Justice and Forced Migration: Beyond the Open Borders Debate

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Introduction

In 2011, Yusra lived in Aleppo with her husband and her children. Life had not been gentle to her, but she had no desire to leave her place of origin. When she was a girl, she could not attend school. She got married very young, but soon her husband died of cancer, and she found herself widowed with a boy aged ten, who had to quit school and find a job. She eventually married a kind, older man, who gave her a daughter and a son. When her younger children were four and two years old, the Syrian revolution began. The police started shooting the protesters, but Yusra believed that those events would not last long and that she could continue living life as usual. Then, the bombing started. Her daughter, traumatised, gave up talking. Scared for her kids, Yusra left Syria for Jordan, while her husband stayed back in Aleppo. They continued to believe that the war would not last long. Two years later, Yusra was still in Jordan. She had spent all the money she had taken with her and struggled to work. She saw no future in Jordan, nor in Syria, so she turned to her husband for a solution. Her husband, who had worked in Germany many years before, told her that it was a country that surely protected the rights of women and children. He would have helped her to get there. Yusra and her children reached Turkey, were smuggled to Greece, then took the Balkan route. They walked for nearly a month, and eventually crossed the German border. Four and half years later, she was still living in a refugee shelter. Nevertheless, she told the interviewer: "Believe me, if I had to do it all over again, I would" (Pearlman 2017).

In 1997, Luis Angel was a twenty-three-year-old farmer who lived in the Jiguamiandó valley in Colombia with his wife and his children. He was proud of having received a diploma and regretted not having had enough money to pursue a university education. However, he was happy with his small business and his family life. All of a sudden, his life changed. Operation Genesis against insurgent guerrillas had begun. The army and their paramilitary allies began attacking the

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local residents, accused of supporting the guerrillas, and forcing them to leave immediately.[1] Luis Angel saw people fleeing barefoot or without a shirt. He also had to leave behind everything he owned. What he regretted the most, though, was not having had the time to take his diploma with him. His community fled to the Pavarandó area and spent a year and a half living crammed under plastic roofs, without any sanitation. Diseases spread, and some of the children died. In 1999, they eventually dared go back to Jiguamiandó, only to find their homes destroyed. Moreover, the economic blockade impeded returnees from resuming selling crops. Luis Angel and other peasants were determined to take back their lands, and they rebuilt some shelters, but in 2001 those shelters were burnt down again. Along with economic hardship and the cut of social services in the area, intimidations continued to pressure peasants to leave again (NRC/IMDC 2007a).

These are two real stories of forced migration. Yusra's story can be easily classified as the story of a refugee who has been forced to abandon her country of origin where her life was in danger. Luis Angel, by contrast, did not leave Colombia. Forced-migration scholars would describe him as an internally displaced person (IDP). To the European public, Yusra's story would sound much more familiar, but the forced migrants who seek asylum in the global North are just a minority of those who are forced to leave their habitual place of residence. At the global level, the number of people forcibly displaced due to war, conflict, persecution, human rights violations, and events seriously disturbing public order has doubled over the last decade. According to the UNHCR (2021), the number of forcibly displaced people in 2010 slightly exceeded 41 million. By the end of 2020 it had grown to 82.4 million, the highest number on record according to available data. Over half of them (48 million) were IDPs, while recognised refugees were slightly more than a third (26.4 million), 86 percent of whom were not hosted in the global North. Thus, though the public debate and most political theorists' works concentrate on those forced migrants who arrive

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[1] On 27 December 2013, the Inter-American Court of Human Rights found the Colombian state guilty of the mass forced displacement of 1997, which resulted from the actions of both the army and the paramilitaries of the Autodefensas Unidas de Colombia (AUC). See https://pbicolombia.org/2016/03/10/the-case-of-operation-genesis-vs-colombia/#_ftn8.

at the borders of Western states, these people are just the tip of the iceberg. This becomes even more evident if we consider that UNHCR figures do not include trafficked people (who are coerced or deceived into migrating) and those displaced because of development projects, slow-onset environmental degradation, and natural disasters.

The more inclusive is the category of forced migration, the more it becomes blurred. From the legal point of view, these people have different statuses. From the sociological point of view, some cases intuitively seem to be blatant cases of forced migration, while we might have doubts about other cases where coercive external pressure is less obvious. As I will argue, definitions are often deeply influenced by their (normative) implications. However, there is little doubt about the fact that forced migration exists. The stories summarised at the beginning of the chapter are paradigmatic examples of people who were coerced into moving or felt that leaving was the only acceptable option open to them because their life would otherwise have been at risk. Of course, this does not mean that anyone who decides to migrate because alternative options are non-ideal is forced to migrate. If so, no one would migrate voluntarily, given that we do not live in a just world, whatever theory of domestic and global justice we adopt. This seems counterintuitive given that, as Ottonelli and Torresi (2013) noted, both in ordinary language and in philosophy it is assumed that voluntary actions are possible even in non-ideal conditions. A person can desire, plan, and actively seek to migrate because leaving home to temporarily or permanently settle elsewhere is part of their life plan, is valued as a means to achieve ends worth pursuing, and may also be valued in itself.

Empirical scholars have often proposed to consider migration as a spectrum or a continuum (Richmond 1993). At one pole we might imagine situating cases of migration where external triggers and background injustice do not play any role at all. At the opposite pole we might imagine situating cases where the person is physically moved under duress and their autonomy is completely curtailed. Real cases of migration fall in between the two. Cases of forced migration involve a significative impairment of individual autonomy. Some of them appear closer than others

to the forcedness pole, given that they involve coercion, violence, threat of violence, or deception. We might think of cases of human trafficking, and individual or collective persecution. Along with these cases, I will also consider as clear cases of forced migration those cases where the option of staying would include threats to life and physical integrity. We might think of cases of conflict-induced migration, but also of cases where the person would be at risk of being tortured, cases where the person is deprived of their livelihood and impoverished to the extent that they face malnutrition and starvation, or cases where the person is at risk of poisoning (e.g., because of water or soil pollution). These are the kinds of cases that I will focus on throughout the next chapters. My aim is not to set the precise limits of the forced-migration category. Rather, I will concentrate on clear cases of non-voluntary migration to determine what, if anything, makes this sort of migratory experience a distinctive phenomenon and whether this has implications for how we frame the normative debate on the ethics of migration.

Migration scholars typically approach migration from the perspective of Western liberal democracies, conceived of as destination countries. Thus, migration is predominantly seen as immigration. This is evident in normative political theory: the basic question in the ethics of migration is "who should get in?" or "how open should borders be?" As a consequence, the issue of forced migration has been often framed within the ethics of admission policies: forced migrants are the special category of people who should not be excluded when they seek admission, because their life or their human rights would be put at risk.

It is important to make clear that the ethics of admission policies is crucial to provide guidance to policy makers under non-ideal conditions: assessing what just admission policies would look like is a key component of the broader issue of justice in migration. Moreover, being granted or denied admission makes a crucial difference in migrants' lives. However, as I will argue in Chapter 1, the focus on borders and admission to Western countries has some important conceptual and normative consequences concerning forced migration. Indeed, the ethics of forced migration is usually approached within the frame of the ethics of admission policies. As a result,

it is often shaped by previous presuppositions on immigration law and policies concerning admissions. Often, theorists assume as a background presupposition the right to exclude, either as a principle they endorse (see Miller 2016; Song 2019) or as a real-world fact, which they may ultimately find unjust (see Carens 2013) When theorists presuppose the state's right to exclude ordinary migrants, either as an endorsement or as a real-world fact, they are urged to determine who are the necessitous migrants who should not be excluded or should be prioritised over other admission claimants. Thus, theorists who presuppose the right to exclude are inclined to approach the conceptual and normative issues of forced migration as subset of a general ethics of admission policies which is influenced by their right-to-exclude presupposition. Furthermore, even those theorists who assume that justice requires open borders or a human right to migrate may often associate the normative salience of forced migration to the ethics of admissions in a world where states have the right to exclude migrants. Claiming that categories such as those of refugee are instrumentally used to keep immigration restrictions applying to all migrants who fall outside this special category, some of they may go as far as rejecting the normative salience of forced migration, both in relation to admissions and besides admissions.[2] According to open borders advocate Chandran Kukathas, for instance, it makes little sense, either conceptually or normatively, to consider refugees "special". Indeed, he maintains that "the purpose of distinguish between refugees and immigrants is to limit the movement of people in a world in which free movement is not tolerated." (Kukathas 2016, p. 257).

In sum, the very conceptualisation of forced migration is very often burdened by its normative implications in relation to admission policies. What is more important, whatever side theorists take in debate over open borders, they seem to agree in attributing most of the normative salience of forced migration to the existence of border restrictions, as long as migrants, including

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[2] It should be noted that defenders of open borders may well concede that in exceptional circumstances the state may regulate immigration, e.g.in case the number of immigrants or the immigration rate were so high that they caused a breakdown in public order or suddenly jeopardised the welfare state (see Carens 2013). Hence, the issue of who should be prioritised based on the strength of their admission claims is not made completely irrelevant in a world of open borders.

forced migrants, are considered qua admission claimants. Indeed, displacement within borders (i.e. internal displacement) has been largely neglected in normative political theory.

The focus on borders and admission also shapes the normative debate who should take responsibility for forced migrants and what is owed to them. Normative theorists are usually primarily interested in whether states should admit forced migrants when they arrive at their shores. Thus, a large part of the normative debate on the ethics of forced migration revolves around non-refoulement and burden sharing. Among the key issues, along with the issue of who is owed non-refoulement, there is the question of how many forced migrants a state is required to admit until it has reached its "fair share", whether states can trade admission quotas, and whether forced migrants should have a say on which state takes them in if they are to be distributed among states. Moreover, theorists discuss whether what is owed is temporary admission until repatriation is possible or a permanent new membership. While some theorists have begun elaborating on what forced migrants are owed before or besides admission, the debate still largely concentrates on the ethics of admission (Parekh 2017).

Lastly, to the extent that forced migrants are seen as a category of admission claimants, political theorists often concentrate on to the minority of forced migrants who seek admission in the global North, even though the majority of forced migrant are either internally displaced or displaced in neighbouring countries in the global South.

As a result of the focus on borders and admission policies, it is difficult to see whether the fact of being forcibly displaced, per se, is normatively relevant and how this shapes what is owed to forcibly displaced people. Instead of assuming the perspective of receiving states and proceeding from a general ethics of admission policies, I propose to start from the beginning of their journey, from their experience of being forced to migrate. Irrespective of whether they face closed borders, I wonder whether there is anything morally significant in forced displacement itself. Intuitively, we typically consider the fact of being forcibly displaced as an unpleasant experience. The first goal of my enquiry is to clarify what is harmful in forced migration. To do

so, I pay special attention to cases of forced migration where closed borders are not an issue, so that the harms that forced migrants suffer do not depend on being denied admission to a foreign country. A phenomenology of forced displacement has crucial implications for normative issues. If, for instance, we consider displacement as statelessness—i.e., the fact of "being outside your country of citizenship and denied political belonging in your state of residence" (Parekh 2017, p. 5)—this implies that what displaced people are owed is fundamentally a surrogate political membership. By contrast, if, as I propose, we investigate the harms of forced displacement that apply even to those who are displaced within their own country, this will lead us to divergent conclusions about what is owed to forcibly displaced people. As I will show, this will help us to see why, even where there are no closed borders, forced migrants should not be conflated with other people on the move. Furthermore, it will also illuminate in what respects the condition of an IDP differs from that of non-displaced compatriots even where both groups face severe injustice and deprivation. In sum, while my account does not aim to settle the issue of who is owed admission, it offers a promising path to rethink what is owed to forced migrants before, after, or besides admission.

This work is divided in two main parts. Part I considers forced migration as a global phenomenon in its common features. This inevitably requires abstraction and simplification. However, real examples based on qualitative empirical research and quantitative data will be used throughout the chapters to illustrate arguments. This first part is composed of four chapters. Chapter 1 offers a critical overview of the interdisciplinary debate on what counts as forced migration and who is a refugee. It argues that the concepts of forced migration and refugee, as well as related alternative notions such as "survival migrants" or "necessitous migrants", are often shaped by the normative aims that such concepts are intended to serve in relation to admission. More precisely, it shows whatever side they take in the debate over the ethics of admissions, scholars are influenced by the implications that such concepts currently have or would have in

relation to admissions, and they seem to agree that the distinction between forced and voluntary migration gets much of its relevance from the existence of (normally) closed borders.

Chapter 2 challenges this view. It aims to explore what is distinctively harmful in the existential condition of forced migrants and continues to hold even when forced migrants enjoy freedom of movement. Thus, the chapter argues that the concept of forced migration continues to be epistemically and normatively relevant even when admission is not an issue, when there are no borders (as is the case for internal displacement) or borders have been opened. Referring to empirical qualitative works and narratives of forced migrants' displacement experiences, I argue that forced migrants experience four kinds of distinctive harms related to forced displacement. The first kind of harm I will consider is a loss of control over one's body and bodily movement, over one's personal space and belongings, and over one's immediate future. Secondly, I argue that forced migrants lose what I call "the Home environment": a familiar environment where the person possesses sufficient social and cultural resources to perceive their personal identity as meaningful and to conceive future plans. This includes human relations, well-known spatial landmarks, and predictable cultural and social conventions. Thirdly, I argue that forced migrants do not only typically lose their livelihoods and most belongings, but they also suffer a loss of status. Finally, I consider the loss of psychological well-being caused by violent and traumatic experiences connected with forced displacement.

Chapter 3 begins to draw normative implications from this phenomenology of the harms of forced migration. It suggests that, to understand what is owed to forced migrants, we should adopt a backwards-looking, harms-based approach to their needs. This allows us to acknowledge that what they need once displaced depends on the specific harms of displacement. Forced migrants have distinctive needs to restore the control over their lives that was disrupted by forced displacement, to rebuild a "Home environment", to regain social status and livelihoods, and to restore the psychological well-being undermined by violent and traumatic experiences. This goes well beyond basic survival needs. Neither mere admission to a foreign country nor emergency

humanitarian assistance suffice to meet them. By contrast, the chapter argues, forced migrants have a strong moral claim to have these needs met because if those needs are unmet forced migrants lack the conditions for a dignified, minimally flourishing life. Thus, the moral claims of forced migrants share the same purpose as human rights, although they specifically apply to displaced people and are irreducible to human rights.

Chapter 4 moves to the issue of who is responsible for addressing the specific needs of forced migrants and how. The first section of the chapter adopts a harms-based approach to responsibility. This leads us beyond a purely forward-looking, humanitarian approach that grounds responsibility on a "Samaritan" or beneficiary principle independent from the causes of forced migration. Taking the harms of displacement as the point of departure, the approach I propose considers whether such harms can be attributed to human actions. I argue that not only states of origin, but also external states and non-state actors often individually or jointly contribute to forced displacement. While not necessarily morally responsible, they can be held outcome responsible. Indeed, forced displacement and the subsequent harms are often foreseeable, though not always intended, consequences of either their actions or the structures and processes they contribute to. This, I argue, grounds either special (individual) or general (collective) responsibilities to respond to the needs of forced migrants as a form of reparation for displacement-related harms. Finally, I propose three principles that policies should respect to count as reparations: namely, the specificity, continuity, and expressivity principles. This, I will show, has important implications concerning the kind of assistance that should be provided to forced migrants both in the short term and in the long term, including to the few who are admitted to the global North or return to their place of origin.

Building on the theoretical frame provided in part I, part II explores three case studies. All three case studies concern kinds of migration that are clearly non-voluntary, although very different. Chapters 5 and 6 consider two kinds of forced migration where borders do not pose an issue. Chapter 5 is devoted to forced displacement in Colombia. Colombia is the country counting

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the largest number of IDPs in the world. Most Colombian forced migrants are IDPs and do not face restriction on their freedom of movement, yet their existential condition is clearly different from both that of voluntary migrants and that of non-displaced people. The chapter explores underlying causes of, triggers of, and responsibilities for forced displacement, shows how the specific harms suffered by Colombian forced migrants shape their needs, and underlines the limits of current policy approaches that fail to adequately recognise and repair those harms.

Chapter 6, by contrast, looks at a form of forced migration taking place across borders in a regional free-movement area, namely intra–European Union (EU) trafficking for labour exploitation. Again, borders do not limit freedom of movement, yet trafficked people are in a different situation compared to those who migrate voluntarily, including those who might end up in labour exploitation after they have voluntarily undertaken a migratory project. The fact of having been coerced or, more often, deceived into migrating has an impact on what trafficked people need. Indeed, the chapter argues, trafficked people suffer the same kind of losses suffered by other forced migrants, starting with the loss of control, even though they might have ended up being trafficked because they wished to migrate.

Finally, chapter 7 is devoted to the case of forced migration from Syria. The plight of Syrian forced migrants has attracted a good deal of attention among theorists, as well as among Western politicians, the media, and the public. Indeed, the majority of displaced Syrians moved outside their country. While most remained in a neighbouring country, the number of those who embarked on dangerous journeys to Europe was remarkable enough to confront European countries with unprecedently pressing ethical and pragmatic concerns. Theorists have usually approached responsibility for Syrian forced migrants inside a humanitarian frame and have concentrated on the issue of admissions and how to relieve the burden on neighbouring host countries. The chapter reframes responsibility in a harms-based, backwards-looking approach. Moreover, it illustrates how a harms-based approach to forced migrants' needs allows us to

identify shortcomings even in the policy of a European state, namely Germany, that has often been praised for its generosity in providing admission and integration to Syrian forced migrants.

Case studies offer the opportunity to better capture the complexities of forced migration and the interplay between common harms and specific contextual specificities. Furthermore, case studies allow us to test the limits of theory, highlighting the difficulties of tracing responsibilities and of identifying harms and needs as well as the appropriate policy responses. Rather than providing a precise checklist of the policies that should be adopted in each of these cases, my aim is to illustrate how the normative account proposed in part I helps to reorient political theorists in considering real examples of forced migration. Thus, theorists, rather than policy makers, remain the primary intended audience. Besides, a space of indeterminacy on how to bridge theory on the one side, and policy and practice on the other side, is bound to remain: normative theorists cannot adequately fill it. Case studies, however, allow us to bring theory closer to the challenges of implementation by providing more concrete details on specific contextual situations.

