

Morality in the Refugee Regime? Arguing for More (Political) Realism in Admitting Refugees


Felix Bender

Refugees drown, are beaten, and are pushed back at the borders of the states of the Global North. Moral outrage is understandable in the face of such treatment. But does it constitute a good political theory? Can morality supply us with good normative arguments for a political world? In this article, I argue that they cannot. Drawing on political realism, I show why moral arguments for admitting refugees fail. What we require is not the extrapolation of moral arguments onto a political world, but a new form of political normativity that is derived from how politics works. I show that refugeehood possesses a specific political function in international politics. States do not admit refugees based on humanitarian reasons. This is what moral arguments get wrong. Rather, they fulfill the political function of condemning and embarrassing other states, of building oppositional and military forces to undermine rival political systems both ideologically and materially. In other words, they play an important political role—a role that allows us to build normative arguments from within a political and not a moral understanding of the world.

Moralization is the prime mode of engagement in academic philosophy focusing on refugee issues. This is, to some degree, understandable. How, other than with horror, are scholars supposed to react when they are confronted with refugees drowning at sea in their thousands, when they are locked away, confined behind barbed wires, and imprisoned in torture camps around the world, often rejected from entering the prosperous states of the Global North? Reacting in a way other than with disgust, anger, or moral indignation would seem inhuman to many. And while these feelings have their virtues and even their place in social interactions—perhaps to signal a specific political affiliation or a moral good-heartedness to one's fellow conversation partners—they make for bad academic arguments. But why? In what follows, I will try to convince you that approaching the politics of refugeehood from a moral angle is futile. Taking moral concepts and applying them to the political realities that we face results in a disconnect between academic practice and politics. I will show that it misunderstands and misdiagnoses the issues at hand, and that it provides little better than wishful thinking and fanciful

prescriptions for a world not understood. No one would want a world of war and terrorism in which people are forced to flee their homes. It would be great if refugees were treated better, or perhaps that there should be no refugees, no war, no terrorism at all. But this “*should*” constitutes little more than indignation. It is not a normative, and probably not even a political, argument. It operates on a level that is disconnected to the politics of the real world. This is the argument of political realism.

I will show why political realism, contrary to the worries of some, can and should be used to generate normative arguments on refugee-related issues. I have picked one of the main protagonists of moral argumentation on the matter: the duty of rescue. This choice is, thus, not entirely arbitrary. Many theorists use this moral argument to justify various normative stances on what states ought to do in regard to refugee admission. It is, however, just one of many possible examples of the effort to take moral principles and apply them to the political realm, arguing that these constitute normative prescriptions for political actors. After introducing the duty of rescue and its implications for thinking about refugees, I will show why it misrepresents and misdiagnoses political realities. Drawing on a specific reading of political realism, I will show why such moral arguments create prescriptions that seem alien to the political world. They are neither political in nature nor normatively applicable to the political world. I will subsequently put forward a realist theory of refugee

Felix Bender  (felix.bender@northumbria.ac.uk, United Kingdom) is a lecturer in politics at Northumbria University in Newcastle upon Tyne. He has published extensively on the ethics and politics of refugees and asylum.

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admission and protection that generates normativity from within the political realm. As such, political realism need not be only critical or status-quo maintaining. It offers a new way of understanding what states ought to do, and it generates this insight from within the practices and structures of politics, rather than applying alien standards to it. As such, the paper will, first, contribute to the debate on political realism, showing that it can lead to concrete normative prescriptions that are superior to moral argumentation about politics. Second, it provides a starting point for rethinking the political theory of refugeehood as an endeavor to generate normative prescriptions from within the architecture of politics. Third, and perhaps most importantly, it not only provides a foundation for but also generates new normative prescriptions for admitting refugees.

Thinking Morally about Political Questions: The Duty of Rescue

Why should we refrain from using moral arguments in responding to refugee situations in a normative manner? To explain this, I will first turn to the duty of rescue. It represents the paradigmatic case of an ethics-first approach to refugee admission and is widely accepted as grounding normative commitments to refugees. There are some other approaches to understanding the normative commitments of states to refugees that conceptualize states as forming an international “society,” and derive from its norms on state legitimacy and sovereignty a duty to admit refugees when other states fail in their duties to protect their citizens (Brock 2020; Owen 2016; 2020). While these approaches have opened the field to the idea that a view on world politics may be necessary in constructing normative arguments and should be valued as such, they remain moral arguments at their core. These arguments rest on an idealized moral picture of international politics as forming a society of states and argues that moral philosophy requires a specific picture of order, duties, and responsibilities that are extrapolated to politics and form the moral duties of states. The realist critique retains a bite against these theories too. This paper takes the duty of rescue and its application to refugee situations as the paramount example of such reasoning, and will therefore focus on this strand of theorizing. This should not be taken to mean that it cannot be applied to other strands of moral theory on refugees. It merely suggests that it is an especially vivid example of such thought.

The duty of rescue originates from tort law. It describes the moral duty we have toward other human beings to save them from death or serious harm when we can do so at relatively little cost (Miller 2019a; 2019b). The duty is humanitarian in essence. The most vivid illustration of the duty of rescue is offered by Peter Singer (1972), and has been used and adapted in manifold ways thereafter. Though referring to a real-life case, it asks the reader to

enter the realm of thought experiments. It asks us to imagine a scenario in which we stand in proximity to a shallow pond in which a child is drowning through no fault of our own, making us mere innocent bystanders. We are wearing an expensive suit and jumping into the pond to save the child would surely ruin it. Yet, we are proficient swimmers and saving the child would not put ourselves at risk of harm. Singer asks us whether we have a duty to jump into the pond and save the child. To many readers, the answer must be a resounding “yes.” Even though there is a cost to our actions, the life of the child greatly outweighs ruining our expensive suit.

