It's the failure of this last condition in the case of refugees that is said to give rise to an obligation to grant them asylum. The question is whether this doesn't set the justificatory bar too high. Why isn't it sufficient, to justify a claim to exercise jurisdiction over a territory, to show that those who are excluded had adequate opportunities to establish their own rights-protecting

⁷ For the Arendtian view see H. Arendt, *The Human Condition* (Chicago, University of Chicago Press, 1958).

states? The fact that they have not succeeded in doing so – that they are now living under a dictatorship or in failed states – does not impugn our own successful creation of a rights-respecting political order.

In response, defenders of the political approach may argue that the states who are now being asked to admit refugees have indeed played some part in creating the circumstances that turned them into refugees in the first place. In some cases this will of course be true. But their responsibility does not reside in the mere fact of having established exclusive territorial jurisdiction. Instead what matters is having engaged in policies such as selling dictators weapons that are then turned on their own subjects, or intervening militarily, perhaps in a good cause, but in a way that causes massive social dislocation, and therefore later on a refugee crisis. So the danger here is that the political approach may give us strong obligations to a minority of refugees, namely those who can demonstrate that the state they are trying to enter bears some fairly direct responsibility for their being refugees, but fail to explain why we have responsibilities to those who don't qualify on these grounds.

So let me now turn to a third way of understanding our responsibilities to refugees. This is to see them as one component of the wider responsibility on the part of all states to protect human rights. Of course, such a responsibility is primarily discharged by each state fulfilling the human rights of its own citizens. But in the international order that has grown up in the last fifty or so years, states have increasingly come to acknowledge a reciprocal responsibility to protect the human rights of people outside their borders when their own states either cannot or will not do so. In the extreme case this may justify armed intervention to protect people from ethnic cleansing or genocide; this is what the so-called 'Responsibility to Protect' mandates. But we can interpret refugee protection as forming part of the same general responsibility, whether this takes the form of granting refugees asylum or supporting them while they remain in third countries.

This argument for a responsibility to protect refugees is less foundational than the other two approaches I've discussed. It grounds protection in the emerging state practice of protecting human rights. In other words, it points to the fact that liberal democracies, especially, have signed up to human rights protection by endorsing various international covenants and charters and also by embedding human rights in their own domestic constitutions. The message, in other words, is 'you've committed yourselves to these principles by signing these documents; now act on them'. The corresponding drawback, however, is that the human rights approach has no purchase against a state that simply refuses to recognize these rights even in the case of its own citizens.

Despite this weakness, I think that the human rights approach provides the best way to think about responsibilities to refugees. First, it gives us a way of identifying and prioritising refugees in terms of the nature and extent of the human rights violations from which they are suffering. It explains why the prime candidates for support should be those refugees who fit the strict Geneva Convention definition⁸ – they face a serious threat of persecution – since in these case the rights violation is deliberate; whereas, as we saw, a humanitarian approach focussing simply on how badly off people are in general has difficulty in explaining why refugees have special claims. Second, it highlights the fact that responsibilities to refugees are shared between all of the states that have committed themselves to the general practice of human rights protection. Of course, a refugee will normally make an application for asylum to a particular state, and that state will have an immediate responsibility to respond to his request. But since the underlying responsibility is shared, and the weight of applications may fall much more heavily on some states than on others, this points directly towards a burden-sharing scheme. Since processing asylum applications in a way that itself meets human rights standards is both time-consuming and costly, burden-sharing should apply not only with respect to the final destinations to which refugees are admitted but also to the application process. So in circumstances such as we've experienced in Europe in recent years, where for reasons of geography a few states have to process a vastly disproportionate number of applications, either they must be compensated by financial transfers from less burdened states, or a central system for assessing asylum requests has to be set up.

This is what should happen, but as experience tells us, it is difficult in practice to get even nominally rights-respecting states to agree on a burden-sharing scheme.⁹

⁸ According to the 1951 Geneva Convention, a refugee is defined as 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 and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country' (cited in J. Hathaway, *The Rights of Refugees under International Law* (Cambridge: Cambridge University Press, 2005), pp. 96-7. This does not of course cover all the cases in which a person can only protect his human rights by crossing a border. I have discussed the relative merits of wider and narrower definitions of 'refugee' in D. Miller, *Strangers in our Midst: The Political Philosophy of Immigration* (Cambridge, MA: Harvard University Press, 2016), ch. 5.