Part I

Rethinking Forced Migration in Normative Political Theory

Chapter 1

How Borders Shape the Conceptual Debate on Forced Migration

Normative theorists usually approach the ethical and political issues related to migration from the perspective of Western liberal democracies, conceived of as receiving countries. Thus, as Serena Parekh has already noted, the ethics of migration is largely reduced to the ethics of admission policies. Forced migrants, particularly refugees, come into the picture from this angle: since the ethics of admissions "focusses on the question of what moral obligations states have to foreigners who seek admission on their countries", refugees are "thought as one category of people seeking admission" (Parekh 2017, p. 51). Most authors use the term "refugee" to designate all those foreigners who have such a strong moral claim to admission that it can trump restrictions on ordinary admissions. The moral obligations to admit this special category of foreigners seem less contested than the moral obligations to let in ordinary migrants; therefore, they are often only addressed in brief sections within arguments about immigration (Cherem 2015, p. 1). Nevertheless, the conceptual issue of how to define a refugee has gradually attracted increasing attention precisely because of the normative obligations attached to such a category. Given that special claimants benefit from exceptional treatment in relation to admission, it becomes necessary to understand to whom such exceptional treatment should apply, and on what grounds. In sum, in political theory the conceptualisation of refugees (or other categories of migrants deemed to raise stronger claims to admission) has usually emerged as a consequence of theorists' normative interest in the ethics of admission, and it is influenced by background presuppositions on the ethics of ordinary admissions.[3]

However, even scholars who approach the conceptualisation of refugees and other forced migrants from different disciplines are deeply influenced by the focus on borders and admission

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[3] As clarified in the Introduction, such presuppositions do not necessarily correspond to the theorist's own views on what justice in migration requires. Even a theorist committed to open borders may adopt states' right to exclude as a background presupposition to develop a theory within that non-ideal frame, as in Carens 2013.

policies. Indeed, often non-normative scholars, at least implicitly, assume or contest the normative claim that receiving states have a right to unilaterally and discretionarily exclude ordinary migrants. Given the mutual influence of normative political theorists and other forced-migration scholars, this chapter aims to offer a critical overview of the interdisciplinary debate on what counts as forced migration and who is a refugee. The reader who expects an exhaustive survey of all definitions provided since World War II, when the issue of forced migration began to be politically and legally salient in Europe, will probably be unsatisfied. This chapter will not provide a complete historical reconstruction, but rather present some recent and influential views to illustrate a specific claim. The point that I want to make is that the forced-migration debate is strongly influenced by the focus on admission policies and that the concepts of forced migration and refugee, as well as related alternative notions such as "survival migrants" or "necessitous migrants", are shaped by the normative aims that such concepts currently serve or would be intended to serve in relation to admission.

Firstly, this chapter will present the restrictive view of the refugee concept defended by those who insist on the distinctive harm of persecution and argue that only those who have lost the protection of their state of origin as a result of persecution are in need of a new membership, which can only be secured if admitted to the territory of another state. This view, which is mainly put forward by legal scholars, insists on preserving the persecution rationale in the definition of refugees, as expressed in the Geneva Convention, to keep them clearly distinct from other people on the move, including those "necessitous strangers" who could be helped in situ or given temporary protection by a foreign country and eventually repatriated.[4]

Although a few political theorists defend the restrictive interpretation of the refugee concept, most seem to criticise it. Indeed, refugee studies have progressively merged with forced-migration studies. In the broader interdisciplinary debate on forced migration, the restrictive

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[4] Michael Walzer, one of the first political philosophers to address the issue, adopted a tripartite distinction among economic migrants, refugees, and necessitous strangers (Walzer 1983).

refugee definition, made legally binding by the Geneva Convention, is highly disputed. Empirical research shows that it is often impossible to attribute migration to a single trigger: migrants move for several reasons, which may often overlap, so that it is hard to disentangle political and economic reasons as the dichotomy between political refugees and economic migrants implies. Many scholars also claim that persecution is an arbitrary basis on which to concede or refuse admission, and thus to privilege some individuals over others, because some migrants who do not qualify as refugees face equal or even greater threats to their life and well-being. Economic reasons may well compel a person to move in order to survive. In sum, it is not straightforward that all and only persecuted people are forced to move, while those who apparently move for predominantly economic reasons do so voluntarily. Thus, the chapter will be mainly devoted to the views of those scholars who reject the restrictive interpretation of the refugee concept grounded on persecution. Among the views in this vast and heterogeneous group, I identify two main tendencies.

The first tendency consists in extending or stretching the refugee concept or adopting an alternative, broader concept to subsume other categories of forced migrants, so that more migrants could enjoy asylum or, at least, be protected from refoulement and deportation. Scholars who follow this first tendency do not reject the distinction between forced and voluntary migrants and the fact that forced migrants are special admission claimants. What they criticise is the distinction between political refugees who flee persecution and other kinds of migrants who flee desperate conditions in their home country, such as generalised violence, famine, and environmental problems connected to natural or human-made disasters and climate change. They claim that these people deserve admission too, because their basic needs are not adequately met in their country of origin, and therefore they should fall into an extended category of refugee or into a new, broader category of people that states have an obligation to admit. The basic claim is that all these forced migrants are people in distress, and thus they deserve admission, whatever the reason.

The second tendency, by contrast, is more radical and consists in challenging, deconstructing, or even refusing labels or distinctions among migrants. The basic claim is that

every category, inclusive though it might be, still excludes those who do not fit the definition. Such an exclusion may be deemed unacceptable for both empirical and normative reasons. From an empirical point of view, scholars often point out that a sharp distinction between forced and voluntary migration is not applicable in practice. What empirical studies show is rather a continuum between voluntariness and forcedness, or a multidimensional migration-displacement nexus. Thus, artificial distinctions do not adequately reflect reality. Furthermore, several scholars seem to implicitly or explicitly express a normative claim against categorising people on the move. Indeed, labels have been used for political purposes—namely, to ensure that receiving states may legitimately exclude those immigrants who apparently moved voluntarily. While some may find such a right to exclude morally acceptable, this is not the case for those scholars who presuppose a cosmopolitan, egalitarian perspective on global justice, which would require open borders and an equal right to immigrate for both voluntary and forced migrants.

This chapter underlines a shared assumption among scholars who discuss forced migration. Whether they defend a restrictive definition of refugee based on persecution or they reject it to either adopt a broader humanitarian one that includes more forced migrants or to criticise any distinctions, they all seem to agree that the distinction between forced and voluntary migration gets much of its relevance from the existence of (normally) closed borders. What they are largely interested in is international forced migration, where forcedness matters in relation to the moral and legal constraints on the receiving state's right to exclude immigrants. In sum, the normative implication of concepts at stake (such as "refugee", "forced migrant", "necessitous migrant", "survival migrant", and the like) largely determines the extension and the very existence of the concepts themselves. This chapter is interested in highlighting how normative political theorists approach the forced-migration issue proceeding from background assumptions on admission policies. However, it also aims at situating the views of political theorists in the larger context of forced-migration studies, since this allows the reader to see how the focus on borders and

admissions also shapes the broader, interdisciplinary debate on who should count as a refugee or as a forced migrant in general.

1. *For a Narrow Definition of Refugee: Persecution and Asylum*

An influential and relatively recent defence of a narrow definition of refugee grounded on persecution has been advanced by Matthew Price. The introduction of Price's book *Rethinking Asylum* effectively illustrates how the focus on international borders and on the ethics of admission policies frames the discussion on which distinctions, if any, should be made among people on the move. Price begins by sketching three stories of forced migrants who had to leave their country for different reasons and claimed asylum abroad. Then, he wonders whether these three individuals could legitimately be repatriated. If not, they should count as refugees (Price 2009, pp. 1–2). Price assumes that states have a right to exclude ordinary immigrants and to deport those who cross borders without being authorised, although his aim is not to argue in favour of this ethics of ordinary admission. In his three stories, he imagines that "the ordinary avenues of immigration are closed to them". This means that these people have illegally crossed the border of the receiving state; nonetheless, they "hope to be granted asylum, an exception to the usual restrictions on immigration" (Price 2009, p. 2). The basic normative issue is: should these people be "permitted to remain in their country of refuge", thus receiving "a reprieve from deportation" (Price 2009, p. 2)? What criteria should determine this exceptional treatment, this "loophole in otherwise restrictive immigration policies" (Price 2009, pp. 3–4)?

As a legal theorist and lawyer, Price looks at the answer provided by international law: the 1951 UN Convention Relating to the Status of Refugees and the corresponding 1967 protocol state a legal right to seek asylum (and a legal duty not to refoul) anyone who, "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country". According

to Price, the persecution criterion provides a morally legitimate ground to identify who is entitled to receive the exceptional treatment of asylum, which implies being allowed to remain in the receiving country and eventually acquire citizenship. Indeed, he argues, persecuted people face a distinctive kind of harm: they "do not merely experience insecurity; they are targeted for harm in a manner that repudiates their claim to political membership" (Price 2009, p. 13). In sum, if the (scarce) good at stake is asylum, persecuted people are those who should earn it: asylum "responds to the distinctive situation of persecuted people, who have been expelled from their political communities, by expressing condemnation of persecutory regimes and by providing a remedy— surrogate membership abroad—that matches the special harm they have suffered" (Price 2009, p. 13).

In a more recent paper, Max Cherem recalls Price's point to reiterate that "refugees are special because persecution is a special harm" (Cherem 2015, p. 9). He makes clear that, while the "non-persecutory peril" of other needy migrants can be "addressed at home or in other ways", the "persecutory peril of repudiated membership . . . can often only be durably solved by new membership" (Cherem 2015, p. 10). In sum, those who really deserve admission are those who flee persecution, and thus this group should be set apart from all other people on the move.

The fact that the normative implications of the concept precede the conceptualisation emerges even more clearly in Matthew Lister's account of who is a refugee (Lister 2013). Lister states that "the question of who are refugees is not analytically distinct from the question of what we owe to refugees" (Lister 2013, p. 648). Attempts to address the conceptual question before the normative one, in Lister's view, are methodologically flawed, because "we cannot get a clear account of either side of the equation in isolation" (Lister 2013, p. 648). What Lister seems to do, however, is build the answer to the conceptual question on the answer to the normative one. His aim is to determine "to whom what we owe to refugees (whatever it is) is owed" (Lister 2013, p. 648). What, then, is owed to refugees? In the paragraph that immediately precedes his methodological remarks, Lister has already provided the answer. The "generally accepted duty"

(Lister 2013, p. 648) at stake is the duty of non-refoulement, the core of which is a duty to allow entrance (the other component being a duty to eventually grant full membership, which, however, falls on the international order of states, rather than on the state of first admission). The question of who is a refugee, then, is the question of who is the kind of immigrant "whom a state has a moral duty to admit into itself, despite whatever other immigration policies the state may have" (Lister 2013, p. 647).

Lister explicitly acknowledges that the answer to this question is strictly dependent upon the ethics of ordinary immigration one presupposes. Indeed, those who start from the premise that there is a general moral right to free movement within states would answer that states have the moral duty to admit anyone. Therefore, Lister clarifies that he assumes that there is no basic right to free movement, though he does not argue for that. Analogously to what Price does, Lister too needs to rule out the option of evading the question of who is owed an exception to the norm of exclusion by challenging its premise (i.e., that states normally have the right to exclude immigrants) (Price 2009, p. 2). Lister's and Price's approaches suggest that only if we endorse this premise will we be interested in finding out what is special about refugees, because we would need to determine why states are morally obliged to admit them.

The answer to this latter question, for Lister too, is that persecution is the special harm grounding the obligation to admit, because in the case of persecuted people "their state has not just failed to meet their needs but has actively turned against them" (Lister 2013, p. 662). Thus, while those who are forced to move because of poverty or because they have other basic needs unmet could also (and even more efficiently) be helped without granting them admission, persecuted people "cannot normally be helped via aid and development, at least not in a time-frame that will do them any good" (Lister 2013, p. 662). The reader may be puzzled to see the centrality of persecution fading away in his later effort to include a subset of climate change–induced forced migrants in his "wide reading" (Lister 2013, p. 648) of the narrow refugee definition; however, the author's logic seems to remain consistent. Only a subset of those displaced by climate change

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would qualify as refugees, in Lister's account: those who can only be helped through (permanent) admission to a foreign country, such as the citizens of sinking island states. What could justify extending the refugee concept to include this non-persecuted group is the moral obligation to admit those whose survival and opportunity to lead a "decent life" could not be secured otherwise, for instance by relocating temporarily or permanently within their own country (Lister 2014).

The alienage condition (i.e., being outside their country of origin) is the second key criterion to identify refugees in the narrow Geneva Convention definition. While persecution distinguishes those who are owed asylum from other needy migrants who seek admission in a foreign country but could be helped at home, alienage distinguishes refugees from IDPs, who, despite their refugee-like situation, are still inside their country of origin. IDPs have so far been largely ignored by political theorists, since they do not raise admission claims. Moreover, they have long been excluded from the scope of refugee studies and only began to gain the attention of scholars and policy makers in the 1980s and 1990s. Indeed, refugee studies developed as a mainly legal subject and largely in isolation from other emerging forced-migration studies. For legal scholars, such as James Hathaway, the fact that both refugees and IDPs have been forcibly displaced is a "rather superficial" one compared with the profound difference in their legal status and in the prerogatives attached to it (Hathaway 2007). While IDPs are still placed under the jurisdiction of their state and legally entitled to citizenship rights, refugees, "by crossing an international border, are now within the unqualified protective competence of the international community" (Hathaway 2007, p. 353). This means that the international community (of which the country of asylum is a representative) is both legally allowed and legally obliged to assume the responsibility to protect the human rights of the refugee in place of her country of origin.

Hathaway's substantial reasons why refugee studies should be kept separate from forced-migration studies and why the exceptionality of refugee status should be preserved are, again, the persecution trigger for refugees' move and the alienage condition. However, Hathaway also raises a prudential reason to keep the refugee definition narrow and to insist on the fact that Geneva

Convention refugees are distinctively different both from other international forced migrants and from IDPs. He is worried that subsuming Geneva Convention refugees under the broader forced-migration concept would in practice undermine the legal prerogatives attached to the refugee status, thereby reducing the protection currently granted to refugees. Moreover, if the political consensus on refugee distinctiveness faded, he warns, this would allow receiving states to make containment policies increasingly morally and legally acceptable. Briefly, if persecuted people were considered basically as forced migrants, the entitlement to non-refoulement and permanent membership would seem less necessary: they could be helped in their home country or the nearest safe country and repatriated as soon as possible.

The prudential reasons to avoid challenging the refugee definition enshrined in the Geneva Convention also resonate in the writings of some theorists who are not convinced by principled reasons (namely the persecution rationale). For instance, Luara Ferracioli maintains that an expansive legal reform would not be immediately feasible, given the lack of support this would have in public opinion and among governments in the global North. She asserts that challenging the Geneva Convention is risky and could result in undermining the rights of those forced migrants who are currently recognised as refugees. However, she claims that such a feasibility constraint is amendable, and that states have dynamic duties to progressively create the conditions to eventually expand the legal definition of refugee, moving beyond the persecution rationale (Ferracioli 2014). What, then, are the moral grounds for the broadening of the refugee definition?

2. *Broadening the Definition: From Refugees to Necessitous Migrants*

In 1985, Andrew Shacknove provided a broad definition that has become probably the most influential and discussed definition, among both defendants and critics of the narrow one (Shacknove 1985). Unlike nearly all other scholars, Shacknove maintains that the conceptual issues of who is a refugee and what refugeehood consists in are separate from and prior to a theory of policy and entitlements, which is to say the normative and practical issues concerning moral

obligations and their implementation (Shacknove 1985, p. 277). Since he does not begin his enquiry from the question of who is owed non-refoulement and asylum, he reaches different conclusions from those of defenders of the narrow refugee definition. His question is whether persecution and alienage are both necessary and sufficient conditions to be a refugee, and his thesis is that they are not. Persecution, he argues, "is but one manifestation of a broader phenomenon: the absence of state protection of the citizen's basic needs" (Shacknove 1985, p. 277). Thus, "the same reasoning which justifies the persecutee's claim to refugeehood justifies the claims of persons deprived of all other needs as well" (Shacknove 1985, p. 277). Similarly, alienage is an unnecessary condition: what it stands for is the "physical access of the international community to the unprotected person", which need not be obtained by crossing an international border (Shacknove 1985, p. 277).

In Shacknove's account, "refugees are, in essence, persons whose basic needs are unprotected by their country of origin, who have no remaining recourse other than to seek international restitution of their needs, and who are so situated that international assistance is possible" (Shacknove 1985, p. 277). In sum, Shacknove blurs both the distinction between refugees and other necessitous international migrants and the distinction between refugees and IDPs. Indeed, he also delinks refugees and migration. He claims that, conceptually, "refugeehood is unrelated to migration. It is exclusively a political relation between the citizen and the state" (Shacknove 1985, p. 283). Therefore, his definition is so broad that it even blurs the boundaries between forced migrants and other needy people who did not migrate but are not adequately protected by their state. He states that there is no reason for denying refugee status to those whose state does not guarantee "physical security, vital subsistence, and liberty of political participation and physical movement" (Shacknove 1985, p. 281), provided that they are within the reach of the international community. This latter condition, and not alienage, "is essential for refugee status, distinguishing refugees from all other similarly deprived persons" (Shacknove 1985, p. 283). What is necessary for this condition to hold is "either the willingness of the home state to allow them

access to international assistance or its inability to prevent such aid from being administered" (Shacknove 1985, p. 283).

Scholars who have afterwards provided a refugee definition could not avoid a confrontation with Shacknove's position. His dismissal of the link between migration and refugeehood has been largely criticised. According to Matthew Gibney, scholars should "resist the temptation to define all threatened people as 'refugees' . . . lumping them into a single amorphous category". In his account, "refugeehood is, in a vital respect conceptually related to migration" (Gibney 2004). Again, Gibney approaches the issue of the refugee definition from the perspective of Western states conceived of as receiving countries facing the question of "which claimants for entry deserve priority in admission policies" (Gibney 2004, p. 5). From this background, it is imperative to identify what distinguishes the refugee from other foreigners in need. What counts, for Gibney, is that "he or she is in need of the protection afforded by short or long-term asylum (i.e., residence in a new state) because there is no reasonable prospect of that person finding protection in any other way" (Gibney 2004, p. 8). IDPs "may in many cases be helped in situ". Since they do not necessarily need asylum, they fall outside Gibney's refugee definition, though he does not seem to exclude the possibility that they might become refugees eventually, if the only protection avenue open to them turned out to be asylum in a foreign country.[5] The central claim of the refugee is therefore: "Grant me asylum for, if you do not, I will be persecuted or face life-threatening danger" (Gibney 2004, p. 8).

Gibney's methodological approach (assuming the entitlement to asylum is prior to the refugee definition) is analogous to the approaches taken by the defenders of the narrow definition presented above. Nevertheless, Gibney agrees with Shacknove in criticising the "arbitrariness of using 'persecution' as an essential criterion for refugeehood" (Gibney 2018; see also Gibney 2014). He goes on to say:

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[5] He notes that "whether suffering peoples still inside their country of origin can be considered as requiring asylum should be determined by taking into account the options available in each case" (Gibney 2004, p. 8).

Why should one distinguish between someone whose life or liberty is endangered because they have been specifically targeted for bad treatment and someone who, while equally endangered, is escaping the indiscriminate violence of civil war? If, as seems plausible, the reason we want a category of people called "refugee" is to identify individuals with a need for the protection of a new state, the inappropriateness of this distinction seems obvious. One should no more distribute asylum on the basis of *why* someone is endangered than one should allocate access to hospital beds according to how an individual came to be injured.[6]

Contra Hathaway, Price, and Lister, he contends that since "both the persecuted and those fleeing random or generalised violence may each face death if they stay where they are, prioritising one over the other seems unwarranted" (Gibney 2018). Indeed, the refugee definition provided in his 2004 book denotes as refugees "those people in need of a new state of residence, either temporarily or permanently, because if forced to return or remain where they are they would—as a result of either the brutality or the inadequacy of their state—be persecuted or seriously jeopardise their physical security or vital subsistence needs" (Gibney 2004, p. 7).