Most readers will then agree that we have a moral duty to save the child. The question is, however, whether such examples can be applied to the political realm. Many theorists have done so. The duty of rescue figures especially heavy in contemporary debates on refugee admittance, and has a long history in the thought on international humanitarian reactions. Matthew Gibney (2018) argues that the duty to help imperiled strangers is present in virtually all early theorists of international law, ranging from Grotius to Pufendorf, Vattel, and Kant, and grounds the normative arguments on duties toward refugees of many present-day philosophers (Betts and Collier 2017; Carens 2013; Dagger 2005; Gibney 2004; 2018; Miller 2016; Singer and Singer 2010; Walzer 1983). There are, of course, subtleties that differentiate the various accounts relating to the duty of rescue. Durieux (2016), for instance, argues that the duty of rescue provides a much broader framework for the obligations of states toward refugees than do theories that rely on the nonrefoulement clause in international refugee law—a clause that prohibits the return of refugees to countries in which they would face harm, and which usually implies high burdens on the states neighboring refugee-sending countries. Others have argued that the duty of rescue not only grounds a duty to admit refugees, but also a duty to prioritize the most vulnerable (Lippert-Rasmussen and Læggaard 2020), while still others see the duty to be especially well suited to argue for rescue missions of migrants at sea (Oberman 2020).¹ By and large, the duty of rescue is applied to refugee-related situations by asking us to replace the child in the above thought experiment with refugees and the innocent bystander with states in a position to aid refugees. The argument equates the harm that refugees flee from with the “drowning” of the child. The question is then whether the innocent-bystander states ought to “jump into the pond” to save the refugees, and thus whether they have an obligation to admit refugees if the costs of hosting them are comparatively low.

While the simplicity of the analogy is striking, it has caused some scholars to lament its lack of complexity, which they deem a misrepresentation of the situations that refugees and states are facing. Are refugees really like children, innocent and incapable of saving themselves,

waiting for and dependent on rescue? Are states (of the Global North) really comparable to innocent bystanders, or do they share in the responsibility for the situations in which refugees find themselves? Do refugees really find themselves in situations requiring rescue just like the child in the pond, or may refugees share some of the blame for the situations from which they need to be saved?

Political philosophers have outlined the inadequacies of the duty of rescue in these respects. David Miller (2019b) asks whether the duty changes if we alter the composition of the thought experiment and if, for instance, the child were a teenager who has received ample warning of the perils of swimming in the pond. If we tweak the experiment even further to adapt it to the situations that states find themselves in according to Miller, we might need to ask what our duties would look like if there were not one innocent bystander, but two. Would it change our duties toward the child? What if there were 10 bystanders? What if there were a hundred—a whole crowd? Would not saving the child yourself carry the same moral significance? According to Miller (39), this raises the problem of whether any one state has a particularly pressing moral duty to admit refugees.

Serena Parekh (2020a; 2020b) points out another weakness of the argument. Are states just like the innocent bystanders in the pond example? This seems doubtful. The rescue metaphor, she argues, is inappropriate because the states of the Global North are partly responsible for the perils that refugees need saving from. After all, it is due to the states in the Global North that refugees often have to seek dangerous ways to apply for asylum in the absence of any other official migration alternatives. These states employ a wide arsenal of methods to limit the mobility of would-be refugees. These are not only physical, such as erecting razor wire fences and watchtowers and establishing police forces trained to hunt refugees (the Hungarian police force deployed at its borders is aptly and unabashedly called “border hunters”) (Bender 2020a). Borders are also controlled and maintained through a network of legal fences, allowing states to push refugees back to the countries from which they have entered, or deport them altogether to third countries (Augustova, Farrand-Carrapico, and Obradovic-Wochnik 2023; Bender 2020a; Giuffrè 2012). This gives rise to the possibility of outsourcing border control, creating a legal regime in which border management does not happen at the border, but both within and far beyond the borders of sovereignty-imposing states (Shachar 2007; Shachar et al. 2020). When legal and physical fences become higher and less penetrable, people do not attempt to go through, but around them. The increased presence of such obstacles has resulted in an increased use of smugglers and dangerous routes across deserts and seas such as the Sahara Desert and the Mediterranean. Parekh (2020a; 2020b) argues that the duty of rescue does not represent an appropriate

way of thinking when it comes to refugee-related issues. Refugees are portrayed as helpless and hapless children who need to be saved by competent and generous adults—the states of the Global North. The problem is, of course, that the analogy assumes that refugees’ situations are blameless, akin to a natural occurrence: they just happen to be in a tough situation from which they need to be saved. But refugees’ situations are not like that. Their situation is not simply the result of some force of nature. They are, to a large extent, in the situation they are in because states in the Global North have barred proper access to their territory in a variety of ways (see also, Hillier-Smith 2020). States are thus not innocent bystanders like the people about to save the child in the thought experiment. They are deeply embedded and involved in the myriad ways in which refugees are exposed to harm.²

All of these arguments are correct, but they do not get to the point of why the relationship is a mischaracterization. It is a mischaracterization because it gets wrong how refugees appear in international politics. States do not view refugees like the moral case suggests. They do not operate on the basis of humanitarian reasoning when it comes to refugees. Rather, refugees appear in international politics in a decisively political way. Applying moral arguments to a world that does not function according to moral imperatives is like trying to pay at the bakery with truth—certainly, the baker might be interested in knowing about the tiny single-celled microorganism that is yeast and how exactly it functions as a raising agent, but it does not pay the bill. Appealing to truth, in this sense, is simply misplaced in this situation. Similarly, applying moral arguments to the political realm gets wrong its currency. This is the argument of political realism. We shall turn to it now, describe a particular version of it, and show why it is a better candidate not only for representing but also for providing normative arguments regarding refugee protection.