⁹ For discussion of such schemes, and the criteria that might be used to determine what each state's refugee quota should be, see P Schuck, 'Refugee Burden-Sharing: A Modest Proposal', *Yale Journal of International Law*, 22 (1997), 243-97; J. Hathaway and R. Neve, 'Making Internal Refugee Law Relevant Again: A Proposal for Collectivised and Solution-Oriented Protection', *Harvard Human Rights Journal*, 10 (1997), 115-211; A. Hans and A. Suhrke, 'Responsibility Sharing' in J. Hathaway (ed.), *Reconceiving International Refugee Law* (The Hague: Martinus Nijhoff, 1997), pp. 83-109; A. Suhrke, 'Burden-sharing during Refugee Emergencies: The Logic of Collective versus National Action', *Journal of Refugee Studies*,

One reason is that there can be legitimate disagreement over how many refugees should be admitted directly or offered resettlement and how many should be supported financially in third countries. Disagreement on this question seems to have been one of the main reasons why the EU has proved unable to come up with a scheme that commands consensus across all member-states. But suppose we set this issue to one side and assume for the moment that the number of refugees who require admission is known. What principles should we use to distribute them among the states who have agreed to take part in the scheme? The one that is likely to strike us as immediately salient is the equal sharing of cost: the citizens of each participating country should be asked to bear the same per capita cost. This way of framing the problem as a cost-sharing question is sometimes challenged by pointing out that when refugees are resettled they usually make a significant economic contribution to the society they join, so they should be considered as an asset rather than a burden. But although this may be true in the long run, in the short term the financial costs of admitting and integrating refugees is significant (in the German case the total cost for 2016, obviously a peak year, was put at €20 billion). Moreover the real societal cost of admitting a refugee will vary considerably, depending on society-specific factors such as the costs of supporting asylum-seekers while their cases are adjudicated, the rules governing their access to the labour market, whether the job-related skills they bring complement those of existing workers or compete with them, the social costs of integration, and so forth. An additional problem is that the costs are likely to be lower in the case of states that already have a long history of admitting immigrants and have developed multicultural and other policies whose aim is to make it easier for immigrants to integrate successfully. Thus for a state like Canada the marginal cost of taking in additional refugees will be lower than in the case of a non-immigrant society such as Japan. It might, however, seem anomalous that a country that has a good record of receiving refugees should for that reason be asked to take relatively more under a burden-sharing scheme.

So finding an agreed solution to the burden-sharing problem is going to be difficult. Equal cost-sharing is attractive in principle, but difficult to apply, and insensitive to historical factors that affect relative costs but don't seem relevant to the number that should now be taken in. But let's suppose these difficulties could be resolved and we could come up with an assignment of responsibility for refugees between states that is widely agreed to be fair. How should we characterise the responsibility that each state bears in the presence of such a scheme? I shall argue

11 (1998), 396-415; T. Kritzman-Amir, 'Not in My Backyard: On the Morality of Responsibility Sharing in Refugee Law', *Brooklyn Journal of International Law*, 34 (2009), 355-93.

that it becomes a matter of justice that each state should carry out the obligations that it has under the scheme. It is a matter of justice, first, because the human rights of the refugees are under threat if they are not aided, and there is a group of agents with the collective capacity to provide the aid; and second because the corresponding responsibility has been divided up in such a way that each member of the relevant collective has a defined obligation – namely to grant temporary or permanent admission to N refugees, where N will typically vary from one state to the next.

Why does it matter that under the stated conditions our responsibilities to refugees crystallise into duties of justice? It matters because duties of justice are normally enforceable, and are certainly enforceable when basic human rights are under threat if the duties are not carried out. So this means that both the refugees themselves and third parties can take steps to ensure that the refugees get what they are owed, including applying sanctions to states that are unwilling to comply.

But suppose that these measures do not succeed, and some states who are party to the scheme refuse to take in their share of the refugees who need sanctuary. What then is the position of the states that have already discharged their responsibility? Are they obliged to take up the slack that's been left by the non-compliant states? The general issue this raises – whether justice requires us not only to discharge our share of a collective responsibility but also to take up the slack in the event that others fail to discharge theirs – has become a point of controversy in the philosophical literature.¹⁰ Those who argue that compliant states are obliged to accept more refugees than their quota requires claim that the unprotected human rights of the refugees coupled with the capacity of these states to offer them shelter decides the issue.¹¹ That is, there might indeed be an upper limit where taking in yet more refugees would pose a serious threat to social order, but until that limit is reached states are obliged to accept surplus refugees that other states had a duty of justice to accommodate.