While narrower than Shacknove's definition and centred on the purpose of distinguishing refugees from other, less worthy admission applicants, Gibney's definition reflects an expansive trend both in the academic debate and in the law and practice of refugee assistance. He observes that it is "virtually identical" to the legal definition adopted by the Organization of African Unity in 1968, which includes not only persecuted people but also victims of generalised violence caused by external aggression, occupation, and foreign domination or victims of events seriously disturbing public order, such as famine and natural disasters (Gibney 2004, p. 7). As Alexander Betts notes, also the 1984 Cartagena Declaration for Latin America incorporates people "fleeing generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order" (Betts 2013, p. 14). Moreover, broad humanitarian approaches to the issue of who is owed asylum have been echoed by several political theorists. David Miller, for instance, defines as refugees "people whose human rights

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[6] Gibney 2018; see also Gibney 2015.

cannot be protected except by moving across a border, whether the reason is state persecution, state incapacity, or prolonged natural disasters" (Miller 2016, p. 83). Joseph Carens also claims that "to insist that a refugee must be deliberately targeted [for persecution] is a mistake. From a moral perspective, what is most important is the severity of the threat to basic human rights and the degree of risk rather than the source or character of the threat" (Carens 2013, p. 201). Even Gillian Brock, notwithstanding her claim that "in the normative literature, far too much focus is on the issue of who counts as a refugee" rather than how they should be protected, also endorses this expansive understanding of the refugee definition and the insistence on the severity of the threat rather than on its source.[7]

Some authors have recently attempted to combine a humanitarian and expansive understanding of the non-refoulement and asylum duties with the traditional insistence on the distinctiveness of persecution. David Owen has proposed a broad, yet internally differentiated, conceptualisation of who is a refugee. Owen's aim is to identify the point and purpose of refugeehood before moving on to consider who is a refugee. Again, the angle adopted is that of receiving states, which should act "in loco civitatis"—i.e., "as a surrogate or substitute for the refugee's state" (Owen 2020, p. 50)—and secure the human rights of those admission claimants whose state is currently unable or unwilling to secure them. In sum, refugees are all those who cannot be refouled, though the obligation to act in loco civitatis does not necessarily entail that refugees are owed asylum, if asylum is understood as leading to a permanent membership. A temporary protection, in some cases, seems sufficient. Thus, Owen distinguishes three categories of refugees on the basis of what they are morally entitled to claim. The category of people owed asylum is basically coextensive with the narrow definition expressed in the Geneva Convention. Owen agrees with defenders of the narrow definition when he argues that

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[7] Brock 2020, p. 114. Note, however, that she adopts an internal differentiation within this larger refugee category. She focusses on those fleeing violent conflicts, such as the Syrian one, whom she maintains to be in "especially urgent need" for protection (Brock 2020, pp. 114–15).

being persecuted for one's religious or political beliefs, or because one is a member of a social group, is a distinctive wrong and also a serious harm. . . . The wrong consists in the denial of one's standing as a member of the political community of the state and, hence, in an international order of states of one's standing as a member of global political society. The harm consists in the fact that in being rendered *de facto* stateless, one is made acutely vulnerable both to contingencies of circumstance and to the agency of public or private others.[8]

However, he agrees with defenders of the broad definition that all those who are owed non-refoulement should be counted as refugees, including those who are not targeted for persecution and for whom a temporary protection may be a morally appropriate response. Sanctuary refugees are those "who are fleeing the generalized violence and breakdown of public order—persons who are not targets but rather would fall into the condition of being, as it were, collateral damage" or those "that the state is incapable of protecting from persecution by private agents" (Owen 2020, p. 57). Finally, among refugees Owen includes those who only need a short-term refuge—that is, emergency assistance: "The distinctiveness of the case of refuge is that it applies in the context of discrete and specific events such as a famine or natural disaster, where a person is so situated that she can save herself from the threat to her basic rights posed by the event in question by seeking immediate shelter across an international border and that this is her best reasonable option in the circumstances in which she finds herself" (Owen 2020, pp. 61–62).

Sarah Song takes an alternative path. Instead of expanding the refugee definition to include all those who cannot be refouled and then differentiating based on what different groups of refugees are owed, she opts for keeping the refugee definition restricted to persecuted people while including them in a larger category of people owed obligatory admission. Having refuted the arguments in favour of opening borders to all immigrants, her question then becomes "to whom should the country's doors be open" (Song 2019, p. 111). Are there any claims that give rise to obligatory admissions, rather than to discretionary admission? If so, who are those for whom admission is morally required? From this angle, which explicitly builds on a previous ethics of

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[8] Owen 2020, pp. 54–55.

borders and admissions, she claims that "instead of stretching the legal definition of 'refugee' to include all forced migrants, we should instead extend international protection to other groups of forced migrants who, together with refugees, constitute a broader category of *necessitous migrants*" (Song 2019, p. 120, emphasis in the original).

Alexander Betts's concept of survival migrants has an analogous underlying logic, though its genesis was in fieldwork empirical research rather than theoretical research (Betts 2013). His conceptualisation was prompted by the direct observation of a case study: that of Zimbabwean forced migrants crossing the borders of neighbouring southern-African states. Those groups were fleeing "economic collapse, famine, drought, and generalized violence", yet "most were not recognized as refugees". According to the UNHCR, they were "in a 'neither/nor' situation, not refugees but not voluntary economic migrants either" (Betts 2013, p. vii). Thus, they fell outside the legal protection provided by the current refugee system on persecution grounds: receiving states were not under the obligation not to return or deport them. However, this seemed to Betts ethically untenable. Should not these people have an entitlement not to be returned to their country of origin on human rights grounds? How, then, should asylum be allocated, and who is owed it?

Like several other theorists, he argues that "the existing regime privileges asylum for people fleeing targeted persecution by governments over and above those fleeing other serious human rights deprivations, even where people may suffer the same threshold of underlying rights violations" (Betts 2013, p. 14). From a moral point of view the "gap in rights and entitlements available to refugees compared with survival migrants fleeing serious deprivations is arbitrary" (Betts 2013, p. 5). Indeed, he points to the fact that the "arbitrariness of distinguishing between persecution and other serious human rights deprivations as a cause of displacement" is "implicitly recognized" when it comes to IDPs, who are not differentiated on the basis of displacement drivers (Betts 2013, p. 5). Extending the refugee definition to groups of forced migrants displaced for reasons other than displacement (e.g., climate change refugees) is not a viable option for Betts. Firstly, he claims that there is an attribution issue: "In many cases it will be challenging to assign

movement to a single cause". Most importantly, for him, it is not relevant: "If the aim is to identify who should be entitled to asylum, then isolating a particular cause of movement is unimportant. What should matter for allocating asylum is not identifying and privileging any particular proximate cause of movement but rather the underlying threshold of rights that, when unavailable in the country of origin, necessitate border crossing as a last resort" (Betts 2013, p. 16). In particular, Betts connects survival migration with state failure—i.e., the fact that the state of origin is unable or unwilling to protect its citizens' basic rights, though it is not necessarily persecuting them.

Analogously to those who, like Gibney, favour a broad, humanitarian refugee definition, Betts insists that "if one cannot survive or maintain the fundamental conditions of human dignity without leaving a country, then distinguishing between persecution and other causes is normatively meaningless" (Betts 2013, p. 20). Thus, there is a "strong case for grouping people fleeing persecution and people fleeing serious human rights deprivations under a single label". However, unlike Gibney, he prefers to "adopt a new term for the broader category of people who should have a normative entitlement to asylum based on human rights grounds" (Betts 2013, p. 22). The survival-migration concept, he argues, has the advantage of focussing attention on the fact that, as opposed to the restricted subset of Geneva Convention refugees, those who migrate internationally to secure their basic needs are not legally entitled to non-refoulement and asylum, nor included in any non-binding legal document such as the guidelines on internal displacement. Building on Henry Shue's concept of basic rights, famously applied to refugees in Shacknove's account,[9] Betts defines survival migrants as "persons who are outside their country of origin because of an existential threat for which they have no access to a domestic remedy or resolution" (Betts 2013, p. 23). This existential threat, conceived of as the lack of basic rights of liberty, security, subsistence, and therefore the "core elements of human dignity", is meant to provide the threshold

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[9] Betts 2013, p. 23. See also Shacknove, p. 281.

to determine who are those who are owed asylum. In sum, while clearly starting from the normative issue of who is owed asylum and despite endorsing the alienage condition, Betts ends up with a concept of survival migrant that reminds us of Shacknove's concept of refugee.

An important upshot of the expansive tendency shared by both defendants of a broad refugee definition and proponents of alternative concepts (e.g., survival migrant or necessitous migrant) is the move "from persecution to deprivation" (Betts 2013, p. 2) as the core element to define who are those admission claimants that states are not morally permitted to refoul or deport. However, the crucial common ground shared by both the authors who follow this tendency and those authors who insist on restricting non-refoulement and asylum to persecuted people is the focus on borders and admission policies. As the next section will show, even those who criticise any distinction among people on the move and reject their normative salience share this focus on borders and admission policies. Indeed, they often polemically denounce how the refugee status and other policy-based labels have been instrumental in containing human mobility. Some of them may even go as far as seeing asylum as purposefully directed to preserving the right to exclude all those who are not entitled to claim asylum. As a result, they tend to call for the deconstruction or even the dissolution of any distinction among people on the move precisely because they connect the normative salience of such distinctions to the use which has been made of them in relation to admission policies.

3. *Dissolving Distinctions: From Need to Agency*

Chandran Kukathas (2016) has explicitly challenged the normative relevance of the distinction between refugees (whom he also designates as "the displaced people") and other migrants. Again, what is at stake is the purpose that concepts such as that of refugee are intended to serve in relation to the ethics of admission policies. He notes that behind the views that describe refugees as special admission claimants who deserve exceptional treatment lies "a very strong presumption in favor of a state having the right to, and being justified in, limiting entry into its

territory" (Kukathas 2016, p. 254). However, as we will see, he finds the thought that refugees are special troubling precisely because he refutes this presumption.

When assessing the Geneva Convention definition of refugee, what strikes him is "who it excludes" (Kukathas 2016, p. 256). There is an epistemic and moral issue, he suggests, in giving priority to the claims of refugees, because "lives can be at risk in many ways and to varying degrees" and "there are also many would-be economic migrants who face greater threats to their well-being than do some refugees" (Kukathas 2016, pp. 258–59). He concedes that humanitarian broader definitions such as Gibney's would be preferable, since they are more inclusive, but he finds the expansive trend unconvincing: if we "think the definition should be expanded to include a greater number of types of displaced people, the difference between refugees and economic migrants will be even harder to draw" (Kukathas 2016, p. 259). His main concern, however, is not the empirical difficulties in drawing a bright line, but rather the moral justification underlying the effort to draw such a line. "The problem", he points out, "is not the quality of the definition but the pursuit of the distinction that gives the definition its point. The purpose of distinguishing between refugees and immigrants is to limit and control the movement of people in a world in which free movement is not tolerated. If only some are allowed to move, the question is: who?" (Kukathas 2016, p. 257).

Unlike defenders of both narrow and broad definitions of refugee, as well as proponents of broader alternative concepts, Kukathas is not interested in identifying whom the state is not allowed to exclude because he starts from the premise that global justice requires global equality of opportunity, which in turn implies that borders should be open and that immigration restrictions are not morally justified. Indeed, he makes clear that current arrangements presupposing that the state's right to control admissions trumps freedom of movement are arbitrary, and that such an arbitrariness is "difficult to ignore since the opportunities people enjoy to live reasonably prosperous lives in safety differ so dramatically from one part of the world to the next—particularly when some people are effectively denied the freedom to improve their conditions by

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moving to places where they might improve their lot. The birthright lottery might be a fact of life, but it is difficult to justify" (Kukathas 2016, pp. 264–65). In sum, making distinctions among people on the move only serves the purpose of restricting their mobility and of keeping in place an arbitrary global inequality by making admission exceptional (and conditional upon proving deservingness), the norm being exclusion. By contrast, if "the fate of the wretched of the world is something we cannot ignore", "this means, more concretely, that we should open borders to immigrants of all kinds, thus removing the barriers to the free movement of asylum seekers and other kinds of immigrants alike" (Kukathas 2016, p. 266).

Kukathas's view illustrates once again how political theorists approach the normative salience of concepts such as those of refugee, displaced person, or forced migrant from the angle of an ethics of borders and admission policies. However, the works of other social scientists and migration scholars are also profoundly influenced by the role that such concepts play in providing a normative justification for border controls and restrictive immigration policies. While often authors' underlying ethics of immigration is not made clearly explicit, their critiques of labels and distinctions express a moral commitment to a view of global justice in which borders should be far more open than they currently are.

Several migration scholars have denounced the proliferation of "bureaucratic labels" (Zetter 2007) aimed at containing the movement of undesired foreigners and the "categorical fetishism" (Crawley and Skleparis 2017) that treats these labels as if they correspond to discrete groups of people that actually exist out there. They have urged academics to avoid uncritically adopting policy-oriented labels (Bakewell 2008), and to raise awareness of the constructedness of categories that "do not simply represent or reflect the world but simultaneously create and limit it" (Crawley and Skleparis 2017, p. 60-61).They try to denaturalise categories, such as that of refugee or forced migrant, and to de-label people on the move, showing that people also move across those categories and that the complexity of empirical reality challenges the efforts to simplify, classify, and manage human mobility.

These works clearly express the first of the two concerns advanced by Kukathas: making clear-cut distinctions among people on the move is empirically difficult, and thus it is morally troublesome to privilege one category over another in admission policies. Migration scholars often refer to the image of a continuum to describe the spectrum of cases that exist between the two extremes of coerced and voluntary movement (Richmond 1993), or they speak of a migration-displacement nexus to insist on their being not completely separable.

Koser and Martin defend the introduction of the migration-displacement-nexus concept to illustrate "the increasing complexities of migration and displacement; the growing [empirical] difficulties of distinguishing among the two; the misalignment between existing labels, categories and constructions and migration realities; and the consequence of falling into legal, normative and institutional gaps" (Koser and Martin 2011, p. 2). More precisely, the nexus arises because individual migrants often move out of mixed motivations, use similar migratory routes despite the variety of triggers behind their move (thereby creating mixed flows),[10] adopt similar coping mechanisms, and change their legal status or fall in different analytical and bureaucratic categories over time or even fit in more than one category at the same time (Koser and Martin 2011, p. 4–6). Oliver Bakewell (2011) suggests that difficulties arise because terms like those of migration and displacement may be used to denote a process, a subjective condition, and a status, but these three senses are not usually disentangled. Focussing on migration as a process (i.e., as a succession of actions), however, challenges remain in distinguishing why individuals and groups move (the motivations) and whether such migration could be described as voluntary or as forced.

Anthony Richmond crucially contributed to making the device of the continuum influential in forced-migration studies. In his account, "there is a continuum between the rational choice behaviour of proactive migrants seeking to maximize net advantage and the reactive behaviour of

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[10] The related concept of "mixed migration" points precisely to the fact that, during their (often irregular) journey, refugees and other migrants face similar risks and have similar needs, despite the variety of motivations behind their move. See how the concept is understood by the Mixed Migration Centre (MMC 2020). The increasing currency of the term "mixed migration" among policymakers and practitioners was already remarked in Van Hear et al. (2009) over a decade ago.

those whose degrees of freedom are severely constrained. . . . The large majority of international migrants (including those generally regarded as 'refugees') fall somewhere between these extremes" (Richmond 1993, p. 10). Rather than being simply pushed by a single trigger, reactive migrants' move is shaped by a combination of structural constraints, precipitating events, and enabling circumstances, where macro-level political, economic, and environmental factors may interact with micro-level individual characteristics. Richmond's account rejects dichotomic approaches, but it is not meant to conflate all people on the move. Indeed, before proceeding to sketch a typology of reactive migrants, he writes that

examples of typical proactive migrants include professionals, entrepreneurs, retired people and temporary workers under contract. Also proactive are spies, defectors and politically motivated movers in what Kunz calls the 'anticipatory' stage. Reactive migrants include those who meet the UN Convention definition by having a genuine fear of persecution and being unwilling or unable to return, but may also comprise others reacting to crisis situations caused by war, famine, economic collapse and other disasters.[11]

However, the larger debate on the relationship between individual agency on the one side and structural determinants on the other side has further challenged even the attempts to account for a complex and blurred distinction between forced (or reactive) and voluntary (or proactive) migration.[12] Some authors have pointed out that all migration is a reaction to structures.[13] For instance, according to Stephen Castles,

understanding that forced migration is not the result of a string of unconnected emergencies but rather an integral part of North–South relationships makes it necessary to theorize forced migration and link it to economic migration. They are closely related (and indeed often indistinguishable) forms of expression of global inequalities and societal crises, which have gained in volume and importance since the superseding of the bipolar world order.[14]

From this angle, the distinction between forced and voluntary migrants fades, as even voluntary, or so-called economic, migrants turn out to be significantly affected by structural

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[11] Richmond 1993, p. 11.
[12] On agency and structure in migration theory, see Bakewell 2010.
[13] This point has been advanced in particular by "structuralist Marxist theorists who challenge the conception of voluntarism or agency in workers' migration responses to global capital of flows" (Reed et al., p. 610).
[14] Castles 2003, p. 17.

constraints and by push factors in their decision to migrate. At the same time, several authors have insisted on the fact that all migrants, including refugees and other displaced people, express agency. David Turton, among others, makes this point when he claims that

by trying to separate out categories of migrants along a continuum of choice—free at one end and entirely closed at the other—these schemes are in danger of ignoring the most important quality of all migrants and indeed of all human beings: their agency. Richmond's choice of 'proactive' versus 'reactive' migration makes this very clear: he is classifying people as those with agency and those without agency, forced migrants being those with little or no agency. But . . . even in the most constrained of circumstances, human beings struggle to maintain some area of individual decision making. . . . Also, even at the most 'reactive' or 'involuntary' end of the continuum, people probably have a lot more choice than we might think—or than this model allows us to think. They may have choices not only about whether but also about when, where and how to move which cannot be encompassed by continua of this kind.[15]

Indeed, he remarks, "to migrate, when applied to human beings, implies at least *some* degree of agency, of independent will. To migrate is something we *do*, not something that is done *to* us" (Turton 2003, p. 11, emphasis in the original). As migrants, and thus as agents, forced migrants should be regarded as "purposive actors—as ordinary people" capable of "agency against all odds" (Turton 2003, p. 12). To the victimising and dehumanising picture of forced migrants as supplicants in need of refuge, authors who emphasise agency oppose the image of forced migrants as first and foremost migrants, people who actively react to adverse circumstances by moving and by defying restrictions on mobility.

The latter aspect—the insistence on the fact that refugees and other displaced people, analogously to other migrants, express their agency by defying borders and labels imposed on them—shows how the focus on borders, and the implicit normative presuppositions of the legitimacy of free movement and alien exclusion, also profoundly influence authors who do not adopt a normative approach to the issue of forced migration. Along with an explicit concern about the empirical soundness of categorising migrants, from the works of several migration scholars

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[15] Turton 2003, pp. 9–10.

also transpires a less explicit resonance with the second concern expressed by Kukathas: all categories include members while excluding non-members, the purpose of categorising migrants is only to differentiate and discriminate between justified and unjustified movement, and this is unjust. This presupposes an ethics of immigration in which the state's right to exclude and select immigrants is not assumed to be morally justified.