Political Realism

Much of contemporary political theory employs what Raymond Geuss (2008) calls an “ethics first” approach and others call “political moralism” (Williams 2005). Political theory, on this account, is little more than applied moral theory. We discern what we ought to do from (abstract) moral principles and individualized thought experiments, and then apply these prescriptions to the political realm. Political realists argue that this is a mistake. Politics, in other words, is autonomous. The prescriptions derived from moral arguments do not fit the political world, and politics cannot simply be reduced to morality (for a comprehensive overview of political realism, see Rossi and Sleat 2014). This means that we cannot simply derive what we ought to do in politics from the point of view of private moral judgments or any other pre- or nonpolitical standards, whether they are utilitarian, based

on standards such as happiness, or derived from equality, autonomy, or freedom (Rossi and Sleat 2014). Other nonpolitical standards equally cannot serve as the basis for generating normative statements. What we ought to do legally, economically, or as part of religious groups cannot serve as viable standards for what ought to be done politically.

Some scholars have dubbed political realism a descriptive theory in disguise, arguing that it leads to an analysis-only form of research and cannot by itself generate normative statements, stemming from a purported lack of external criteria for judgment. This has largely been debunked. Political realists have demonstrated that a normative distinction can be made by theorizing politics itself.³ This can be done in various ways. Some have linked the creation of normative frames of reference to analyzing functional requisites and political structures. The analysis of how politics functions can provide us with an idea of how it could ideally function. This, of course, is a politically internal standard of normativity that has sometimes been dubbed “instrumental normativity” (Burelli 2022; Burelli and Destri 2022). It departs from the analysis of thick evaluative concepts that can be distinguished from one another and which are seen to serve a specific purpose. For instance, even though some critics of political realism have argued that it reduces right to might, a conceptual distinction can be drawn between sheer domination and politics, or violence and power, etc. (Rossi and Jubb 2015, 456–57). These can be used as evaluative barometers. Others have argued that we can scrutinize the epistemological foundation of political claims. We can investigate (normative) political arguments in regard to their truth content, criticizing and debunking widely held notions that lead us to specific normative judgments. What carries normative force, then, is truth (Burelli and Destri 2022; Hall and Sleat 2017, 284–85). This version takes political realism to be a form of ideology critique (Prinz and Rossi 2017).

There are, thus, vaguely, two strands of political realism (though others might observe more). The first is functional-instrumental. It asks for conceptual clarification and a theory of politics. It would seem odd to many political theorists to state that political realism but not moral political arguments require the postulation of a theory of politics. Moralists may see themselves as doing just that. But this is misleading; what they are after is a moralized argument that takes a specific side, which they then deem to be political. What political realists need to put forward is a theory of how politics works. Only embedded in this theory of the way that politics functions do concepts, understanding and interpretation, (inter)actions, and political structures earn their sense. The reason why moralists do not need a theory of politics is because they have substituted it for a moral universe of sense-making, (inter)action, and interpretation. There is

no need to show how a political system works, how it interacts with economic systems, what the role of power and violence is within it, etc. What suffices is to deduce from a personal moral situation (e.g., the trolley problem) what to do in any other aspect of social life and work out complications later. Personal moral actionability takes precedence over all else. The inevitable response of *Weltfremdheit* (unworldliness) is brushed aside with the remark that if the world does not function according to the moral scheme portrayed, it simply *should*.

The second strand of political realism treats it as a form of ideology critique. It aims to dig at the roots of normative obligations, shedding light on their presuppositions, the historical contexts in which they have come about, and the contexts in which they are applied today. It is normative insofar as it asks us not to respond to “moral obligations” as (universally) valid, but rather sees them as the expressions of ideology (Hall and Sleat 2017, 284). Ethics, according to this understanding, is dead politics (Geuss 2010, 42).

The debate on political realism has, however, remained largely (though not exclusively) on a methodological level. In fact, one of its critics’ gripes is that it has been remarkably unproductive (Rutherford 2023). This is changing. An emerging literature is making normative prescriptions based on political realist grounds with regard to a number of issues ranging from democracy to freedom, global capital, labor market shirking, and sovereign debt (for some examples, see Arlen and Rossi 2021; Aytac 2023a; 2023b; Bagg 2022; Cross and Prinz 2023; Hall and Sleat 2017). I will employ what must arguably be a specific understanding of political realism and show not only that it can generate normative statements with regard to my topic here—admitting refugees—but also that it represents a better tool to do so than those offered by moralism.

What, then, is the purpose of introducing political realism to thinking about refugee admission? While the two strands of political realism outlined above represent different versions of political realism, they are not incompatible. They may, in fact, necessitate each other in contributing normative arguments. As Burelli and Destri (2022) argue, neither instrumental nor epistemic arguments are sufficient in themselves for generating normative arguments. Either alone is insufficient, because instrumental normativity cannot independently make a decision on truth. It can be context dependent without providing an idea of what to strive toward, while epistemic normativity does not provide us with what is normative. It does not provide us with action-guiding propositions over and above telling us what not to do or believe in. Politically normative arguments require good epistemic reasons for not believing in a specific narrative. They require a form of critique of moral reasoning in the specific case one identifies. On the other hand, they require an instrumental-

functionalist component, which provides us with a politically immanent benchmark—a normative criteria that is not moral. This paper will follow this approach.