¹⁰ See, for example L. J. Cohen, 'Who is Starving Whom?', *Theoria*, 47 (1981), 65-81; L. Murphy, *Moral Demands in Nonideal Theory* (New York: Oxford University Press, 2000), ch. 7; D. Miller, 'Taking Up the Slack: Responsibility and Justice in Situations of Partial Compliance' in C. Knight and Z. Stemplowska (eds.), *Responsibility and Distributive Justice* (Oxford: Oxford University Press, 2011), reprinted in D. Miller, *Justice for Earthlings* (Cambridge: Cambridge University Press, 2013); A. Karnein, 'Putting Fairness in its Place: Why there is a Duty to Take up the Slack', *Journal of Philosophy*, 111 (2014), 593-607; Z. Stemplowska, 'Doing More than One's Fair Share', *Critical Review of International Social and Political Philosophy*, 19 (2016), 591-608.

¹¹ See, for example, D. Owen, 'Refugees, fairness and taking up the slack: On justice and the International Refugee Regime', *Moral Philosophy and Politics*, 3(2016), 141-64, and the discussion of Owen's view in M. Hoesch, "'Taking up the Slack" in the Context of Refugee Protection: Remarks on David Owen', *Zeitschrift für Ethik und Moralphilosophie*, 1 (2018), 163-75.

In my view this argument fails to take seriously the idea of acquiring duties of justice by virtue of a division of responsibility. It begs the question by assuming that each state has an open-ended obligation to protect the human rights of refugees, despite forming part of group of states who share a collective responsibility to provide that protection. But justice couldn't require us to bear obligations of that kind. If ten of us together owe a debt to Brown, what justice requires is that I should pay my share of the debt. If I can afford to do so, I might generously agree to cover the debts of the other members of the group, or there might be circumstances in which each of us agrees to discharge the liability on one another's behalf. But those special circumstances aside, discharging other people's duties of justice for them isn't something that justice requires. And it would generally be very hazardous to make an agreement to do so, because it amounts to an open invitation to default in the knowledge that someone else will take up the slack on your behalf.

Why is it so important to be clear about what justice requires and what it doesn't in circumstances of collective responsibility? Shouldn't debates like this be set aside given the often desperate plight of the refugees who are trying to be admitted? I think it does matter to know what justice demands and what it doesn't, even in circumstances such as these. If something indeed required by justice, then it is mandatory and, as I noted earlier, it can be enforced by third parties. So a state that has complied with its obligations under a burden-sharing scheme is entitled to use reasonable means to force other states to comply with *their* obligations. Suppose, though that this does not succeed: what then? My view is that further responsibilities to refugees on the part of the compliant state would be humanitarian in nature only. In other words, the general humanitarian reasons we have to help people in need that I discussed earlier would still apply in these circumstances; but there would be no special responsibilities to refugees as such. The additional refugees could not claim a right to be admitted to a state that had done its share of admissions under a burden-sharing scheme, and the state in question would have no enforceable obligation to admit them.

The state in question might nonetheless decide to do more, for humanitarian reasons, and this would be admirable. But in a democracy, this requires the consent of the people who are going to bear the costs of admitting refugees over and above the burden-sharing quota. For consent to be obtained, there needs to be widespread democratic debate, among political representatives and civil society groups, and perhaps even a popular vote, before a decision of this kind is taken. Hostility towards refugees, and towards immigrants more generally, is often a response by citizens to a sense that that they are being imposed upon, that they have lost control of the process

whereby migrants are selected and admitted. Conversely, where they feel that they are able to make choices, they are often remarkably generous, as we see in the case of those volunteering to assist refugees or engaging in resettlement programmes. One might hope that this generosity would also be shown when a democratic decision on taking in more refugees than fairness demands was being made.

To conclude, I've been looking at three ways of understanding the responsibilities that we, as citizens, bears towards refugees. I argued that that the humanitarian approach, although initially appealing, fails to explain what is special about refugees as opposed to other people who are also in dire need. The political approach does a good job on this front, but it overstates the intrinsic importance of political membership, and relies on a contestable theory of political legitimacy. I therefore favoured what I have called the human rights approach, while admitting that it relies on the contingent fact that many states today have officially committed themselves to human rights protection. I then explored what this would mean in practice, arguing that responsibilities towards refugees should be fairly divided between the states by setting up a burden-sharing scheme.

So what, then, are our responsibilities to refugees? As a matter of justice, to urge our governments to help establish and then comply with an international scheme of refugee protection. As a matter of humanity, to consider volunteering to help refugee charities, and to contemplate voting in support of taking up the slack if other countries fail in their duties of aid towards refugees.