A moderate and veiled critique of the right to exclude may be found in papers such as that of Bivand and Oeppen, who insist on the similarities between the condition of a man who would be likely to be recognised as a refugee and that of a man whom a receiving country would easily classify as a voluntary (and irregular) migrant on the basis of his nationality, where the differences basically derive from (arbitrary) labelling and legal-status attribution. While the authors do not dispute the legitimacy of excluding immigrants, they lament the fact that in the public debate it is not politically permissible to ask "the obvious question—what if border control was not the primary focus, but rather the lives of those in desperate humanitarian circumstances?" (Bivand and Oeppen 2017, p. 995). This does not necessarily imply that the authors envisage open borders, but at least it suggests that humanitarian obligations should be more extensive and weightier than they currently are, while the right to control borders should be given less prominence. A clearer normative position is assumed in papers like that of Crawley and Skleparis, who claim that a critical engagement with policy categories that misrepresent migratory processes is imperative, if what migration scholars ultimately want is "to challenge the use of categories to *exclude* and *contain*" (Crawley and Skleparis 2015, p. 60, emphasis added). This seems to suggest that all forms of movement should be legitimate and no one should be prevented from immigrating.

An even stronger rejection of any distinction among people on the move based on a rejection of the sovereign power to exclude emerges from the approaches of those scholars inspired by postcolonial studies and by the biopolitical philosophical tradition. Again, migration (and forced migration in particular) is approached from the perspective of Western receiving countries. Thus, the focus is on the minority of migrants that attempt to cross their borders. The only forced

migrants that come into focus are asylum seekers who, given the lack of legal ways to be admitted, come as irregular migrants. As the concept of the migration-displacement nexus tries to convey, forced migrants and voluntary irregular migrants often travel along the same routes, rely on the same smugglers, and try to avoid being "captured" by the border officials who try to deter them from accessing the global North.[16] As such, forced migrants are basically indistinguishable from other irregular migrants: both express their agency as actors that defy the limits imposed on mobility and that subvert the international order of sovereign states where nationality earned at birth should determine their place in the world and their life chances. According to Sandro Mezzadra, what migrants have in common is "the claim and the practical exercise of the 'right to flee' from objective factors", including "poverty, hunger, famines, political and social dictatorships, environmental disasters". Emphasising the right to flee, he argues, allows us to overcome, on the conceptual level, the distinction between migrants and displaced people that has already been undermined by recent "objective" developments (see Mezzadra 2006, p. 76, my translation).

More radically, Papadopoulos and Tsianos, who defend the autonomy-of-migration view, argue that

even if migration starts sometimes as a form of dislocation (forced by poverty, patriarchal exploitation, war, famine), its target is not relocation but the active transformation of social space. By being embedded in broader networks of intensive social change, migration challenges and reconstitutes the sovereign population control which functions solely through the identification and control of individual subjects' movements.[17]

From their perspective, irregular migrants, including asylum seekers, are far from being passive victims deprived of political agency because they are de facto stateless. Quite the contrary: their being deprived of citizenship rights makes them political agents—more precisely the avant-garde of a new, postnational and postrepresentative subjectivity. They state, "Instead of being

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[16] Border controls are described as capture machines in a 2009 issue of *Mondi Migranti*.
[17] Papadopoulos and Tsianos 2008, p. 225.

perceptible, discernible and identifiable, current migration puts on the agenda a new form of politics and a new formation of active political subjects whose aim is not to find a different way to become or to be a political subject, but to refuse to become a subject at all" (Papadopoulos and Tsianos 2008, p. 229). In this picture, forced migrants are not moving to find asylum; what migrants, qua migrants, claim is not membership, the "right to have rights", but a right to move freely—a "right not to have rights" (Oudejans 2019), to not belong somewhere, to be "imperceptible" (Papadopoulos and Tsianos 2008, p. 229), to not be identified, classified, or represented. In sum, migration reveals itself as "one of the biggest laboratories for the subversion of liberal politics", particularly of the "ideal correspondence and congruence of people and territory" as the core principle of national sovereignty (Papadopoulos and Tsianos 2008, p. 231). What's more, they conclude, "within a theory of the autonomy of migration inspired by the philosophy of Deleuze and Guattari, migration is the paradigmatic driving force of the new postliberal sovereignty" (Papadopoulos and Tsianos 2008, p. 234).

One may thus think that, if a just world had open borders, or no borders at all, there would be no need to differentiate among voluntary and forced migrants. At least, there would be no need for a refugee status to be played as a "trump card" to "avoid the usual rules of migration control" (Hathaway 2007, p. 354).[18] Normally, it would not be either necessary or morally legitimate to distinguish and classify people on the move in order to assess the strength of their moral claim to

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[18] A historical approach to the institution of refugeehood, such as that offered by Owen (2020) clarifies that asylum (and the refugee status in its political picture) has an important function of protection against political extradition. This function would still be relevant even in a world of open borders unless we assume that all states perfectly complied with principles of justice, which is not usually assumed in open borders theories. Indeed, the etymology of asylum (from the Greek term *asylon*) expresses the idea of immunity. In pre-Westphalian Europe, such immunity was initially offered inside states, by the Catholic Church, against prosecution from secular authorities. The role of asylum provider was only progressively assumed by states, leading refugees to seek protection internationally (see Mastromartino 2012, pp. 13-19). Besides, until the end of the 19th century, the right to exclude was not a commonly accepted principle in international law (see Itzcovich 2013, p. 442), and international borders remained largely porous, given the state inability to control movement and even provide identity document. Thus the right to seek asylum did not historically develop as a breach in the wall of closed international borders (see Owen 2020, p. 18). My point, here, is just to underline that, since the refugee status is currently assumed to be first and foremost a "trump card" against the rules of immigration restrictions, defenders of open borders are inclined to dispute its salience in a world where such restrictions are normally impermissible (as clearly illustrated in Kukathas 2016). Again, this depends on the focus of the public and academic debate on migration being posed primarily on borders and admissions.

admission, given that states would not be legitimately permitted to exclude or select immigrants (more precisely, they might only be permitted to do so in exceptional circumstances). Ceasing to be special claimants, refugees and other forced migrants might seem not to be special at all. As Kukathas puts it forced migrants' interests (qua migrants) are served by opening borders, just as the interests of voluntary migrants (Kukathas 2016, p. 255). As I will argue, though, if we consider forced migrants qua displaced people, rather than qua admission claimants, we clearly see that they have special normative claims besides admission claims, which still hold when they do not face borders restrictions. In other words, moving the focus off borders helps to highlight the normative relevance of forced migration beyond the ethics of admission policies.

4. *Forced Migration beyond the Debate on Borders: A Methodological Note*

This chapter has argued so far that the conceptual debate on what counts as forced migration and who is a refugee is strongly influenced by the focus on international borders and admission policies. Admission policies are particularly salient for normative political theorists. Indeed, the ethics of admission policies is crucial to provide guidance to policy makers under non-ideal conditions, and the issue of how open the territorial and membership borders of states should ideally be is highly relevant for a theory of justice in migration. However, the focus on borders and on admission to Western countries has some important conceptual and normative consequences when it comes to conceptualising forced migration. The extension and normative relevance of forced migration and other related concepts are usually influenced by the function that such concepts have played, or would play, in relation to admission policies. Secondly, the normative debate on what is owed to forced migrants largely concentrates on the obligation to provide at least admission and a temporary safe haven, and admission to citizenship for those who cannot return. Furthermore, to the extent that forced migrants are approached as special admission claimants, the normative debate largely focuses on the minority of forced migrants who seek

admission in the global North, rather than on those displaced to neighbouring countries in the global South and neglects the millions of forced migrants who are internally displaced.

Therefore, it is hard to see whether the fact of being forcibly displaced, per se, has any moral relevance at all. Does it make any difference for a migrant if migration was actively chosen and pursued as part of their life plan, or if by contrast they had little control over whether, when, and how to move? Is it the case that the *only* purpose of such a concept is to "limit and control the movement of people in a world in which free movement is not tolerated", as Kukathas (2016) puts it? Does the issue of voluntariness and forcedness lose all normative significance where freedom of movement is not an issue?

Ottonelli and Torresi have made an important attempt to provide "a definition of voluntariness that is independent of, and prior to, the definition of the normative weight of migrants' claims" (Ottonelli and Torresi, p. 794). A key upshot of their work is the idea that how voluntary or forced a person's migration is should not depend on the normative work that these notions then play in the ethics of admission policies. They provide four necessary and sufficient conditions for migration to be voluntary. Firstly, for migration to be voluntary it "must not be caused by physical or psychological coercion". Secondly, "a migration project is voluntarily undertaken only if the available alternatives at home are good enough for the migrant". Thirdly, "exit options, that is, actual options to change one's immigrant status," should be available. Finally, migration should be undertaken on the basis of adequate information (Ottonelli and Torresi, pp. 796–804). Given this set of conditions, they show that, even in the current, non-ideal world, it is not true that all migration is unwanted and not voluntary: at least some people move because migration is part of their life plan.

From Ottonelli and Torresi's conceptualisation it is also possible to derive the conclusion that at least some migrants do *not* move voluntarily, because they are coerced, or deceived, or not appropriately informed, or had no other acceptable option in the country of origin or could not come back. However, we should not infer that all migration that does not meet a list of necessary

and sufficient voluntariness conditions is involuntary, in the sense that the migrant does not have any agency at all. David Bartram raises this point when claiming that some Geneva Convention refugees express a key form of agency in rejecting an (morally unacceptable) alternative that would have obliviated the need to flee (Bartram 2015). For instance, they could have given up their religion or political belief or accepted conscripted armed service comparable to forced labour such as the Eritrean armed service. But they actively rejected that option. Thus, Bartram argues, their choice to migrate was not involuntary, though it was a forced one, given that the alternative option would have entailed the violation of one or more human rights. Indeed, we should avoid the "agency trap" (Manocchi and Marchetti 2016), the assumption that to be forced, migration must not involve any agency at all and that if a forced migrant displays agency, then they are basically in the same boat as a voluntary migrant.

My aim, in the following chapter, is to explore forced migration as a condition, to enquire what makes the fact of being forcibly displaced distinctive and whether the concept of forced migration is normatively relevant even when there are no closed borders. Analogously to Ottonelli and Torresi, I attempt to avoid being biased by the assumption of a prior ethics of what is owed to forced migrants. Thus, I do not focus on the condition of forced migrants when seeking admission at the borders of a foreign country, nor look at forced migrants through the lenses of legal/illegal immigration, which would conflate the consequences of being forcibly displaced with the consequences of mobility restrictions. Unlike Ottonelli and Torresi, though, I do not aim to provide a definition of what forced migration is, or the conditions for migration to be non-voluntary. I do not begin by assessing under what conditions a choice, an action, or a condition is (or should be) deemed "forced" in political theory and then apply such conceptual clarifications to the choice to migrate, the act of migrating or the condition of being a migrant[19]. By contrast, assuming that

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[19] This methodological approach would have been analogous to the one adopted by Ottonelli and Torresi, who build the criteria to determine when migration is voluntary on the idea that the understanding of voluntariness in migration should be consistent with the understanding of voluntariness in other areas of political theory.

forced migration exists, the object of my enquiry is the lived experiences of forced migrants themselves and my goal is to assess what, if anything, makes forced migration distinctive and normatively relevant beyond the debate on admission policies.

For the purpose of this enquire, it is not necessary to provide a policy-oriented clear-cut separation between forced and voluntary migration that would readily make each migrant fall into one of the two categories. I assume a sociologically grounded conception of migration as a continuum, where at least some migrants appear to be, to a varying degree, closer to the forcedness pole rather than to the voluntariness pole. In other words, I assume the existence of a broad category of cases where migration appears to be non-voluntary. The limits of such a category are blurred, empirically difficult to draw, and contested. This broad non-voluntary side of the continuum comprises the cases where Ottonelli and Torresi's voluntariness conditions do not obtain. I take the extension of such a category to be variable upon the meaning we might give to the "good enough" alternatives to migration, as well as to the "adequacy" of information that a migrant should possess to migrate voluntarily. However, I assume that, among such non-voluntary cases, there are cases that clearly count as cases of forced migration. When exploring the existential condition of forced migrants, I will focus on this more restricted set of largely uncontroversial cases of forced migration.

A minimal definition of forced migration, I argue, can be identified based on coercion and deception criteria. Migrants are forced to migrate when they are coerced into leaving their place of origin, either by physical force or by threat of force, violence, or harm to physical integrity and survival. I do not assume this kind of coercion to be limited to human agents: a natural disaster may threaten physical integrity and force people to migrate. In the case of slow-onset environmental degradation, although migration can be initially voluntarily undertaken as an adaptive strategy, it counts as forced when survival and physical integrity are at risk, e.g., when the only available water is poisoned. Extending coercion to non-human external forces is consistent with the definition of forced migration assumed by the International Organisation for

Migration in its 2011 glossary: forced migration is described as a "migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes" (IOM 2011, p. 39). This is the case of many people who are described as conflict-induced, environmentally induced or development-induced forced migrants, as well as many persecuted people. These forced migrants are still capable of exercising some agency over their flight. For instance, they may decide to remain in their country or undertake onward migration. Yet, their agency is exercised as a reaction to the coercive forces that have disrupted the usual background life conditions in such a way that staying would have been impossible or would have put their survival and physical integrity at risk. Thus, while defining migration as "involuntary" seems oxymoronic, the cases we are considering here are clearly not voluntary either. They may be defined, in Richmond's terms, "reactive"[20].

In addition to coercion, deception is a second useful criterion to identify blatant cases of forced migration. Although the precise amount of information that a migrant should possess to migrate voluntarily is debatable, a person is clearly forced to migrate when they are deceived into migrating by someone else. Here, information is not merely insufficient or imprecise, but false and purposefully misleading. Moreover, deception is essential in motivating migration: the person would not have taken that migratory project had not received false information, though they might have wished to migrate. This is the case for those trafficked people who, as we will see, are persuaded into migrating and thus do not need to be coerced into moving. Indeed, the legal definition of trafficking explicitly mentions both coercion and deception.

Bearing in mind this fairly narrow definition of forced migration, I intend to turn to the interdisciplinary debates in diverse fields of forced migration studies, such as conflict-induced, environmentally induced and development-induced forced migration, as well as trafficking in

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[20] Draper (2021) has recently described the movement of internally displaced people as reactive, pointing to the "rapid disruption of background conditions of stability" that this movement involves. In his view, reactive migration is a subset of the "involuntary" one, which seems to correspond to the broad category of non-voluntary migration I sketched above based on Ottonelli and Torresi's voluntariness criteria.

human beings. Since my aim is to investigate what is peculiar about the existential condition of forced migrants, I include both those forced migrants who cross international borders and those who remain inside their country of origin. In scholarly literature and in public debate the term "migration" usually refers to migration across borders. By contrast, "displacement" is more often used to denote the forced movement of people within a country. However, I will use forced migration and forced displacement interchangeably. Indeed, I consider internal displacement as a form of forced migration, which involves some agency on the migrant, though a very constrained one. Moreover, both international and internal forced migrants are displaced, since they are forced to abandon their habitual place of residence and are deprived of their routines, reference points, means of subsistence, social relations and so forth. I will use the expression "internally displaced people" (IDPs), to refer to those forced migrants who have not crossed an international border. This is consistent with the non-alienage-based definition provided by the UN Guiding Principles on Internal Displacement[21]. I do not assume non-alienage to be in itself relevant to the enquiry over what is normatively distinctive in being forced to migrate. Yet, it is epistemically useful to specify when we are discussing cases of people displaced within borders because it allows us to note that the harms experienced by IDPs do not depend on closed borders. The next chapter will adopt a phenomenological approach to the experience of being forced to migrate. I will make extensive reference to empirical work, privileging qualitative research and life stories that illustrate how individuals come to be forcibly displaced and how forced displacement impacts their lives. As a result, I will identify and illustrate a set of distinctive harms, which are related to being forcibly displaced, are common to both IDPs and internationally forced migrants and do not derive

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[21] According to the Guiding Principles on Internal Displacement, internally displaced persons are "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border." (Deng, 1999: 484). Drawing on Shacknove's influential refugee definition, Beaton (2020) argued that those internal forced migrants who cannot recur to their home state for protection (i.e., persecuted ones), should be recategorized as refugees since they are owed refuge as well. However, I set this proposal aside because I am not distinguishing forced migrants based on their legal status and moral rights. My attempt is precisely to explore what forced migration is before turning to what is owed to forced migrants.

from closed borders. Only afterwards, in chapters 3 and 4, I will consider the normative issue of what is owed to forced migrants qua displaced people, rather than qua migrants tout court, irregular migrants, or victims of human rights violations.

As Serena Parekh already argued, phenomenology can complement analytic normative theorising by providing a deeper understanding of what displacement concretely means for those who experience it (see Parekh 2017, p. 9). In other words, it contributes to avoiding misplaced idealisation of the phenomenon at stake. More importantly, I aim to show that a preliminary phenomenology that unearths the distinctive harms involved in forced migration also allows theorists to reorient the approach they adopt when dealing with normative issues. Once we have seen that the specific plight of forced migrants does not start in camps or on the route towards the global North, we are better able to grasp why forced migrants do not merely need humanitarian assistance or admission to a country that protects basic human rights. Thus, we will be led towards a more backwards-looking normative approach that accounts for those harms that make forced migrants' moral claims different from both those of migrants who have not been displaced and from those of non-migrant people in need.

Conclusion

In this chapter I have argued that, in political theory, the conceptualisation of refugees and other categories of non-voluntary migrants is deeply influenced by the ethics of admission policies that the theorist defends or assumes. Even outside normative theory, scholars' approach to forced migration is influenced by their implicit ethics of admission policies. I have identified a common assumption among scholars who debate forced migration. They may defend the distinctiveness of persecution as a ground for a narrow refugee definition or they may refuse it in favour of a broader one while still accepting that states have a right to exclude immigrants; they may even reject the right to exclude and thus refuse classifying migrants based on the urgency of their claim to admission. In all three cases, they approach forced migration from the angle of the ethics of

admission policies and they share the assumption that the forcedness of migration concept is normatively salient to the extent that those migrants seek admission in a foreign country having closed borders.

In the last section of the chapter, I have sketched a methodological approach to assess the normative relevance of the forced migration beyond the debate over admission policies. I have proposed to explore the condition of those forced migrants who are clearly forced to migrate, since their movement is compelled by coercion or deception, to assess what makes their condition distinctive compared to that of voluntary migrants and to that of non-migrants. I have proposed to concentrate on those distinctive harmful experiences that do not depend on borders being closed, thereby avoiding being biased by a prior ethics of migration policies. This brings into light the experiences of internally displaced people, who have largely been overlooked in the ethics of migration. I have claimed that a phenomenology of forced migration is not only epistemically useful to deepen and refine our theoretical understanding of the phenomenon at stake. It also has important normative consequences since it allows theorists to reframe their approach to what is owed to forced migrants based on the specific harms involved in forced migration. The next chapters will adopt this methodological perspective. Chapter 2 will provide an exploration of the harms involved in forced displacement which make the concept of forced migration normatively relevant even when closed borders are not an issue. Chapters 3 and 4 will then discuss what is owed to forced migrants given the distinctive harms of forced displacement.