Political Realism and Refugeehood

What is the problem of the duty of rescue and its application to refugee situations? How can a political realist account inform a normative stance on refugee admission? Recall the duty of rescue outlined above. It assumed an analogical relationship between the need to save drowning children and the need to save refugees—by innocent bystanders in the case of the former and states (of the Global North) in the case of the latter—if doing so incurs little cost. Critics have mentioned that the analogy is a mischaracterization for various reasons. Refugees are not like children: they should not be patronized, and they do not lack the capacity for action. States are not like innocent bystanders ready to jump into the pool when duty calls: they are, to a large extent, responsible for why refugees find themselves in these situations. Yet, this is not the main reason why the duty of rescue is a mischaracterization. It is not only about the composition of the thought experiment, about switching out one actor for another or giving them more or less insight or blame; it is about how refugees appear to states in international politics, their role and function. In other words, it is about shifting perspective from a moral point of observation to a political understanding, from thinking that the world can be integrated and ordered through morality to a point of view that sees this form of order and integration as having been overcome and replaced by other social subsystems, including (and mainly, for our purposes) politics. Why would this be necessary? Why would the application of the duty of rescue to refugee admittance be inappropriate? Part of the political realist argument is to show why the structure of moral argumentation does not fit the world. This is especially clear in the case of refugee admittance.

States do not behave according to humanitarian moral principles. In fact, they quite openly breach the most basic moral imperatives. In the case of refugee admittance, this is easy to see. States operate torture and detention camps on their territories (Al-Dayel, Anfinson, and Anfinson 2021); round up and cart refugees out into the desert to die (Al Jazeera 2018); ram small overcrowded boats with coast guard vessels (Tondo 2021); seize ship motors, leaving refugees to die at sea (Basaran 2015; Campbell and D'Agostino 2023; Stierl 2018); and keep refugees in camps in situations lacking the most basic human necessities (Amnesty International 2020). One could be excused for thinking that such treatment is the purview of autocratic states that lack any track record of compliance with human rights standards. This is wrong. Liberal democracies are not only complicit in these situations, but play an active role in deterrence, detention, and deportation structures (I call this the “D3 apparatus”).

The torture and detention camps would not operate without their financial help, the vessels would not be intercepted without the training and guidance they provide for the coast guards of other countries, and the camps would not exist if not for their restrictive admittance policies and their financial support for encampment elsewhere (Baldwin-Edwards and Lutterbeck 2019; Slaughter and Crisp 2009). Liberal democracies have not only financed border closures and controls elsewhere, but also employ methods of deterrence, detention, and deportation themselves. They have erected razor wire fences and walls along their external borders, and drive refugees back to third-country states in organized pushbacks, caring little for asylum claims, the prospects for refugees, or their physical health (Augustova, Farrand-Carrapico, and Obradovic-Wochnik 2023; Bender 2020a). All in all, states care little about the humanitarian needs of refugees. They readily abandon them, lock them up, injure them, kill them, or leave them to die. These are not mistakes or the unforeseen consequences of good-hearted policies. The system operates by design. At the same time, not all refugees face the D3 apparatus. The borders are open to some, and the challenge lies less with entering the admitting state than with leaving their state of origin. Some administrations efficiently organize emergency and long-term housing, instead of detention and deportation. Their claims for international protection are processed. Where the process is too slow or does not apply to them, it can be circumvented (Motte-Baumvol, Mont'Alverne, and Braga 2022). New protection measures can be applied en masse, making decisions about individual asylum claims unnecessary for them.⁴ Why was it easy for Cubans to seek asylum in the US, but not for Haitians or people fleeing El Salvador? Why could Ukrainians enter the EU with ease, receiving an alternative form of protection that allowed sidestepping individual asylum applications, while the EU is simultaneously letting refugees from Africa drown in the Mediterranean, or be tortured in Libyan camps?

If the humanitarian account were true and states were motivated by the moral plight of refugees, we would see no discrepancy in terms of refugee admittance or treatment. This would not (necessarily) entail that states would then admit all refugees, but it would entail that states admit refugees based on need or on some criteria of vulnerability. The humanitarian plight should take precedence, but states do not act like this. If the humanitarian plight of refugees were the determinant for accepting refugees, then the acceptance rates would be uniform across countries. This is not the case (Moorthy and Brathwaite 2019). A humanitarian concern for refugees does not explain refugee acceptance. As an example, prior to 2015, Eritreans would have had a 97% probability of being recognized as refugees in Sweden, compared to only 32% in France, despite their having experienced similar levels of persecution.

There are, then, other factors, differing from humanitarian reasons, at work to explain this (Cucu and Panon 2023).⁵ States do not make decisions on refugee admittance based on moral grounds—rather to the contrary. The more refugees appear only as humanitarian subjects, the more likely it is that states will violate their most basic rights.⁶ States crack down especially hard whenever refugees appear only in their capacity as humanitarian subjects in need of help. The more situations approximate to the duty-of-rescue case above, the less states are seemingly ready to help. The interception of privately funded rescue vessels, the confiscation of reconnaissance aircraft, the employment of coast guards to intercept and return refugees to situations of immediate harm in the detention centers of Libya, and the tactic of leaving refugees to die at sea seem to be diametrically opposed to the logic of humanitarian action when refugees appeal to moral consciousness alone. Appealing to the moral consciousness of states seems futile: states do not make decisions based on moral grounds, and the question of refugee admittance provides perhaps the most pertinent evidence of such a claim.

The fact that moral arguments have no force in the politics of refugeehood does not mean, of course, that we cannot make them. But it seems futile to do so. It is not only that moral arguments do not convince states to act in one way or another; it is that they have no force in politics. They simply do not apply, but operate according to different languages, according to different logics.⁷ The duty of rescue, in a similar vein as other moral constructs intended to fit a political world, is thus not only a mischaracterization of empirical realities, but also commits a category mistake.

Moralism on this account (and here this would mean the duty of rescue) is neither a good tool for analyzing what is going on, nor is it normative in the sense that it makes prescriptions that fit the bill. It tells us to act in ways that do not correspond to the mode of action in the specific social situation we face. In other social situations this would be apparent to us. We would deem it strange if someone tried to buy bread at the bakery by appealing to the laws of God, or tried using truth claims as a currency instead. It sounds weird to us, because it does not acknowledge the functional differentiation of contemporary society. It assumes a different social order. In the realm of economics, one uses money to pay, not truth, power, etc. This does not mean, of course, that these things cannot be monetized, or influence economic transactions, but they are not primary. Different “currencies” are functional in different social situations.

The same goes for the idea of morality in the sphere of politics. The duty of rescue, as with most other moralized normative attempts at treating political issues, seems like the easy way out—the easy outrage (“This is just terrible!”) that generates high margins of positive emotional return, but is theoretically depleted. It is too easy. One just presents a wish list regarding the state of the world: “States

should admit all refugees.” “No refugees should exist.” “There should be world peace.” “States should conduct rescue missions for refugees whose journey they have blocked.” This is enraging not because the intention is not good—and perhaps this form of virtue signaling is an integral part of it—but because it does not take politics seriously, does not present a theoretical vision of how it works. It just bangs its head into a wall over and over again, repeating the same wishes for a political world that it does not fit. Yes, it would be great if societies could be fully integrated by truth claims, if violence were nonexistent, if politics could be replaced by moral integration, but this is a vision without a theory of how societies actually function. In this sense, the duty of rescue is not normative because it tells states over and over again that they should save refugees because it is the good, moral thing to do, even though states continue to behave in other ways—in ways in which morality (sadly, perhaps) plays no role as a primary factor of social integration. This implies that (international) political systems operate in a fashion that allows and disallows for specific (inter)actions as functionally operative. This is why the possible objections from moralists, such as the typical reaffirmative moral response that non-compliance does not equate to nonapplication, does not hold here. The objection would claim that the total disregard of states for moral reasoning should not entail that states *should not* act differently. The “ought implies can” idea is stretched to its limits here. What would be required for this objection to hold is a different political system, different modes of political functioning. It would require an overhaul of how politics works. Simply reaffirming a wished-for moral stance tells us nothing about the political world—neither descriptively, nor prescriptively. We cannot escape politics, as much as some might want to.

Given the fact that states react especially badly when they are confronted with humanitarian demands, and thus fail especially badly at protecting refugees when refugees appear solely as humanitarian subjects, it seems normatively futile to simply repeat that they should, repeating the same arguments over and over again. What it shows is both a lack of understanding of why states act as they do—why they admit some refugees and reject others—and a normative disconnect. It seems, at best, futile to keep on reaffirming moral duties. If moral arguments have no force because actors simply do not operate in such a universe, then they lack normative force. If moral arguments lack purchasing power, then why would we insist of using them as such; why would we insist on paying with them?

Normative Functions: Refugeehood in International Politics

Moral arguments from the interpersonal level, then, do not translate well into the sphere of politics. They are based on and lead to mistakes in the characterization of

political events and to non-normative prescriptions for the realm of politics. The issue here is not only a matter of scale between an interpersonal and a larger setting. It is not only the case that some moral prescriptions do not apply when scales change (for this argument, see Sankaran 2021), but also that different normative prescriptions are needed for different functional social subsystems. So far, the argument has been primarily negative, focusing on showing why the duty of rescue does not apply well to the way refugees appear and which role they play in politics. Different scholars have noted the difficulties of moral approaches to normative research on refugees (Finlayson 2020; Kreutz 2023).⁸ What they have not yet done, however, is offer a normative outlook themselves. This paper will apply an approach that combines epistemic and functional analyses and seeks to generate normative proposals from it (following Burelli and Destri 2022).⁹ What would a politically realist normative stance on refugee admission look like? It would need to generate normative standards from within praxis, from within politics itself. It would, then, need to be based on a sound theory of the politics of refugeehood. What role, thus, does refugeehood play in international politics? What is its function? How do states relate to refugees, and why do they admit some and not others? These are the questions that this section aims to answer in constructing a positive normative argument for refugee admittance through the tools of political realism.

States do not view refugees like the moral case suggests. They do not operate on the basis of humanitarian reasoning when it comes to refugees. Rather, refugees appear in international politics in a decisively political way. Admitting refugees has always followed the function of condemning other countries, positioning themselves within the international political arena against or with other states and political systems. This connection, as we will see below, is robust both spatially and temporally. Refugees appear in the realm of international politics as tools to states that aim to consolidate their position internationally and attempt to weaken or strengthen other states. They thus not only fulfill a role for receiving but also for sending states (Teitelbaum 1984). Kelly Greenhill (2008) argues that states sometimes use refugees to reach political goals, sometimes for appropriating territory and altering the ethnic composition of regions, and sometimes to get rid of dissidents. Consider, for example, of the refugee exodus from Haiti in the 1980s. Sometimes, states use refugees in conflict situations as an aspect of military strategy to clog communications or logistics. Engineering refugee migration will occupy the opposing military, tying up its logistical capacities with the task of getting people out and rendering them largely unavailable to its own troops. Finally, states use refugees as a foreign policy tool to press for concessions and induce change in the behavior of other states. One of many examples is the deal between the EU

and Turkey that sought to cut back on refugee migration from Turkey to Greece, and the way Turkey attempted to “weaponize” refugees in pressing for concessions from the EU (Greenhill 2016). Something similar is the case when we turn to the perspective of receiving states.