Chapter 2

The Grounds of the Forced-Migration Concept

The first chapter argued that the interdisciplinary debate on forced migration is shaped by the focus on borders and admission policies. Though scholars do not usually make this link explicit, their use of terms such as "refugee", "internally displaced person", and "forced migrant" depends on the broader ethics of immigration they endorse. Therefore, how forced migration is conceptualised is highly dependent on previous assumptions concerning sovereignty, the scope and strength of receiving states' domestic and global obligations, and their right to control immigration. This is not surprising: since the world's surface is entirely divided into sovereign states, each of them meant to be primarily responsible for its own nationals and for its own territory, obviously territorial borders matter in assessing responsibility for forced migrants. The focus on borders explains why the international community usually concentrates on refugees rather than on IDPs.[22] There seems to be no trouble in identifying which state is responsible for IDPs: they are still inside the territory of the state they belong to. The problem with refugees, by contrast, lies precisely in the fact that they move outside the jurisdiction of their country of origin and cannot be returned because the country is unwilling or unable to meet their basic needs. To restore the legitimacy of the world order, another actor must act "in loco civitatis" and provide for refugees (Owen 2020). However, for the receiving state, admitting refugees into its territorial borders—and eventually into the political borders of the demos when they become eligible for citizenship—entails a demographic change, which has economic, social, cultural, and political consequences. Unlike regular voluntary migrants and analogously to irregular voluntary migrants, forced migrants are not invited to come. But, unlike irregular voluntary migrants, refugees cannot be legally "returned to where they belong". This is the background for the conceptual debate on who

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[22] This is reflected in the ethics of migration. Political theorists' works revolve around international migration, while domestic migrations have not stirred debates. Not only internal displacement but also voluntary domestic migrations have been largely overlooked.

is a refugee and the normative debate on which states are responsible for refugees. The more comprehensive is the definition of refugee, the higher is the number of refugees and thus the heavier is the burden to be shared among states.

As we have seen, some scholars however reject the concept of refugee or forced migrant altogether, because they challenge the assumption that receiving states have normally the right to refuse entry to non-nationals trying to settle temporarily or permanently inside their territory. They claim that freedom to immigrate is a human right and that justice in migration requires borders to be normally open. If so, there is no need for receiving states to distinguish between refugees and voluntary migrants, because every foreigner is entitled to admission. Briefly, it seems that the salience of the distinction between forced and voluntary migrants is conditional upon the existence of restrictive admission policies.

The aim of this chapter is to show that the epistemic salience of the concept of forced migration is not dependent on the lack of freedom to move. Even where there are no closed borders, I will argue, forced migrants experience distinctive harms and have distinctive needs they would not have, had they stayed put or had the moved voluntarily. The chapter explores the harms that forced migrants experience qua forced migrants, which are common to both international forced migrants and internal forced migrants. Such harms distinguish forced migrants from both voluntary migrants and non-displaced victims of human rights violations.

As the following chapters will illustrate, shifting the focus from borders and admissions to why and how forced migrants are compelled to move and to the harms and needs resulting from displacement allows us to broaden and to enrich the scope of normative theorising. In fact, it allows us to underline the similarities between the condition of the international forced migrant and the condition of the IDP. Furthermore, it allows us to highlight the complex transnational and structural causal responsibilities for forced displacement, including internal displacement. Finally, it shows that freedom of movement is not sufficient to compensate for the harms that forced migrants endured and to respond to their needs after displacement.

The chapter is structured as follows: section 1 provides an extensive phenomenological exploration of forced displacement experiences to identify what makes them harmful. Section 2 focusses on forced migration in both real-world free movement areas and in counterfactual scenarios to illustrate the claim that the salience of the forced migration concept does not depend on borders being closed, and that what fundamentally characterizes all forced migrants, compared to voluntary migrants, is not the moral force of their claim to admission in case they reach an international border. I do not aim to deny the importance that freedom of movement and admission policies have, but rather to show that an exclusive emphasis on them obfuscates why forced displacement is harmful, while voluntary migration is not, and that the harms of forced migration are prior to the additional ones that may derive from closed borders.

1. *Why Forced Migrants Are Special: The Distinctive Harms of Displacement*

It is not an easy task to isolate from the empirical literature what makes the existential condition of forced migrants distinctive: firstly, because there is no clear-cut separation, but rather a continuum between forced and voluntary migration; secondly, because some harms are currently experienced by voluntary and forced migrants alike, while others are shared by both displaced and nondisplaced populations; thirdly, because some are not shared by all forced migrants. In other words, some distinguishing criteria might be too vague and broad, or not broad enough. As the first chapter illustrated, a single but inclusive forced-migration concept is difficult to delineate if grounded on political persecution, sheer need, or general human rights violations.

Extended as it might be, political persecution does not seem to immediately fit cases of displacement induced by natural disasters, environmental degradation, or development projects, although all such triggers may indeed have a greater impact on individuals who belong to oppressed groups or may offer useful pretexts to justify the permanent relocation of such groups. While the purpose of the refugee definition is to identify those individuals who cannot be legitimately refouled when they physically arrive at a foreign border or apply for resettlement,

when we zoom out and bring all displaced people into the picture, wherever they are, political persecution alone seems a less sound criterion to account for the harms of all such people who have not moved voluntarily.

Need and general human rights violations, however inclusive, are not sufficiently precise to capture what is peculiar about being a forced migrant. Consider first humanitarian grounds. Forced migrants who do not meet the persecution criterion may be no less endangered than Geneva Convention refugees. Other forced migrants can be so destitute that they migrate to survive (Betts 2013). It has been argued that, when people claim admission because their life would otherwise be in danger, it seems unjust to prioritise those who flee political persecution over them. Based on humanitarian grounds, it seems sounder to prioritise admission claimants on the basis of the needs' urgency, as happens with the sick and injured awaiting treatment in a hospital; there, those with the most urgent needs are treated first, regardless of the cause of their injuries (Gibney 2015; see also Song 2019, p. 118). However, humanitarian approaches have been criticised for offering a misleading picture of the forced migrant. To fit the expectations, the forced migrant has to be as destitute, helpless, and passive as possible, like a starving innocent child. Ironically, the political dissident who has been the ideal type of the refugee since the French Revolution does not seem to have anything to do with the humanitarian refugee.[23] In reaction to the victimising portrayal of the forced migrant as the perfect humanitarian-aid recipient, several scholars have emphasised the agency that forced migrants proved capable of exercising, even in highly constrained situations. For some, this leads to dissolving distinctions between forced and voluntary migration. Briefly, when insisting on need it seems difficult to determine how needy the forced migrant should be to be a genuine forced migrant, compared to a voluntary migrant. Moreover, if we consider IDPs, need alone does not seem a reliable criterion to distinguish between the displaced and non-displaced populations. Many people do not have their basic needs met and

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[23] For a historical reconstruction of the humanitarian and political grounds of refugeehood and how they progressively merged, see Owen 2020.

would be entitled to humanitarian assistance, without being displaced. However, it seems implausible to assume that a person who has been compelled to leave their house, region, or country is in the same existential condition as a desperately poor non-displaced person.

When it comes to human rights, our attention might be captured by the gross violations that migrants suffer during their dangerous journeys, when they move as "irregular" or "unauthorised" migrants. Consider the cases of torture and arbitrary detention perpetrated by both state officials and non-state actors. Consider also the cases of migrants refouled without having had the chance to apply for asylum, or those stuck on a crowded boat for several days because the closest state's authorities do not allow them to disembark. These harms are very serious. However, they do not result from displacement itself, but rather from a border regime that restricts legal admissions and incentivises the demand for smuggling and the use of unsafe routes. Moreover, they may also affect people who decide voluntarily to migrate, as part of their life plan, as long as there is no chance to obtain legal admission. Finally, forced migrants do not necessarily travel in an irregular way; forced migration can exist even in free-movement areas. Briefly, the plight of irregular migrants does not seem to perfectly overlap with the plight of forced migrants. If something marks forced migrants, then, perhaps it has to do with the human rights violations which happened in the place they came from. Unlike humanitarian, need-based grounds, human rights grounds do not undermine forced migrants' agency and seem better suited to apply also to political dissidents from authoritarian states: they are not necessarily poor and destitute, they might be persecuted as a result of having consciously performed certain acts, but they had been denied fundamental human rights. An academic, such as the sociologist Alfredo Molano, who fled Colombia for Spain after having received death threats from the paramilitaries (Molano 2013, p. 17), rightly appears to be in a different condition compared to an academic who moves to a foreign university which offered them a better position than their current one. However, if we consider human rights violations in the country of origin as distinctive of the forced-migration experience, we are not able to highlight why an IDP is in a different condition compared to a non-displaced

person whose human rights are routinely violated. Indeed, many people suffer human rights violations without being displaced. Imagine an Afghan woman who was denied the right to education by the Taliban regime, denied the right to work, and forbidden to leave her home without a male guardian. Is not there any change in her existential condition if she also finds herself displaced in a refugee camp some hundred kilometres away from her village, after having fled an armed conflict? There seem to be some additional harms she has undergone, apart from the previous harms she already suffered before displacement.

In the next subsections, I explore some harms and wrongs that affect forced migrants as a result of displacement, which they would not have experienced if they had migrated voluntarily. To illustrate some points, I refer to case studies in the forced-migration literature and to a few oral testimonies and narratives. Let me thus add a brief caveat on the use of narratives. Life stories are necessary subjective; they are often messy, incoherent, emotive; they may be consciously or unconsciously affected by the narrator's aim of meeting the interviewer's expectations, by the interviewer's bias, and by the editor's goals. Therefore, caution is needed in drawing conclusions from life stories. The few subjective stories I will refer to are not meant to be generalisable to all forced migrants, but to give voice to some lived experiences and to offer empirically grounded examples instead of purely hypothetical examples of idealised displaced persons.

2.1. Losing Control

Being forcibly displaced involves a loss of control over one's own person. The displaced person does not lose their autonomy altogether: they may react or resist external intrusion, yet they typically experience some form of coercion[24] that compels them to move or imposes physically or morally unbearable costs if they remain where they are. They have no acceptable alternative but

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[24] In chapter 1, I have defined forced migration based on coercion and deception criteria. See chapter 1, section 4.

to move, although the move was not desired, planned, or prepared and they might not know where they are going.

A displaced person can experience different forms of loss of control. The most acute is probably the loss of control over their body (which includes the body's physical movement in the space). In fact, the loss of control over one's body undermines the basic self-confidence which allows a human being to recognise themselves as a separate individual whose body parts have precise and interpersonally recognised contours and who retains exclusive control over how to use their body, how to move it in the space to perform actions. According to Axel Honneth's theory, physical violence entails the most severe kind of social misrecognition a person may suffer, because the loss of control over one's body "does lasting damage to one's basic confidence . . . that one can autonomously coordinate one's own body" (Honneth 1995, p. 132).

This is particularly evident in cases of deportation and trafficking. Deported people are physically moved from one place to another. Often, they don't know where they are heading to. Therefore, to the loss of control over their body, a loss of control over their immediate future is added. Deportation is an efficient way to massively relocate people while also causing severe physical and mental stress to the deportees. When the journey happens in very hard conditions, it can be a form of torture itself (think of the Jewish deportees during World War II or the minority groups deported across the USSR during Stalin's regime or during ethnic conflicts). Trafficking is a more complex matter. It may involve different kinds of coercion, to varying degrees. In some circumstances, coercion takes the form of actual physical violence or threats of physical violence. This is how Angela described the way she was transported by car from Romania: "He hit me on my lips, which started bleeding. . . . Then he grabbed my hair and pushed me into the car. I screamed and told him I would jump from the car . . . but he had immediately locked the car doors and when I tried to open a door he said: 'Look, if you don't behave yourself, I'll take my gun and kill you.' I tried to figure out how to escape. We were still in my homeland and there were no policemen in the streets, nobody could hear me screaming or punching the doors. . . . It was 5 in

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the morning. . . . I kept crying and screaming, and he would turn and hit me on the face . . . again and again . . . and I would cry" (Abbatecola 2018, pp. 71–72, my translation). In other cases, during the journey itself violence is not needed, because coercion takes the form of deceit: the trafficked person had been promised a regular job, for instance as a fruit picker or as a waitress at a bar, and they consented to move. However, on arrival, they find out that by consenting to migrate they incurred a debt they must repay through forced labour. For instance, they are told that they are expected to work in the sex industry, and, if they refuse, they undergo physical violence or psychological violence—e.g., the threat that their loved ones will be killed or hurt.

It is true that forced labour involves separate harms on its own: it is not necessary to be a forced migrant to suffer them; non-migrants or voluntary migrants too may experience forced labour. However, in the case of trafficked people, the loss of control begins during the coerced or deceit-induced move, which is finalised to the protracted deprivation of control during the subsequent exploitation of the trafficked person's body or work. Thus, for trafficked people, sexual and labour exploitation is particularly harmful, because it reinforces the loss of control over their body at the moment of their move. Losing control over one's body can be a traumatic experience, and trauma may be even greater when displacement is followed by slavery, torture, rape, or other kinds of physical and sexual abuse, which all involve a loss of control over one's body. For those displaced people who are not physically or psychologically coerced into migrating or deceived to get them to do so, the loss of control over their body is less obvious. However, if we consider bodily movement, a loss of control is visible whenever moving is the only possible or acceptable option, and when the option of heading back is impossible or unacceptable once the move has started.

A second important kind of loss of control involved in forced migration concerns control over one's most intimate belongings and one's private space. Intrusion in one's private space is particularly painful, because such a sphere of privacy around one's body and place of habitual residence is perceived as constitutive of one's personhood and dignity (Ottonelli 2020). The

largeness and the exclusivity of this space are culturally variable, but some sphere of privacy is nonetheless needed by human beings. We expect others not only to keep a proxemic distance from our body, but also to keep away from the place where we live, independently of whether we own it, or from its monetary value. Consider the case of the Italian mayor who cleared the shelter of an old homeless person who used to live in the street. This action provoked widespread moral indignation, although what was removed were only dirty blankets and the homeless person could not demonstrate any property right to the footpath he slept on. As the mayor pointed out, it is unpleasant for residents and tourists to see dirty, smelly stuff on the streets. However, we might feel that the homeless person had some moral justification in expecting their blankets to be still there where they left them and that they were somehow harmed when those blankets were removed without their consent. When someone is displaced, they lose control over that private space, and this is harmful.[25] If displaced people end up in a precarious shelter, which can be demolished or evacuated anytime, this further perpetuates the sense of insecurity, unsafety, and uncertainty that displacement provoked in the first place. Moreover, if they have to move to a collective, crowded shelter, this is an additional harm, because it perpetuates a lack of necessary privacy and proxemic distance between them and the other residents. It is interesting to note how forced migrants in refugee camps try to re-create a private space inside or around their shelter and to erect barriers to delimit such space and protect it from strangers' view. Consider Zaatari camp, in Jordan, which has gradually become a sort of city. Inside this camp, many forced migrants did not simply inhabit the caravans; they often dismantled and reassembled them to create an internal courtyard, as is common in Arab houses, and separate rooms for the various members of the family.[26]

A third crucial way in which displacement undermines a person's control concerns time. Although voluntariness is a matter of degree, and there is a continuum between voluntary

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[25] On the importance of control over one's home space and the sense of powerlessness provoked by displacement, see Nine 2017, particularly pp. 14–16.
[26] A. Dalal, unpublished PhD thesis. See also Dalal 2020.

migration and forced migration, a promising angle to evaluate the voluntariness of the move is to consider how it fits in the person's life plan. Unlike voluntary migration, forced migration involves losing control over one's future. In some cases, displacement is abrupt and unexpected (Gürer 2019, p. 7). It comes as a sudden, shocking disruption of the person's usual routine, and it makes future life plans collapse at once. The most obvious examples are displacements triggered by extreme natural disasters, such as earthquakes, tsunamis, hurricanes, floods, and so on. However, the decision to flee a war zone or individual persecution may also be a sudden one, although the person may have endured an unsafe and uncertain existential condition for a while, until it has become unbearable.

Even when not sudden, forced displacement is unplanned.[27] There are cases where someone else might have planned it, but it was not part of the displaced person's life plan. Consider cases of evictions for land acquisition and development projects. In the worst cases, the undesired settlers are made to leave the land under the threat of violence, without them knowing exactly what is going on; this seems to be the case for many displaced peasants in Colombia. In better cases, the affected population is informed about the land acquisition and may be relocated to a new site. However, even when informed, often the population has not previously been consulted. They may undergo the epistemic injustice of not being deemed worth consulting, because they are thought to be unable to understand or because the place they live in and the way they live are not considered valuable.[28] Briefly, they must consent to move when they are told to; if they do not, they are seen as acting in an irrational and unreasonable way.

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[27] One might argue that the displaced person, particularly if they have experienced deprivation and violence their whole life, may well have been planning to migrate. Yet, the point is that displacement disrupts their plans anyway. One or more events intervene and compel them to move. They are not in control of the time and of the modality of the move as they would have been if they had migrated according to their plan. Even in the case of a person who has always lived in a situation of deprivation and violence there is typically something that, at some point, makes alternative options unacceptable. This triggering factor undermines the person's control over their life plan, even when that life plan included migrating.

[28] On development-induced displacement, see Oliver-Smith 2010; on the misrecognition affecting indigenous and nomadic groups which makes them vulnerable to dispossession and forced displacement, see Kingston 2019.

Consider now the case of migration induced by gradual degradation of a person's livelihood. For instance, desertification and soil or water pollution are two factors that contribute to slow-onset environmental degradation and eventually lead to displacement, concerning primarily farmers, fishermen, and cattle breeders.[29] Those who migrate for these reasons are usually considered economic migrants and thus voluntary migrants. However, while in some cases migration can be one of several possible adaptive strategies to provide an additional source of income and allow the rest of the family to stay, in other cases survival is at risk and entire groups have to leave their place of residence. For them too migration comes as a disruption of their life course: the alternative to migration would involve starvation or poisoning.

As anti-sedentary mobility scholars rightly point out, human beings are not naturally rooted in one place.[30] Migration can indeed be desired and chosen. Moving can be a constitutive component of someone's future plan. When this is the case, there is a continuity in time throughout the life course, and migration, which might be either permanent or temporary, sometimes repeated or circular, can be a normal component of this path. However, there are cases in which migration clearly involves a disruption of the person's life plan. Forced migrants are resilient agents and not passive victims; therefore, they may well react to such an event, make choices, act, and rework their life plans. Nonetheless, forced displacement marks a painful discontinuity in time and an experience of undermined autonomy, rather than an empowering choice. What is problematic about forced migration is not movement itself, but rather the loss of control over whether migration will be part of one's future and over when and how movement happens[31].

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[29] See Afifi 2011 for a detailed discussion of environmental degradation and migration in Niger.

[30] Malkki denounced a sedentary analytical bias in anthropology and the social sciences in general; see for instance Malkki 1995. For a discussion of the later debate, see Jansen and Löfving 2009.

[31] To counter a sedentary bias, however, we should not assume immobility to be problematic either. Indeed, both movement and immobility are problematic to the extent that they are not voluntary. Schewel (2020) has recently decried a mobility bias in migration studies, pointing to "an overconcentration of theoretical and empirical attention on the determinants and consequences of mobility and, by extension, the concomitant neglect of immobility". Immobility, she argues, can result from both aspirations to stay put and constraints to the capability to migrate. On the disempowerment deriving from "involuntary immobility", see Lubkemann 2008.