The literature has pointed to the idea that states accept refugees when they come from “unfriendly” states (Moorthy and Brathwaite 2019). To date, it has focused mainly on the US, which has, for instance, accepted refugees from Cuba, but has been unwilling to do the same for refugees from Haiti, El Salvador, and Guatemala, to whom it has provided both military and police support (Salehyan and Rosenblum 2008; Teitelbaum 1984). Yet, the phenomenon is not limited to the United States. Salehyan and Rosenblum (2008, 339–40) observe the same trend in refugee admittance across the borders of Pakistan, India, Somalia, Thailand, Angola, and elsewhere. Nor is it limited temporally either. Admitting refugees from rival states has a long history, but is perhaps most clearly showcased by the treatment of people leaving the Soviet Union or one of its satellite states. From 1952 to 1980, US law defined a refugee as a person fleeing “from a Communist-dominated country or area, or from any country within the general area of the Middle East” (Teitelbaum 1984, 430). A person who fled a communist state had a good chance of being admitted as a refugee in the West. This allowed liberal democracies to showcase ideological and material superiority, while weakening and condemning the political systems of their rivals (Adamson 2006; Rosenblum and Salehyan 2004; Totten 2017). The pattern is clear: refuge will be provided if people flee from an adversarial state, as this not only causes embarrassment to the adversary but also secures a stock of opposition or guerilla forces that can help to further weaken it.

Abdelaaty (2021) summarizes the political function of providing asylum in three points. First, admitting refugees can undermine the sending country and its political system. A more expansive policy can encourage people to flee, leading to political destabilization. Second, asylum is used to condemn and embarrass other states. Condemn, because admitting a person fleeing another state suggests that this state is wielding illegitimate political power. Embarrass, because it suggests that the political system of the sending state is materially and legitimately inferior to the receiving state. States actively seek to gain an advantage through admitting refugees and condemning the political systems of other states. The US, for instance, issued a national security memorandum in 1953 holding that it is US policy to “encourage defection of all USSR nationals and ‘key’ personnel from the satellite countries” in order to “inflict a psychological blow on Communism” (quoted in Zolberg, Suhrke, and Aguayo 1989, 26–27). The flip side of condemning and embarrassing other states lies in the identity reversion that admitting refugees entails for host states (Durieux 2013). It allows liberal

democracies not only to demonstrate superiority to rivals, but also to showcase political virtue to allies and their own citizens, reinforcing particular self-conceptions of the merits of liberal democratic order.¹⁰ Finally, it also leads to legitimizing the political stances of those who have not fled, but have chosen to remain and contest politically oppressive regimes. This is not a novel phenomenon either: from the beginnings of modern refugeehood in the eighteenth century onward, states saw the admittance of refugees as a sign of an enlightened society, and refugee-producing states as inferior and despotic. Third, refugees can become active against the sending country from abroad by sending money to finance the opposition or militant groups. They may also serve as a reservoir for militia recruitment in the sending country (Abdelaaty 2021, 353).¹¹

Refugees make for an integral part of international politics. Sending and admitting refugees fulfill specific political functions that cannot be separated from the functioning of the (international) political system more generally. How states view refugees also suggests that there is no overarching international community that takes up the slack for other countries when they fail to protect their citizens (Owen 2016; 2020). There is no neutral ground, no homogenous, morally bound international community that will selflessly act on behalf of anyone who is not protected by their government. Politics is saturated with conflicting interests, and functions according to a logic upon which moral arguments are only parasitic, meaning that they may have an interfering and irritating but not an integrative and determining value. This means that the idea of defending duties toward refugees based on the notion of an existing international state system that jumps in when other states have failed in their duties of protection is far removed from how states actually act when it comes to refugees. A legitimacy repair system, though not based on the logic of the duty of rescue, is thus based on a misconception of the function of refugees in international politics and how the latter is structured to incentivize states to act as they do. What, though, is the normative upshot of the way that states view refugees and the reasons why they admit some and not others? What are the normative consequences of the way that refugees appear in international politics and the function that they possess?

The normative upshot is as follows: refugees fulfill a specific function in politics. Of course, we could just argue that states should not see refugees as they do, but this would ignore and neglect not only the way that refugees appear to states, but also the broader way in which states operate on the international level. It would ask for nothing less than a different kind of behavior from states, a different social structure. And how should that come about? States operate as they do for reasons they cannot change. That must not lead, however, to normative bankruptcy or despair. The upshot is not just giving up on all

normative aspiration; it is to take seriously the function of refugeehood in international politics, and normatively reconstruct it as a political concept, not a moral one. Once we do this, the imperative of treating refugees as a political category seems inevitable. What does this mean? On the negative side, we know that whenever refugees are viewed as humanitarian figures, walls and fences rise, securitization reaches its climax, and refugees appeal to the moral consciousness of states without success. Ironically, the shift to viewing refugees as humanitarian figures has coincided with more securitization. On the positive side, we witness the remarkable openness of borders to those characterized as political refugees. What matters for a normative view on refugeehood is the reconstruction of the latter category. Now, it seems clear from the above that not all states will view this political aspect in the same way as other states do. Refugeehood is a function of state interest. This will mean that China and Russia have different interests in admitting refugees than the liberal democracies of the West. For the latter, however, refugees can play a structural role. If it is true that they serve as tools to build trust and reinforce the political structures of liberal democracy at home, and if it is true that admitting refugees functions to destabilize rival (ideological) regimes, we can construct a normative conception of admitting refugeehood that emphasizes its political relevance. Liberal democracies should accept refugees for these reasons. This has four consequences: The first is conceptual, the second concerns the scope of refugee admittance. The third lies in the treatment of refugees once admitted. The fourth is a strategic upshot for activists and politicians.

If the function of refugeehood is a political one, if it serves as a tool to destabilize rivals and support allies, the current legal conceptualization of refugeehood is insufficient. A change in the definition of refugeehood is imperative. Asylum as a sanctuary for individually politically persecuted people is an outdated and insufficient basis for fully engaging the tool of refugeehood. Contrary to what many believe, this does not mean a more restricted account of refugeehood, nor a reduction of the numbers of refugees admitted. Taking seriously the disruptive force of refugee admittance and its political core, the conception of refugeehood must be widened to include all those people politically oppressed (Bender 2020b; 2022). At least, this seems to be the case from the vantage point of liberal democracies. If the function of refugeehood is to condemn and destabilize rival regimes, the concept of refugeehood must be adapted to allow for a fully weaponized construct. Understanding refugees only as those individually persecuted for the five arbitrary reasons outlined in Article 1A(2) of the Geneva Convention represents a legal straightjacket that impedes the application of a fully politicized function of refugeehood. Liberal democracies should widen the definition of refugeehood to allow full and rigorous use of the political function of refugeehood

and asylum. The core of liberal democracy is not only the purported absence of specific forms of persecution, but also the absence of illegitimate political oppression. A concept of refugeehood that reflects this would need to embrace the idea that refugees flee political oppression and not merely specific instantiations of repression, such as *individual* persecution for a limited set of reasons. It would allow states to fully engage the function that refugees play internationally.

The second normative consequence relates to the scope of refugee admittance. If the idea that refugees fulfill a political function is taken seriously, then many more refugees would need to be admitted than are currently. Additionally, it explains why admitting *more* refugees is a politically expedient thing. Moralized theories that view refugees as humanitarian figures can argue that refugees should be admitted, but lack a normative argument for why *more* should. If refugees fulfill the function of politically important tools in maintaining international alliances through admitting refugees from war-torn regions, in destabilizing rival political systems, and in fostering or building power positions vis-à-vis other states in the international arena, admitting more refugees is a politically salient thing to do. It serves a positive political function to host refugees that can pay off in the hard currency of (international) political power.

The third normative consequence is connected to the use of hosting more refugees. If the political function of refugeehood is taken seriously, merely providing shelter, food, and water is insufficient and politically unwise. Not only does this lead to more economic costs for the hosting state, through creating wholly artificially dependent populations, but it also undermines the function and benefits of refugeehood. A fully politically weaponized conception of refugeehood requires the state to provide and support refugees with a number of political resources. If refugees are to play the disruptive and destabilizing role that makes them attractive to host, states should supply them with the full arsenal of oppositional resources. After all, refugees abroad are a major source for building oppositional movements, alternative governmental structures, and military organizations that could overthrow and change home-state governments. The capacity for fully engaging in this role needs to be provided by host states. This normative upshot to the treatment of refugees also implies that it would be politically unwise to offshore refugee populations, as has been done by Australia and the United Kingdom. Such actions can paradoxically only be justified by reference to a humanitarian understanding of refugeehood that allows offshoring and encampment of refugees as long as their basic human rights such as shelter, food, and water are secured. From a standpoint of viewing refugees as fulfilling political functions, this would be unwise. Not only does it undermine the reputation of political systems that propagate (political)

freedoms, but it also does not allow for an opportunity to fully reap the fruits of politically active refugees. It does nothing to contribute to (international) political standing, the building of power positions, or the undermining of rival political systems.

The fourth normative upshot is strategic. As we have seen in the previous sections, building and maintaining a humanitarian picture of refugeehood has detrimental effects on refugees' treatment. The end of the Cold War and the shift from a predominantly political to a humanitarian understanding of refugeehood ironically coincided with an increase of securitization and a reduction of protection on all levels. Building the narrative of refugees as the poor and passive claimants of aid and help also builds a narrative of liberal democracies that must not be fooled by their plight, of liberal democracies that must stay principled and strong in the face of momentous suffering for the sake of larger-scale reductions of suffering. It builds the narrative that states have already done enough, that they are good willed and morally adequate if they admit but a small amount of refugees. In other words, it builds the narrative of a generous spender and a passive recipient begging for more. In such a narrative, the generous spender is quickly satisfied that they have done enough, justifying a lack of further empathy with past deeds.

Moralized theoretical arguments play squarely in this field. They appeal only to the moral conscience of admitting states. Such statist moral consciousness does not exist, and if it did, it would pale before the imperatives of political actions in a politically structured world. Repeating moral arguments in such a context is to repeatedly run into a brick wall. It is politically and normatively fruitless. Any argument that seeks to be politically normative needs to build from within the way politics works, and, in this case, start from the role that refugeehood plays in the wider context of (international) politics. Arguing for more refugee admittance must, then, take the form of arguing through the political function of refugeehood. It must show that admitting refugees is politically salient. Refugees, in other words, function as an important part of international politics. They are not passive recipients of aid, but allies in a political struggle. They, as do we and as do states, live in a political world—a world we cannot escape through the hatch of moral discourse.

Conclusion

We do not typically attempt to buy things by offering truth claims in return. The reason should be apparent to most of us: it is the wrong "currency." So why do we attempt to do the same when it comes to morality in politics? This paper has argued that we should not. It is a mistake to construct abstract moral arguments based on individualized thought experiments and then apply them

to politics. Politics functions according to a specific logic. It forms a universe that differs from the universe of moral thought experiments. Institutions and persons interact according to a specific and distinct logic. Just as economic interactions differ from legal, religious, or scientific interactions, so does the political universe function according to different social imperatives. To identify arguments that are normatively valid for the specific universe that confronts us in politics, what is needed is to build from within politics, to identify how it works, which functions it possesses, and which ones it should possess, based on these observations.