This section has argued that, unlike voluntary migration, forced migration involves a loss of control. Losing control is a harm, and it would still be even in the counterfactual ideal world where forced migration would only be triggered by natural causes and no human responsibility would be at stake. In a non-ideal world, though, when forced to lose control over one's body, immediate environment, and immediate future, displaced people are not only harmed but also wronged by the human agents who are causally involved in such an outcome. The issue of whether causal responsibility for forced migration results in reparative responsibility will be considered in depth in chapter 4. For the time being, it suffices to note that, although in principle forced migration is not necessarily a product of unjust actions or unjust human-made structures, this is usually the case in our world. Furthermore, it would still be the case in a non-ideal open-borders world, as long as such a world were not perfectly just.

Ottonelli argued that control over one's body and personal space provides the moral grounding for the human right to stay (i.e., the human right not to be displaced) (Ottonelli 2020). If so, losing such control constitutes not only a harm but also a violation of a specific human right, a violation which is distinct from the human rights violations that forced migrants might experience before or after displacement. Previous alternative groundings for the right to stay stressed the special emotional attachment people have for their home and country, or to the fact that the most important interpersonal relations and the most important life plans lie in the place of origin (see for instance Oberman 2011). Ottonelli argued that such approaches suffer from a sedentary bias and provide a poor ground for the right to stay. In fact, even those people who do not feel any particular attachment to the place they live in and those who belong to destitute or marginalised groups who have the fewest life opportunities in their place of origin nonetheless suffer the violation of the right to stay. In other words, the violation of such a right to stay cannot be conditional upon the existence of meaningful social relations, cherished life plans, or strong emotional attachment to the place one is forced to leave (Ottonelli 2020).

I agree with Ottonelli's critique of attachment-based and located-life-plan-based arguments as an appropriate ground for the human right to stay, but I object that this leads her to undermine the importance of being in control of one's life plan. I argue that losing control over one's life plans is one of the key kinds of control loss involved in displacement. This is not to say that the life plan which was disrupted was the best possible life plan a person could have, just because it included that person staying put in the immediate future. Imagine a poor young man who lives in a remote rural area in a country in the global South. He has no running water, rationed electricity, and no internet connection at home. Suppose he had been denied the right to education and he has been working the land and breeding sheep from dawn to sunset since he was a young boy. It is a hard life, and he might get a better one elsewhere. Perhaps he hates this life and hopes that he will save or borrow enough money to migrate within some years. Or, perhaps, he is used to it, and his future life plan just includes continuing to lead this life, get married, raise his kids in that village, and age and die there, as his father did. Anyway, if next month his village is attacked by an armed group and he is forced to flee in the middle of the night, or if his land is expropriated and he is evicted, or the course of the meagre river which provides him with water is diverted and he loses his paddock and flock, his life plan is disrupted. Even if he wished to migrate, this is not the way he would have chosen to leave his house and his village, had those external factors not intervened. Briefly, what matters is not the content of the disrupted life plan, but rather the fact that this was *his* life plan.

Furthermore, as Ottonelli makes clear towards the end of her paper, the loss of control and the violation of the right to stay grounded on control cannot account for all harms and wrongs involved in forced migration. The strength of conceiving of the right to stay as a control right, she argues, lies precisely in its independence from the moral value that place has to the displaced person. Nevertheless, the particular place from which a person is displaced does matter: displacement from *that* place can entail additional individual and collective harms, which are not reducible to the loss of control and thus to the violation of the right to stay. In the next subsection,

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I will explore one of these harms, which, I suggest, could be described as the loss of the "Home environment", broadly conceived of as a familiar environment (which is more extended than one's private space but does not necessarily correspond to the territory of a state) where a person possesses sufficient social and cultural resources to perceive their personal identity as meaningful and to conceive future plans.

2.2. Losing One's House and "Home Environment"

Forced migrants are compelled to abandon their place of habitual residence—a house or a more precarious shelter—and most of what the place contains (including gardens and crops). This is a material loss. Moreover, it is also psychologically traumatic. Losing one's house is perceived as a long-lasting harm for many displaced people, and some continue to dream of regaining possession of that specific house, even when they have been displaced for several decades. As Smit notes, "Palestinians wearing keys to their homes of origin around their necks, and Greek Cypriots hanging photos of their homes of origin in the front entrances of their current dwellings, are powerful depictions of these sentiments" (Smit 2012, p. 101). This moral harm applies also to those who do not hold legal property rights to their place. In some countries, lands are collectively owned by the state, and residents never officially acquired legal title to it. Private property is not a necessary condition for a place to be one's own home.[32]

A house, as a physical structure, can itself be mobile. What counts is that even a mobile house (such as a tent) is situated in a larger and more stable geographical, social, and cultural background which includes usual mobility routes and provides a degree of continuity in the life course. This background provides a "Home environment", the loss of which can be even more harmful than the loss of the house. Consider a case of displacement in a nomadic context: the Hawawir tribes in Sudan. The Hawawir are Muslims and Arabic speaking, like the majority of the

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[32] As noted by Penz et al. (2011, p. 171), "Clearing people from land on which they rely for their livelihood causes hardships, whether or not the tract from which they are cleared is their property."

population in the Northern regions of Sudan. However, the Hawawir are nomads who live in the Bayoda desert, describe themselves as a tribe composed of multiple (mostly endogamous) subtribes, and have their own social and juridical organisation. Traditionally, their livelihood primarily consists in the nomadic herding of camels, sheep, and goats. Nomadic pastoralism is also supplemented with seasonal (internal) labour migration and trade. Since the mid-1980s, severe droughts have caused the Hawawir to lose their cattle and compelled them to abandon the desert, disperse, and settle in the outskirts of various towns in the Nile valley. According to Larsen, the Hawawir perceived such movements as "unexpected" and recognised that "their move was not one of their own choice": they would usually say that "they were 'forced to move' (*jabarna nahal*)" (Larsen 2003, p. 112). For the mobile Hawawir communities, displacement entailed both forced movement from the desert and a subsequent forced immobility in the new sedentary urban environment. As Larsen observes, "In cases where mobility is caused by ecological, political and economic ruptures, its consequences may be different from situations where mobility is one aspect inherent in the social organisation and cultural perception of the so-called everyday life" (Larsen 2003, pp. 119–20). Although used to mobility, the nomadic pastoralist Hawawir communities nonetheless perceived internal displacement as "a period of disruption" (Larsen 2003, p. 110). In fact, nomads too can be forcibly displaced from their usual paths, and they too can lose their usual way of life, interpersonal relations, and life plans.

As the previous example illustrates, both (mainly) sedentary and (mainly) nomadic people can feel the loss of their "Home environment". What I call here "Home environment" is not reducible to one's house (or tent or shelter). When dealing with the issue of refugee return and property restitution, Stefansson distinguishes between "small home" (the property) and "big home", referring to political and socioeconomic structures surrounding the small home (Stefansson 2006; see also Smit 2012, pp. 108–18). Smit observes that the tension between home as a physical structure and home as a social concept is widespread in the literature (Smit 2012, p. 115). Here, I use "house" or "home" to indicate the physical structure where a person lives (and

the belongings it contains), and "Home environment", broadly conceived, to denote a geographical, social, and cultural environment which has some practical function and a symbolic meaning in the residents' daily life. Being deprived of the latter is cognitively and emotionally devastating for the displaced person, who find themselves obliged to rebuild it as soon as possible. As Turton puts it, what forced migrants lose and try to re-create is a "cool ground" from which planning the future is possible, while Jansen, drawing on Bauman's notion of Unsicherheit, describes Home as a place of sufficient safety, security, and certainty (Turton 1996; Jansen 2009).

One might wonder whether the Home environment is a physical space. I argue that it is primarily a sociocultural environment. Losing the Home environment, for the displaced individual, means being abruptly deprived of a web of social connections, symbolic meanings (e.g., language, conventional behaviours), and familiar landmarks on which one used to rely. Apparently, displaced people who move to contexts which are culturally similar to the one they came from are less likely to suffer from the loss of their Home environment, although they have lost their "private home". However, an external observer may exaggerate cultural affinities among groups which actually show only some vague similarities, like a common faith in the same god. Think of the Muslim Bosnians who fled the Yugoslav war and whom Pakistan hosted in its refugee camps. Although Muslim, they came from a place which was not only geographically but also socially and culturally distant from Pakistan. Mertus et al. (in the typically emotive rhetoric of the refugee-narrative genre) write that "Bosnian Muslims, a European people used to ski slopes in the winter and short shorts in the summer, are the most miserable in the traditional Muslim land of Pakistan" (Mertus et al. 1997, p. 101). Briefly, even when the new place where forced migrants settle has some cultural similarities to their place of origin, this does not prevent forced migrants from perceiving the loss of their sociocultural Home.

Nevertheless, this larger Home may be strictly connected with territory, seen from a natural-geographic perspective, which can include lands, seashores, lakes, rivers, mountains, and other morphological features, as well as plants and animals. This natural landscape can have

important practical functions and collective symbolic meanings, especially for indigenous peoples. For many of them, territory is constitutive of their livelihood and social structure and may even have religious value. In the case of indigenous people, then, the loss of the Home environment disrupts the territorial symbolic basis of their collective identities and shared worldviews which cannot be transplanted outside that territory. Thus, what is lost is not just the functional meaning of the Home environment as an orientation-providing space but a deeper symbolic meaning. Furthermore, this loss entails a collective harm for the whole group that is distinct from the impairment of individual functioning and individual identity. Several indigenous communities have been displaced by state and non-state actors to acquire land for "development projects" such as dams, mines, or intensive plantations. National parks are perhaps a less cited example of development project, in which preserving nature results in humans' eviction. Consider the case of the Veddas of Sri Lanka, who have been displaced since the establishment of the Maduru Oya Park in the 1980s. Forced to abandon the forest where they lived as hunter-gatherers (and which was transformed into a natural reserve surrounded by high electric fences), they were relocated to a nearby village. In the village, they had to turn into "civilised" sedentary farmers while still being kept segregated from the majoritarian Buddhist Singhalese people (Lund 2003). Analogously to the desert for the Hawawir nomads in Sudan, the forest was constitutive of the Veddas' collective identity as indigenous people. Displacement, for them, meant not only the loss of their homes (understood as habitual shelter) and the loss of their individual place within a larger, collective sociocultural environment, but also the complete disruption of the meaning of such an environment: without connection with a precise kind of natural environment, the collective, sociocultural Home environment could not be re-created.

Let us recap two points that emerged in this subsection. First, both the loss of one's place of residence and the loss of one's Home environment (understood as the surrounding natural and sociocultural environment) may affect not only sedentary but also mobile people. In fact, seasonal and temporary dwellings used by nomadic peoples are homes, which are part of the personal

private space of those who inhabit them. Moreover, not only neighbourhoods and cities can be considered part of the Home environment, but also usual mobility patterns as those used by nomadic groups. Briefly, the loss of the Home environment can also affect mobile individuals and does not require that individuals and groups be permanently anchored to one single place.

Second, both the loss of the house and the loss of the Home environment do not only concern those who are displaced across borders; they affect IDPs too. In fact, states often do not correspond to the stereotype of a nation-state where residents belong to the same ethnic or national group, share the same language and often the same religion, and are generally immediately able to understand each other's cultural references, habits, non-verbal communicative expressions, and so on. If such a uniform imagined community ever existed, this is clearly not the case for many states that originate IDPs. IDPs can be displaced to a region where local residents belong to a different ethnic group, speak another language, profess a different religion, or have unfamiliar habits, despite such a region being formally part of the same state as the region they came from.

Recall the above-mentioned cases of Sudan and Sri Lanka. The Sudanese population might be simplistically divided into Muslim Arabs from the North and Christian/animist dark-skinned Africans from the South (indeed, decades of civil war resulted in the secession of South Sudan). However, the non-Arab population is composed of several ethnic groups, and even the Arab population is far from being ethnically and culturally uniform: think of the dissimilarities between the Hawawir nomads and the sedentary urban residents of the Nile valley. While having considered their nomadic lifestyle as normal before displacement, "those who have lived in the Nile Valley have become painfully aware of the fact that sedentarised agricultural and urban communities usually perceive the Hawawir and other nomads as uneducated people whose way of life is in need of change" (Larsen 2003, p. 119). Analogously, Sri Lanka comprises a majority of Buddhist Singhalese and a consistent minority of Muslim Tamils (who gained control of some territories during repeated civil conflicts), as well as several minor ethnic groups, including indigenous groups. Finally, even in an apparently more uniform country, such as Colombia, IDPs can be

forced to move and settle in a considerably different natural, social, and cultural environment. As Chapter 5 will illustrate in greater detail, displacement in Colombia is linked to land dispossession. *Desterrados* are usually forced to leave farms and rural villages and compelled to resettle in a distant city, away from paramilitary groups who reclaimed the land or threatened their life (often, their destination is the capital, Bogotá). Moreover, many displaced people belong to Black or indigenous minorities. Thus, for Colombian IDPs too, forced migration entails losing social relations and a familiar sociocultural background. A number of testimonies insist on alienation from the "strong social fabric" they used to live in, as well as the loss of their usual way of life (NRC/IDMC 2007, p. 180). For instance, according to Blanca (whose husband was indigenous), coming to Bogotá was somehow "moving to a new land", and she describes adjusting to new customs as the most difficult thing to cope with (which seems quite surprising, since she also experienced considerable impoverishment and violence in the city) (NRC/IDMC 2007, pp. 81–82).

Now, someone may object that, although this account does not presuppose that individuals are rooted in one permanent place of residence (in a topographic sense), it still seems to assume that they naturally belong to one sociocultural Home, which in turn might be tied to a particular geographical territory. I argued that even nomadic people's routes are part of their Home environment; if this environment were interpreted as the "right place" for them, it would reveal adherence to a sedentary, culturalist, and possibly nationalist frame. Therefore, it is necessary to give some additional clarifications.

First, it is possible to conceive of human beings as *situated* in a Home environment, without presupposing that they are *rooted* there.[33] The fact that a person's life is embedded in a natural, social, and cultural environment does not imply that they are tied to that environment forever. It is

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[33] I conceive of the fact of being situated within a natural, social, and cultural environment (however extended it might be) as a universal trait of human existence which is not dependent upon the existence or the quality of emotional states or cognitive functions. Human lives take place somewhere in time and space, and this "situatedness" matters, but this does not mean that they objectively belong there or that they subjectively feel that they belong there. For an influential philosophical theorisation of human existence as "dwelling" on earth, see Heidegger 1971.

possible to move outside this environment into a different one, and emigration per se is not a pathological deviant behaviour. However, moving out of a Home is different from losing it. In voluntary migration, the Home environment one leaves behind is not lost: it continues to exist, although it evolves over time, so that it is possible to keep connections with it and to come back. When migration is forced, by contrast, the person is either forcibly expelled from the Home environment or unable to return to it.

Second, the moral importance that a Home has does not depend on the quantity or quality of the emotional attachment a person has or on the opportunities they are offered there. Such an environment need not to be a nice place to live in, let alone the best possible place for anyone. The important feature of this environment is the fact of being known, predictable, familiar: it is the environment in which the person is situated, where they are able to orient themselves in their daily life and to predict and plan their future. The more unknown and incomprehensible is the environment we are in, the greater are the cognitive and emotive costs needed to perform the same actions; we feel disoriented. Indeed, as Cara Nine (2019) argued, not only objects but also spaces (particularly houses) can serve as cognitive supports. As she puts it, houses are part of our "extended mind". Thus, losing one's house impairs cognitive functioning and epistemic abilities. In my account, though, the disorientation caused by forced displacement steams from the loss of the broader Home environment and does not merely consist in a decrease in cognitive functionality (leading agents to act less efficiently), but it affects more profoundly personal identity. Briefly, a person does not need to have any strong or positive emotional attachments nor a patriotic sentiment to feel the loss of such an environment. What counts is that they were compelled to separate from that environment, where their lives had some known and predictable features (even when it was a hard or miserable life).[34] Moreover, the left-behind Home environment, for displaced people, often

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[34] Even when the Home environment has a deep collective symbolic meaning, as in the case of indigenous peoples, individual members of the community do not need to feel strong attachments and positive emotions for their ancestral land, though many do. In their case too, the loss affects their collective self-understanding and worldview within which collective life had a meaning that cannot be sustained elsewhere.

becomes distant in time, and not simply in space: the natural landscape may have been disrupted or become uninhabitable; the social and cultural fabric may have changed, for instance as a result of war and ethnic cleansing. Thus, the Home environment is lost because it is no longer possible to return to *that* environment.

Like voluntary migrants, forced migrants too may adjust to a new geographical, social, and cultural environment, which may be even more pleasant than the previous one. How many social relations they develop, how emotionally attached they get to the new one, and how strongly they miss the old one depend on many individual characteristics. However, the harm of being forcibly separated from the old one and obliged to adjust to a new one remains.

2.3. Losing Wealth and Social Status

The loss of one's house and Home environment is not only painful as such; it results in further harms. When forced migrants are compelled to abandon their place of habitual residence, they have to leave behind their possessions. This economic loss results in immediate impoverishment. Sometimes, what they manage to take is a suitcase or a simple plastic bag. They may not have the time to pack anything more, or they may be unable to carry bulky luggage. They may think they are leaving their homes temporarily and will be back soon, while finally ending up in a situation of protracted displacement. Or they cannot let other people know they are leaving for good, because they are individually persecuted and their persecutors may be looking for them. When displacement and relocation are announced in advance, as may happen in the case of development projects, those who are evicted may manage to pack some of their belongings and get used to the idea of having to leave. Therefore, their displacement might be less traumatic and lead to a less dramatic impoverishment, compared to a sudden deportation or an abrupt flight. Development-induced displaced people may even be lucky enough to receive monetary compensation for the loss of their house and/or land. However, such compensation might be considerably inferior to the market value and insufficient to pay for an equivalent accommodation

or start an equivalent business. Furthermore, compensation might be limited to those who used to hold property rights to their place of residence, which may not be the case for many evicted people.[35] Even announced development-induced displacement may thus result in considerable immediate impoverishment.

Economic impoverishment is then exacerbated by the reduced capacity to generate new income. In fact, forced migrants do not only lose their house, but also their Home environment, the social and cultural norms they used to rely on, and the social roles they used to have, including their job. Thus, besides material losses, forced migration results in in a loss of status. Losing the Home environment entails losing social status because one's skills, knowledge, social roles, and cultural heritage may be no longer useful, appreciated, or requested in the new environment they live in, and different ones may be needed. This clearly impacts the ability to restore livelihoods. For instance, how can fishing skills help when you are displaced far away from the sea, as was the case for many Sri Lankans displaced after the tsunami or fleeing ethnic conflict? As a Sri Lankan study suggests, some skills are more versatile than others and this can make some individuals more economically resilient than others. Studying a sample of seventy-six Sri Lankan IDP families that had all moved from the same village to the same town, the authors illustrate that masons' and carpenters' families were more resilient than those families that used to rely mainly on agriculture and fisheries. However, those families that experienced the greatest economic losses were those that used to own assets, such as those families that used to own a parcel of land or a small business. The head of Household 8 was not familiar with any manual work, having always being an entrepreneur. Moreover, he was "unable to mentally adjust to the reduced social status of working as a casual worker" (Lakshman and Amirthalingam 2009, p. 71). This highlights that displacement

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[35] Numerous evicted people belong to marginalised, often de jure–stateless people (see Kingston 2019). Moreover, women are frequently denied monetary compensation, as they may not be recognized as landowners and house owners (Oliver-Smith 2010, p. 91).

may also entail a loss of social and economic status, which in turn hinders the ability to find alternative livelihoods.