This paper has taken the most widely used moral argument justifying refugee admittance—the duty of rescue—and has shown why it is a mischaracterization of how the politics of refugee admittance works, and why it cannot serve as an adequate basis for thinking normatively about admitting refugees. It has argued that states do not view refugees in the way the moral example of the duty of rescue suggests. They do not admit refugees based on a humanitarian, moral logic. Rather, admitting refugees has always followed the function of upholding state interests vis-à-vis other states. Refugees are admitted when they serve as destructive tools to dismantle rival political regimes. Refugeehood thus possesses an important function in international politics. In light of how states view refugees, why they admit who they admit, and which role they occupy in international politics, the paper reconstructed a normative picture of refugeehood that does not simply reaffirm moral prescriptions, but instead argues for a (politically) realist account for admitting refugees. Paying with the wrong currency leads to nothing but rejection.

In contrast, the specific function that refugees do play in international politics allows for a reconstruction with a normative upshot. We should admit refugees because of their important political functions, because they are political players who shape the landscape of international politics. Rather than embracing the idea of refugees as suffering humanitarian subjects in need of help, we should therefore embrace the idea of refugees as political subjects, and refugeehood as fulfilling important political functions. Admitting refugees, then, is a matter of political savvy. We need to embrace political realism as a novel account for justifying refugee admission.

Notes

1 Oberman argues that the duty of rescue needs to be separated from the duty to admit refugees. He argues that if states have a duty to admit refugees, all migrants should be allowed to move freely to make such claims at the borders. This entails that there ought to be no obstacles in the way of refugees. Yet, the absence of regular migration routes to many migrants eventually

makes rescue at sea necessary. If states, thus, impose restrictions that endanger migrants, they have to mitigate that danger by performing border rescues. The duty to admit refugees then stems from the pressing needs of migrants to secure their basic rights. How this can be clearly separated from a wider interpretation of the duty of rescue is, however, unclear. I will thus refer to the wider understanding of the duty of rescue as going beyond a mere to-the-word understanding of rescue.

- 2 Parekh goes on to argue that the international system of harming refugees ought to be viewed instead as a network of harms exposing a systemic form of injustice for which no single state can be entirely responsible. They are caught up in a network of actions that both limit their range of options and create possibly unintended situations that result in harming refugees. The systemic injustice debate will be bracketed here. Though it criticizes the duty of rescue, it still does so from a decisively moral point of view.
- 3 Whether this means that nonmoral normativity needs to be political or whether there can also be other forms of nonmoral normativity is currently a point of debate (Jubb 2019; Kreutz and Rossi 2022). In my view, these two positions are not mutually exclusive. There can be a distinctly political normativity, just as there may be a distinctly economic normativity, or specific legal normative arguments. When speaking from the point of view of politics, however, economic, legal, religious, or even moral frameworks of thought remain external to it. What is normative for the political realm must be a distinctly political normative argument.
- 4 This is not to say that legal norms such as the non-refoulement clause no longer apply or that they may not constitute constraints on what states can do. Yet, they seem to play an irritating but not determining role for politics. States have managed to bypass these legal norms by outsourcing asylum protection and border controls in various ways. The UK–Rwanda deal, the Italy–Albania proposals, and the proposed plans to outsource asylum processing by other European countries are just some of the many ways in which legal norms may be bypassed.
- 5 Contrary to common belief, the wealth of a country is equally not a deciding factor for admitting refugees. It is a commonplace to believe that hosting refugees is expensive. Even if we bracket the question of whether they actually are, that belief does not lead to hosting fewer refugees (Moorthy and Brathwaite 2019).
- 6 From Arendt ([1951] 1973, 192, 230) to Agamben (1998), the central theme of this idea is the emptiness of human rights when human beings are reduced only to their humanity, stripped of their other attributes. It

is at this point that those most in need of human rights are least likely to access them. This must not mean that all that refugees have left is their bare human existence, *pace* Agamben. Refugees may still possess agency, view themselves as political beings, and so forth. What it means is that when they appear as merely human on the grand stage of world politics, and when they consequently appear to states first and foremost as humanitarian subjects—and thus when they appear first and foremost as claimants of human rights—they are least likely to access them.

- 7 This does, then, not mean that we might not wish that they apply. I am certain that a great deal of political philosophers, like any other human being, would wish for the end of suffering to human beings, to the end of wars, and for every human being to live in luxury and according to their wishes and wants if that implies going hunting in the morning, fishing in the afternoon, rearing cattle in the evening, and criticizing after dinner, or just lying around all day.
- 8 It should be noted that though Finlayson employs the tools of political realism to criticize moral argumentation about migration, our diagnostic, critical perspective on migration and refugeehood differ. She approaches political realism from a historical point of view; I make a functionalist argument.
- 9 Note that this approach comes close to what Rossi (2019) calls a “contextualist” approach. It differs from the one Burelli and Destri argue for, insofar as the latter allow for the inclusion of epistemic questions in making functionalist arguments.
- 10 This can explain some differences not only in admitting refugees, but also in the readiness to financially support international refugee agencies. Demonstrating a commitment to particular political values can be instrumentally valuable not only when they are showcased toward one’s own public, but also toward allies (see Betts 2003).
- 11 Abdelaaty (2021, 354) also discusses a second aspect that seems to determine refugee admittance: similarity of ethnic groups. States are more favorable to refugees who belong to the same ethnic group as the leaders of the receiving countries. Leaders aim at securing political survival, which means that maintaining a specific ethnic composition can be politically advantageous. Vice versa, they will be careful with regard to admitting refugees from other ethnic groups, as this could tip the balance of power to their disadvantage. Refugees from Kosovo were, for instance, welcome in Albania, but not in North Macedonia, as they threatened to tip the scale in favor of ethnic Albanians there. This should not concern us further, since what we aim to show is that refugee admittance is a function of the interests of states. National interests may be part of this equation in

some cases, but where ethnic cleavages are not politically salient, only international competition matters in admitting refugees.

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