Forced migrants are often imagined by the Western public as a uniform mass of poor, uneducated, and unskilled people carrying presumed-backwards cultural values with them. Many displaced people were indeed economically poor or socially marginalised and oppressed before being displaced. However, this is not necessarily true for all displaced people. All forced migrants, including those who were poor and marginalised before displacement, possess some knowledge and skills, although the social value attributed to such knowledge and skills may be culturally dependent. Furthermore, some used to be wealthy, by the standards of the society they lived in (it is worth noting that in some contexts wealth is not measured in monetary terms, but rather in possession of land, cattle, or other sources of income). Finally, some look skilled and educated even to a Westerner's eye, and they used to have what a Westerner would describe as high social and economic status in their place of origin before displacement.

While most development-induced displacements, as well as displacements due to environmental degradation and some of the most destructive natural disasters, often primarily affect the more socially vulnerable and economically destitute strata of society, war and generalised violence also make wealthier and more educated people flee. This has been underlined in recent research on the socioeconomic profiles of those Syrian forced migrants who made it to Europe. According to a report released in 2016, 38 percent of the surveyed Syrian refugees had a university education and 32 percent used to own a business or work in a family business in Syria. While only 18 percent self-identified as coming from an elite background, most identified as having had average to above-average wealth levels prior to displacement. Moreover, 63 percent said that they would like to find work which fits their existing skills and only 11 percent were willing to accept any kind of work (Betts et al. 2017). Earlier examples may be found among refugees from former Yugoslavia. V. and her husband, for instance, used to be medical doctors in Bosnia, before the Yugoslav war. They fled to Croatia, where they had to take any available job

to provide for their family, because "no one wanted doctors (especially Muslims)". "I was selling cosmetics", V. writes, "washing hallways, milking cows, cleaning stables—things I had never done before in my life. . . . I was forced to obey people who were trying to humiliate me, as if I had chosen to be there, as if I wanted to be a beggar, as if I had asked the life of a refugee" (Mertus et al. 1997, p. 120).

For educated and wealthy displaced people, losing such a socioeconomic position is often perceived as particularly humiliating. V. was happy with her life and her work in Bosnia, and she was not planning to emigrate. Again, control is crucial: voluntary migrants may know they will take a low-skilled job in the destination country, but taking that job can be part of their life plan and be to some extent empowering (this is not to deny that voluntary migrants might work under exploitative conditions). Particularly for young people, voluntary temporary migration may be a sort of rite of passage, and casual labour can be considered a socially acceptable component of the migratory experience. By contrast, forced migrants who did not plan to leave their place of origin perceive their loss of social status in the job market as a harm, a disruption of their life projects rather than a continuation of them.

To sum up, the first evident consequence of losing one's house is economic impoverishment. Moreover, when someone also loses one's Home environment, they lose their previous livelihood, and their capacity to restore it is severely undermined. They might become completely dependent on other people's charitable aid, or, at best, they have to struggle to find a new source of income, whatever it is. This entails not only a loss of economic status, but also a loss of social status. The socially recognised roles we take up are constitutive of our identity as individuals. Each of them makes us similar to other individuals while together they contribute to defining us as unique individuals. When a person has a job, this is one of the most important social roles they hold. Even when they do not have a job themselves, the job of their family members may constitute not only their means of subsistence, but also a key element of identification. Moreover, other formal or informal social roles, such as the authority of an elderly person in their

village or a peasants' leader, may lose their meaning when there is no more village or when peasants have been forced to abandon the fields.[36] To their hosts, displaced people can appear as anonymous strangers, with no place to come back to, no distinctive social roles. What is more, they appear as needy strangers who came uninvited. Therefore, besides the immediate impoverishment due to the loss of their house and belongings, the severely reduced capacity to sustain themselves as a result of the loss of their livelihood, and the loss of relevance of the social relations and skills they used to have, forced migrants also suffer an additional loss of status that may come with social exclusion in their host society.

Forced migrants face extreme social, economic, and political exclusion when they are confined in closed camps and unable to exercise their citizenship rights or acquire new ones. There is a wide literature on the deprivation of legal personality and political agency that follows from the loss of citizenship that affects stateless and de facto–stateless people. Building on Arendt's seminal work, several authors have elaborated on the reduction of the refugee to a purely biological life. According to Arendt, when deprived of citizenship a person is deprived of the "right to have rights" (Arendt 1973, p. 296). In other words, they are turned from a subject of rights to an object of humanitarian aid, in virtue of their being nothing more than an anonymous human being. The quintessential manifestation of this reduction to "bare life", in Agamben's (1998) famous terms, has been identified in the refugee camp, conceived of as a nonplace where undesired people are contained and prevented from acquiring a new political membership (see Parekh 2017, chapter 3). The refugee camp is thus the necessary product of the failure of a world order which ideally assigns every person to a state, a sort of limbo for the superfluous individuals that no state wants. As such, it is necessarily a bordered space. Since the camp is an apolitical space and not economically self-sustaining, people are made dependent on the aid of those who come from outside to survive, and they are subject to their benefactors' power without having any chance to shape the rules that

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[36] On the loss of status affecting elders, see inter alia Oliver-Smith 2010, pp. 91–92. For testimonies of a displaced leader of peasants, see NRC/IDMC 2007.

govern them. Briefly, the camp is a dehumanising paddock for those who, as noncitizens, have been turned into nonpersons.

The injury of confinement adds to the harms of displacement itself. However, I argue that the status harms caused by displacement precede the harms caused by containment and that they also affect those forced migrants who are not contained. Abstracting for a moment from the current border regime can help us to identify them. Even when formally allowed to move, forced migrants may lose control over their body, their personal space, their life plans; they may be compelled to leave behind their home and possessions, may be expelled from the natural, social, and cultural environment where they used to live, and may be deprived of their interpersonally recognised social roles. As a result, they may suffer the loss of their previous social and economic status, the humiliation of being dependent upon aid to fulfil their basic needs, and social exclusion and misrecognition in the place they arrive at.

It seems widely assumed in the literature that the harms of refugee camps are caused by closed borders.[37] Indeed, if borders were open worldwide, prolonged encampment could no longer be used as a "de facto solution" to prevent forced migrants from reaching wealthier Western countries, as Parekh (2017, p. 2) argues. Moreover, forced migrants who reach Western countries could not be illegalised, made deportable, and confined in camps while waiting for deportation. Therefore, some of the harms that forced migrants suffer in camps depend on the use of camps as instrumental to border policies. Nevertheless, an exclusive focus on borders conveys the misleading idea that camps themselves are produced by closed borders, coupled with the externalisation of border controls from the global North to the global South. If so, open borders would bring prolonged encampment to an end. However, this is not the case: closed borders are not a necessary condition for camps to exist. For many forced migrants who cannot afford to travel long distances, or who prefer to remain as close as possible to the place they had to leave, migrating

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[37] In political theory, see for instance Parekh 2017. For an example of the debate in social sciences, see Rahola 2009.

to Western countries would not be an option. They would be IDPs or would migrate to neighbouring countries even if they had the freedom to migrate to a more distant destination. Informal camps would continue to exist, and authorised camps or collective centres could still be created as an emergency accommodation in case of mass displacement. Camps, or segregated, temporary, collective shelters, may be used as both humanitarian and public-order responses even in the absence of closed territorial borders: this becomes evident when internal displacement is brought into the picture. For instance, Georgian IDPs who fled the self-proclaimed autonomous republics of Abkhazia and South Ossetia have been living isolated for decades in decrepit public buildings used as "collective centres". IDPs have been looked at with suspicion by their local fellow nationals and have received extremely little institutional support to socially and economically integrate in the new environment.[38] Despite being Georgian citizens, they have been treated as temporary guests and expected to return to where they came from. Indeed, a segregating, exclusionary rationale may produce prolonged encampment and precariousness even within free-movement areas. As a result, forced migrants may continue to experience the humiliating condition of dependence, powerlessness, and marginalisation. Segregating and socially excluding forced migrants may still be a political strategy. Furthermore, spatial and social segregation may also arise without being a planned consequence of public policy: forced migrants may remain segregated in precarious accommodations for protracted periods if they cannot afford to pay rent or if locals refuse to rent them a house. Although not forbidden, the social integration of forced migrants might not be automatic in practice.

Along with spatial segregation, economic exclusion might still be an issue even in free-movement areas. We might presume that, in an open-borders world, the human right to freedom of movement within borders would be taken more seriously than today, and we might suppose that forced migrants who live in camps would be allowed to come and go, just like those who live in

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[38] See Funke and Bolkvadze 2018. See also the testimonies in NRC/IDMC 2008.

urban areas. Forced migrants who settle in urban areas enjoy freedom to move and look for a job (at least in the informal market), but they may nonetheless face formal or informal social exclusion and unemployment. There is no guarantee that, if forced migrants had freedom to move, they would be allowed to work. Suppose, however, that in an open-borders world forced migrants could acquire citizenship after a reasonable time, and that in the meantime they formally enjoyed the same right as citizens to look for a job. Even so, they could face informal restrictions. Indeed, this does happen to several IDPs, who are displaced in the midst of their fellow citizens. Prejudice or xenophobia could still result in marginalization, informal social segregation and discrimination (including in the job market).

What is more, even if admission were not an issue, forced migrants could still suffer the epistemic injustice of not being recognized as forced migrants, meaning people who were compelled to leave the place they used to live in to for a place where they never intended to be. As it happens in today's world, they could be perceived as being ultimately voluntary migrants. Miranda Fricker (2007) proposed an influent theory of epistemic injustice. It identifies two kinds of wrong that can be done to someone in their capacity as a knower. Testimonial injustice occurs when a speaker's credibility is systematically undermined because hearers hold prejudice towards the speaker qua social type (e.g., as a woman or a Black person). In other words, it consists in an "identity-prejudicial credibility deficit" (Fricker 2007: 4). By contrast, hermeneutical injustice happens at a prior stage, in the interpretive resources available to make sense of particular social experiences. There is a growing literature on the testimonial injustice that forced migrants often undergo during the asylum application, when they have to prove the credibility of their story and convince the court that they have been persecuted or would be in grave danger if they were returned to the country of origin[39]. However, forced migrants' credibility is also systematically undermined

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[39] Since epistemic injustice had been mainly discussed in feminist theory, feminist scholars have been among the first to apply this concept to credibility assessment in asylum procedures, focussing in particular on female asylum seekers claiming gender-based persecution. See Wikström 2014; Sertler 2018.

in public opinion since they are often depicted as voluntary migrants in disguise. Thus, forced migrants may well experience epistemic injustice besides and beyond the asylum claim assessment. For the Bosnian refugee S. in 1995, the toughest part of his everyday life in Germany was to endure this epistemic injustice: "We came too late. They already had enough of us refugees. But we are the ones who stayed so long because we never wanted to come. . . . I don't know what I would say if I met the man who wrote in the paper that we are mostly economic migrants. What does he know about my life? Should I show him the photos? No, he doesn't deserve to know me" (Mertus et al. 1997, p. 123).

In a free movement area, forced migrants cannot be accused to be illegal voluntary migrants, but the harms they have suffered as forcibly displaced people may still be misrecognised and their identity may still be associated with downgrading stereotypes. They can be depicted as socially deviant, rootless individuals who might turn out to be enemies and terrorists. Consider again Colombian IDPs. Many of them face marginalisation and mistrust within their own country. At best, they are perceived as spoiling the neighbourhood. Osiris recalls a group of Bogotá students looking at her on the street saying, "You are turning this into a barrio of displaced people", the term "displaced" (*desterrados*) having a pejorative meaning. She continued, "When I heard that, I wanted to tell those girls what it's like where I come from and about all the crimes that were committed against us. But what could I do? Nothing but swallow my pride, and say nothing. That's how silence humiliate us" (Molano 2013, p. 170). Carlos sadly remarked, "You appear on the street as a stranger, a criminal, as what is known in Colombia today as a 'terrorist.' No one knows why you came. No one understands that you came because you were forced to, because it was the only way of saving your life" (NRC/IDMC 2007, p. 183).

In direct or indirect interactions with the host community, forced migrants often experience testimonial injustice. Here, the object of misrecognition is not their individual pre-displacement identity (the fact that they are not merely human beings, nor merely forced migrants) but their status as forced migrants. Their story, their claim to have been forced to move, is disbelieved,

denied or simply not acknowledged. The fact that forced migrants have been harmed by forced displacement is not recognised, and they may be even accused to be there to harm the local population. However, forced migrants' lack of credibility denotes a hermeneutical injustice as well. Indeed, there is a lack of collective conceptual and interpretative resources in making sense of forced migration experiences. Not only forced migrants themselves and members of host communities but also policymakers, practitioners and scholars struggle to understand what is peculiar about being a forced migrant. Forced migrants are systematically reconceptualised in more familiar categories they may not fit. They are not necessarily persecuted people, but they are not voluntary migrants either. They are people who have suffered severe losses, but they often differ from the stereotype of the global poor. They have migrated as a reaction to coercion or deception, but they are not deprived of agency, and so forth. As Fricker highlights, the lack of hermeneutical resources affects collective understanding, but it places an unfair disadvantage on the group that is unable to properly make sense of their experience. Thus, forced migrants themselves are those who are wronged by the collective inability to properly understand the harms they have suffered qua forced migrants and to acknowledge their distinctive existential condition compared to both voluntary migrants and other non-displaced people in need.

2.4. Violence, Trauma, and Loss of Psychological Well-Being

The previous subsections made repeated, though passing, reference to violent and traumatic experiences. This subsection tries to clarify the role of violence and the kinds of psychological harms connected with forced displacement. I argue that, in addition to the three kinds of harm outlined above, forced migrants experience a fourth kind of harm. This harm consists in a loss of psychological well-being that derives from the psychological consequences of both the other specific harms involved in displacement and the violence that often triggers or follows forced displacement. Here, by violence I mean a human behaviour causing physical or psychological injuries in another human being, often (though not necessarily) involving physical force or the

threat of displaying physical force. In other words, violence impairs physical and psychological integrity. Physical violence includes killings, torture, beatings, rape, mutilations. Among psychological forms of violence, besides verbal aggression, I include the imposition to assist to the infliction of physical violence on others. Exemplar physical violence may indeed be intentionally used as a threat of inflicting analogous physical violence to the viewer or her loved ones, thereby simultaneously inflicting psychological violence on the viewer as well. Forced migrants may have several experiences of physical and psychological violence before and after the moment they leave their place of residence. Violence may be directed to them for what they have done or, more frequently, because they belong to particular social groups. Some forms of violence disproportionally affect certain social groups. For instance, sexual and gender-based violence disproportionally affect female and LGBT+ forced migrants.[40] Moreover, violence may affect forced migrants simply for their physical location. In this latter case, violence is generalised and forced migrants are neither individually non collectively targeted.

The loss of psychological wellbeing which affects forced migrants, I argue, does not follow from a single source, but rather from the intertwining of losing control, losing one's Home environment, losing social and economic status and experiencing one or more forms of violence. The psychological impact of all these experiences, taken together, results in a harm to the psychological wellbeing of the forced migrant that is distinctive, even though violence is not experienced exclusively by those who are forced to migrate. Indeed, people who live in countries that do not protect their basic human rights routinely experience physical, psychological, and sexual violence, independently from whether they are forcibly displaced. During conflicts, for instance, torture, rape, and intimidation are frequently used. Furthermore, violence may also stem from unjust border management and may affect migrants who were not originally forced to migrate. Thus, the fact that forced migration is psychologically harmful and forced migrants may

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[40] On the use of rape in conflicts, see Clark 2016. On violence and persecution experiences of LGBT+ asylum seekers, see Hopkinson et al. 2017.

have specific traumas as a result does not rest on the view that only forced migrants experienced violence, while voluntary migrants or non-migrant people did not. However, I argue, violence does play a role, together with the other losses forced migrants experience, in undermining their psychological well-being in specific ways.

Firstly, forced migrants often experience violence perpetrated by human beings before displacement. Sometimes, pre-displacement violence is generalised. The violent death of relatives and friends, the threat of one's own death or the death of loved ones, intimidation, arbitrary detention, rape, torture: as I already noted, these kinds of harms are common in certain contexts, such as authoritarian regimes and conflict areas, and do not concern forced migrants only. Nevertheless, in the case of forced migrants, pre-displacement violence is causally linked to displacement and to further violence which may arise as a result of displacement. In some cases, violence may simply trigger displacement, which was not intended as the primary aim of violence itself. Indeed, the picture of displacement as an unintended outcome of violence prevails in the common humanitarian understanding of forced migration. However, note that sometimes violence is intentionally used in order to force people to abandon their homes, towns, regions, or countries: displacement itself can be the aim of violence.

Consider cases of ethnic cleansing, such as the Bosnian one (see Stefansson 2006). Consider also cases of "land grabbing" where guerrilla or paramilitary corps use threats and engage in murder and mass slaughter (see Molano 2013; NRC/IDMC 2007). As the Colombian testimonies illustrate, violence may be directed at both specific individuals (e.g., landowners, local leaders) and entire communities, when all residents are standing in the way of more powerful subjects who intend to acquire the land. In the first case, migration may be described as persecution induced, while in the second case it may appear to be a mere outcome of generalised violence. The important common point, however, is that pre-displacement violence may be aimed at expelling the undesired residents, which is to say at causing cause their displacement. Note also that, in contexts of generalised violence, forced migrants experience distinctive psychological harms, such

as guilt about those who were left behind. Although a sense of guilt about the deceased may also be felt by non-displaced survivors, forced migrants may blame themselves or be stigmatised by others as the cowards who fled. Moreover, it has been suggested that when forced migrants abandon conflictual areas for safer ones, they "suffer the double burden of displacement and being the only group in the society who have experienced conflict" (Holzman and Nezam 2004, p. 90).

Secondly, in addition to the pre-displacement violence, forced migrants are made more vulnerable to violence after they have been displaced. This is particularly evident in the case of female forced migrants, who become more vulnerable to sexual and gender-based violence perpetrated by strangers, domestic violence and intimate partner violence (Freedman 2014, Roupetz et al 2020). Forced migrants may also experience violence as they try to cross borders without being legally allowed to do so. Thirdly, violence or fear of violence may continue to concern forced migrants in the place they have moved to, particularly those who have fled to insecure places or are targeted for persecution. For the forced migrants who have been expelled as undesired from the environment they used to see as their Home, intolerance and xenophobic violence in the host society are also particularly harmful, since they may rouse the painful memories of displacement and perpetuate their sense of insecurity. Finally, violence or the threat of violence may also keep forced migrants from returning. Thus, violence may be not only the trigger behind displacement but also the proximate cause of the protracted condition of non-voluntary exile from the place of origin. In sum, while not exclusively linked to forced migration, violence in forced migration is distinctively tied with the other losses that forced migration involves and contributes to making forced migration distinctively harmful to forced migrants' mental well-being.

It is necessary to be cautious when we describe as "traumas" the psychological impacts of violence and the other harms involved in forced migration. It seems implausible to consider all experiences of forced migration as equally traumatic. Moreover, someone may rightly object to

the idea that all forced migrants are necessarily traumatised people, in a clinical sense.[41] I argue that, though not equally traumatic, all forms of forced displacement may undermine the psychological well-being of displaced people. The factual consequences of such potential psychological harm depend on several subjective variables: some individuals exposed to objectively less traumatic experiences turn out to be much more traumatised than others who have undergone more traumatic circumstances. Therefore, it is certainly important not to pathologise forced migrants, as if they all necessarily develop mental illnesses as a result of displacement. Nevertheless, clinical literature suggests that several do. Psychiatric research shows that many forced migrants develop symptoms of post-traumatic stress disorder, as well as major depression and generalised anxiety disorder, with the probability that these disorders overlap in many people.[42] Psychoanalysts have also suggested that forced migrants may show neurotic reactions due to the inability to accept and mourn the loss of someone or something they left behind, including the house, the Home, or the socially recognised roles they used to have (Volkan 2017).

Therefore, there seem to be two normatively relevant conclusions. Firstly, it is necessary to recognise the fact that displacement is connected to traumatic experiences, although to different degrees. Thus, institutions in receiving communities should be aware that some individuals may be actually traumatised as a result of forced displacement and thus need specific treatment. Secondly, the moral harm involved in violent and traumatic experiences remains, whether or not this gives rise to medical conditions.

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[41] Malkki is right in claiming that "we mustn't assume that refugee status in and of itself constitutes a recognizable, generalizable psychological condition" (Malkki 1995, p. 510).
[42] Surveys' results vary dramatically. However, a 2005 extensive meta-analysis suggested that one in ten adult refugees hosted in Western countries has posttraumatic stress disorder, about one in twenty has major depression, and about one in twenty-five has generalised anxiety disorder, with the probability that these disorders overlap in many people (Fazzel et al. 2005).

2. *Forced Migration in an Open-Borders World*

As we have seen in the previous section, the normative relevance of the concept of forced migration does not lie merely in the moral weight of the admission claims that forced migrants, compared to voluntary migrants, have on foreign countries when they reach an international border. They already were forced migrants before reaching the borders, and they continue to be forced migrants after they cross them. The salience of the distinction between forced and voluntary migration, then, is not dependent on how open or closed borders are. To illustrate this, a promising way is to consider whether the forced-migration concept continues to be epistemically and normatively relevant when there are no closed territorial borders and admission is no longer an issue. This is already the case within the borders of states and across the borders of states which have agreed to create a free-movement area, such as the Schengen Area in Europe. Moreover, it is possible to conceive of a global free-movement area. In this section, I propose two counterfactual scenarios. The first is a non-ideal open-borders world, while the second is an ideal open-borders world. I argue that in a non-ideal open-borders world, forced migration would still exist and forced migrants would still have distinct moral claims, compared to both voluntary migrants and non-migrants. Then, I argue that even in a just world forced migration is theoretically possible and that even if there were no wrong involved, forced migrants would nonetheless be harmed by displacement.

Consider the case of a world where political, economic, and social arrangements are unchanged (compared to our world), except for borders, which have suddenly been opened. This means that migrants would not be required to have any authorisation to enter the territory of a foreign country. They would not be asked to justify their visit, to apply for a visa, or to demand asylum. Would the forced-migration concept still be descriptively and normatively useful in such a scenario?

In order to imagine an open-borders world in which admission to a foreign country is no longer an issue, it is not necessary to postulate full compliance with principles of global and

domestic justice. Open-borders proponents do not usually claim that removing all barriers to freedom of movement is immediately feasible, but the open-borders world they imagine is not necessarily a perfectly just world. Joseph Carens, for instance, argues that borders could be open globally in a world in which global inequalities were reduced (because this would reduce the incentives to migrate), but it does not seem that such world would be a just world (although it would be less unjust than ours, from a global-egalitarian perspective). Indeed, domestic freedom of movement is recognised as a human right, although several forms of social injustice continue to exist in all states. Moreover, even international freedom of movement has already been formally recognised within some regions of the world.

A familiar example is the Schengen area in Europe. Citizens of each member states are free to enter and settle in any other member state. Multilateral agreements on free movement exist also in less economically wealthy areas of the world, despite their enforcement is still imperfect. In Africa, for instance, the Economic Community of West African States (ECOWAS) was created in 1975. The treaty and the subsequent protocols aimed to ensure the rights to entry, residence and establishment through a three-phase integration process. The ECOWAS, which include some of the poorest countries in the world, is currently composed of fifteen countries: Benin, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo, and Burkina Faso (Mauritania, which was among the founding members, left in 2002 but requested readmission in 2017, when Morocco also demanded admission). Since all ECOWAS states have implemented the first phase of the integration process concerning entry liberalisation, citizens of member states are legally permitted visa-free entry and stay for up to ninety days in any of the member states, provided that they hold valid travel documents (Adepoju et al. 2007, p. 2-4). The second phase of the process concerns the right to reside, as well as equal treatment with nationals in areas such as security of employment, participation in social and cultural activities and, in certain cases of job loss, re-employment and training (Adepoju et al. 2007, p. 2-3). Implementation of this second phase has to date been

incomplete. Only Benin, Burkina Faso, Cote d'Ivoire, The Gambia and Nigeria grant a specific residence permit to ECOWAS citizens (Australian Government DFAT 2020, p. 16). In sum, ECOWAS citizens are de jure allowed to move without a visa and, in a few member states, to be granted a long-term residence permit qua ECOWAS citizens. Besides, given the lack of enforcement in border controls and deportations, citizens of West Africa are also de facto free to enter, even in case they lack identity documents, and to settle also in those ECOWAS countries that have not yet recognised their legal right to reside (See Australian Government DFAT 2020, p. 17-18).

These analogies are obviously imperfect, since they refer to regional free-movement areas with closed external borders, which would not exist in a global free-movement area. However, it is possible to conceive of a non-ideal open-borders world where domestic and global justice were not yet reached before formal barriers to immigration were removed. Clearly, this counterfactual world continues to be a non-ideal world even after borders have been opened. Some forms of injustice might well be reduced by opening borders, as some authors suggest. Removing restrictions on freedom of international movement would immediately increase the overall freedom and equality of opportunity of each individual, including non-migrants (Carens 2013, pp. 233–36). Moreover, open borders are thought to gradually reduce global poverty and global inequality. It has also been recently suggested that freedom of movement would increase not only monetary remittances, but also "cultural remittances" of norms and values, fostering the spread of liberal democratic values and institutions (Tebble 2021). However, open borders might worsen some forms of injustice. Some authors point out that brain drain would increase while some suggest that in an open-borders world the exploitation of poorer countries' lands and resources would be made easier (Song 2019, pp. 95–96). It is also possible that opening borders in a not-yet-just world might create new injustices which did not exist before. I do not intend to assess all possible political, economic, or social consequences that suddenly opening borders would have. For the purpose of the present discussion, it is not necessary to offer a theory of just admission

policies; I remain agnostic about whether this counterfactual open-borders world would be utopian or dystopian, and I do not attempt to argue in favour of the feasibility of opening borders in an unjust world. I use this counterfactual scenario as a heuristic tool, to counteract the "admission bias" which usually affects anyone who tries to conceptualise forced migration from the perspective of Western countries, conceived of as destination countries. The question is: would the forced-migration concept still be needed in this open-borders world? Would it still make any sense, conceptually and normatively, to distinguish between forced and voluntary movement?

It might seem obvious, but it is worth underlining that freedom to migrate does not suppress forced migration. This is evident if we think of internal displacement. Although domestic freedom of movement is already recognised as both a moral and a legal human right, the majority of forced migrants are displaced within their own country. In 2020, among the 82.4 million forcibly displaced people worldwide, 48 million were IDPs (UNHCR 2021). Some IDPs eventually cross the borders of their country and become international forced migrants. In 2020 Syria remained the country with the second-highest level of internal displacement (UNHCR 2021, p. 24) while also being the main country of origin for people displaced across borders (UNHCR 2021, p. 18). However, many IDPs never reach Western countries and remain largely neglected in public and academic debate on forced migration. As has been the case since 2015, in 2020 Colombia continued to report the highest number of IDPs, with over 8 million IDPs according to government statistics (UNHCR 2021, p. 24). By contrast, only 104,900 Colombians were registered as refugees in 2019 (UNHCR 2020, p. 20, fig. 8) and the latest Global Trends report on forced displacement does not even include data on Colombian refugees. Freedom of movement is not what IDPs lack; what they lack is an acceptable alternative to such forced movement.

Even when displaced people can legally migrate across borders, their international movement is not voluntary, although it does require some agency. Within already-existing free-movement areas, clearly not all international migrants are voluntary migrants. Consider again the examples of the ECOWAS and the EU.

Within the ECOWAS member states, displacement has been triggered by several wars, such as the civil wars in Liberia, Sierra Leone, and Côte d'Ivoire. ECOWAS confirmed in 2007 that the free movement protocols applied to refugees along with other ECOWAS community citizens. Thus, in legal terms, admission is not an issue neither for ECOWAS voluntary migrants nor for ECOWAS conflict-induced forced migrants (Australian Government DFAT 2020, p. 22). Yet, as we have seen, forced migrants find themselves in a distinctive existential condition and should thus be singled out from other migrants, even in a regional free movement area. Trafficked ECOWAS citizens are another subset of people on the move who still need to be singled out. Along with international trafficking routes to Europe, intra-ECOWAS trafficking in human beings has also been reported (concerning for instance young boys trafficked to Côte d'Ivoire to be exploited in the cocoa agricultural industry and girls taken to Gabon and Nigeria to be employed as domestic servants or street beggars). Moreover, mass expulsions of ECOWAS nationals were also carried out in some member countries, as a result of xenophobic clashes, especially during economic recessions (Fresia 2014). Despite the blurred boundaries between forced and voluntary migration, many cases international migration within the ECOWAS clearly do not qualify as voluntary. The concept of forced migration thus remains descriptively and normatively relevant in this context.

Furthermore, at least some kinds of international forced migration exist within the EU. Trafficking is still considered a major issue. Chapter 6 will focus on trafficking within the EU, more precisely within the Schengen free movement area. As we will see, figures are difficult to estimate (since only some of the victims are registered as trafficked persons). What is interesting to note, though, is that EU citizens too are trafficked within the EU, despite they formally enjoy freedom of movement. Indeed, trafficking is reported to have increased after the EU enlarged to include Central and Eastern European countries, as a result of lifted or eased border controls (EPRS 2014). According to a Europol survey released in 2016, between 2013 and 2014 more than 70 percent of the victims in the EU were EU nationals. Most of them were (overwhelmingly

female) EU citizens trafficked for the purpose of exploiting them as sex workers from Bulgaria, Hungary, Romania, and Slovakia. The second-largest group was composed again of (mostly male) EU nationals trafficked for labour exploitation from Bulgaria, the Czech Republic, Estonia, Poland, Romania, and Slovakia. In both cases, trafficked EU citizens moved legally (though not voluntarily) using their genuine documents (Europol 2016).

In her research on trafficking from Romania to Italy and Spain, Abbatecola describes how the removal of border controls impacted the Romanian racket. Mobility has been made easier and journeys more direct and comfortable. Sometimes trafficked women travel by plane, but the less risky option for traffickers is to use cars: with no more douane controls and no airport controls, the trafficked women have no chance to ask for help. Moreover, when travelling by car, the driver can keep the woman's documents (Abbatecola 2018, pp. 53–54, 71–72). Once in the destination country, EU trafficked women seem to be even less visible than non-EU ones. And "according to informants, especially in Spain, the acquisition of new citizenship rights [i.e., EU citizenship] not only has not loosened the grips of exploitation but, paradoxically, it seems to have also undermined both the efficacy of police investigation and the impact of those services which had been created and conceived mainly for [trafficked women who came as] irregular migrants" (Abbatecola 2018, p. 54, my translation).

Conflict-induced displacement is not an issue in the EU, but there are still EU citizens who were displaced before their nation joined the EU (e.g., those from Cyprus and Croatia). As EU nationals, they are allowed to migrate elsewhere in Europe, but they cannot freely return to the place of origin. In the case of Cyprus, a closed border separates Cyprus from the (internationally unrecognised) Turkish republic of Northern Cyprus, whose territory is not part of the EU. In the case of former Yugoslavia, while Croatia and Slovenia joined the EU, Bosnia and Serbia did not. In a counterfactual global free-movement area, all borders, including EU external borders with so-called "third countries", would be opened. However, even if EU displaced people could freely access the territory of their country of origin, they might still be unable to resettle there. They

might be unable to get their original property back or might be socially excluded if not targeted by ethnic violence. Indeed, the literature on property restitution and return in former Yugoslavia illustrates that even those who got their property back were very often unable to restore their livelihood and reintegrate in the changed social and cultural environment (Smit 2012; Jansen 2009; Stefansson 2006).

Briefly, freedom of movement alone suffices neither to prevent nor to end displacement. In a non-ideal open-borders world, several kinds of forced migration would continue to exist, and the concept of forced migration would still be needed to make sense of the distinct harms and needs experienced by those people who are forcibly displaced. Freedom to migrate would alleviate some serious suffering that forced migrants experience, connected with smuggling, detention, and deportation. Forced migrants' warehousing resulting from Western countries' externalisation of containment policies would also be much reduced. However, forced migrants may still find themselves stuck in a condition of prolonged displacement even when they have freedom of movement, because they may lack the necessary economic and social capital to make life plans and restore their livelihoods. Opening borders would not address all the root causes that compel people to leave in the first place. Although free to move and settle elsewhere, they would not perform such actions voluntarily. Secondly, freedom to move would not be sufficient to compensate for the harm of being forcibly displaced and to meet the needs that arise from displacement.

Consider now a just world. There might be reasonable disagreement on what a just world would look like. First, let us assume that a just world would be divided into sovereign states, each having territorial borders.[43] In a just world, principles of justice would be respected both at the

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[43] In a cosmopolis, or world-state, there would be no borders at all. Therefore, it would not make sense to talk about open borders. There would not be any distinction between nationals and non-nationals. However, the argument would apply also to a cosmopolis: forced international migration could no longer exist, but there still could be internal forced displacement.

domestic and at the global level.[44] Second, let us assume that in a just world territorial borders would normally be open. Third, let us assume that in a just world the borders of the demos too would be open: in principle, any non-national resident could become a citizen, after a reasonable amount of time. Would the forced-migration concept be still needed in such a scenario? Presumably, in a just world people would not be "persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion". Therefore, it seems unlikely that the refugee definition offered by the Geneva Convention would be of any use. However, even in a just world there might be natural disasters. As a result, some people might be displaced, meaning compelled to leave their place of habitual residence. Moreover, as Joseph Carens argues, there might still be failures of particular states (Carens 2013, p. 294). Some forced migrants might then be compelled to move to another country. Extreme natural disasters and climate change might also render the entire territory of a state or a large share of it uninhabitable, thus making displacement permanent. Even in a just open-borders world a forced migrant would find themselves in a different condition, compared to a voluntary migrant who desires to migrate, plans to do so, and knowingly takes on the possible economic, social, and cultural costs that settling in an unfamiliar environment can entail. Forced migration would still be a distinct phenomenon. It might be objected that the forced-migration concept would not be normatively relevant, because in a just world forced migrants would not be wronged: there would not be any human moral responsibility for causing their displacement. Nonetheless, forced migrants would still be harmed by forced displacement, and this would generate needs they would not have had if they had not been forcibly displaced. Therefore, as I will argue more extensively in chapter 4, states would still have a remedial responsibility to compensate for such harms. Briefly, the forced-migration concept would still be both epistemically and normatively relevant even in a just open-borders world.

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[44] Here, it is not necessary to adopt a specific theory of justice; it suffices to say that agents would comply both with principles of domestic justice and with principles of global justice.

The two counterfactual scenarios presented above help to illustrate the claim that the distinction between forced and voluntary migration is not merely instrumental in restricting migrants' movement in a world in which borders are normally closed. Current kinds of forced migration would continue to exist in a non-ideal open-borders world, and some kinds of forced migration could be possible even in a just open-borders world. The concept of forced migration would remain salient even in such thought experiments because of the normatively relevant distinctive harms connected to forced displacement. Thus, acknowledging the fact that forced migrants experience distinctive harms that are not caused by borders being closed allows us to better grasp what forced migrants need, apart from freedom of movement and admission to a country that protects human rights. Moreover, in a non-ideal world, even when there is freedom of movement, forced migrants may not only be harmed but also wronged, when their forced displacement results from unjust actions and structures. This is usually the case in our world. Therefore, the concept of forced migration has a normative relevance when it comes to the responsibility to repair those wrongs. In sum, the concept of forced migration is not only normatively relevant for the assessment of priority in admission policies when states have a right to control their borders and migrants are seeking admission. More fundamentally, it is relevant to justice in migration because it points to a subset of migrants who experience distinctive harms as a result of forced displacement and thus find themselves in a different condition compared to other people on the move and non-migrants. This, as we will see in the next two chapters, affects both what forced migrants are due and who has duties of justice towards them.

Conclusion

In this chapter, I have argued that forced migration is harmful and distinctively different from voluntary migration. Referring to empirical literature on both internal and international forced displacement, I have illustrated that being forced to migrate entails four kinds of harms. Firstly, I have argued that forced migrants experience a loss of control; this may affect their own body and

bodily movement, as well as their private space. Furthermore, they lose control over their immediate future: while voluntary migration may be empowering even when undertaken under unjust or dangerous conditions, forced migration is disempowering to the extent that it is not part of the person's life plan, but rather disrupts such a plan. Secondly, I have argued that forced migrants are harmed by the loss of their Home environment, which includes not only their place of habitual residence but, more importantly, the larger web of social connections, symbolic meanings, and familiar spatial landmarks on which they used to rely. Thirdly, I have argued that forced migrants suffer not only economic impoverishment, as a result of the loss of belongings and livelihoods, but also a loss of status: not only may they become dependent on material aid to secure their basic needs, but they also lose their social roles, while their skills and knowledge may become meaningless and useless in the new environment. Moreover, they may face marginalisation, as well as the epistemic injustice of not being believed to be forced migrants. Finally, I have argued that forced migrants face violent and traumatic events, which may undermine their mental health and give rise to psychological sufferings specifically connected with forced displacement (e.g., guilt or fear regarding those left behind; blame and stigmatisation for having fled). In sum, although it might be hard to draw a bright line between forced and voluntary migration, the concept of forced migration remains normatively relevant. Indeed, forced migrants (both those displaced within and across borders) experience distinctive harms, specifically related to forced displacement.

My aim has been to provide a phenomenology of the forced-migration experience that does not depend on normative consequences that might be derived. However, such a phenomenology has important normative implications. First and foremost, it contributes to showing why forced migrants should not be conflated with other people on the move when assessing what is owed to them. Furthermore, it highlights that the plight of forced migrants, including IDPs, differs from that of non-displaced people in dire need and requires specific responses. In sum, a

methodologically prior assessment of the harms of displacement allows us to reframe the normative debate on forced migration.

Chapter 3

What Is Owed to Forced Migrants? A Harms-Based Approach

The previous chapter argued that being forcibly displaced entails distinctive harms which make the condition of forced migrants distinct from the condition of both voluntary migrants and non-migrant needy people. In this chapter, I argue that the harms of displacement are normatively relevant to assess the needs of forced migrants qua displaced people, rather than qua people on the move or generically needy people. Thus, I defend the adoption of a backwards-looking, harms-based approach to what is owed to forced migrants. A backwards-looking approach assesses what is owed in light of what happened in the past. Usually, backwards-looking approaches are adopted to assess whether an agent can be held accountable for a state of affairs, on the basis of their previous actions or omissions. In this chapter, I argue that, prior to any assessment of responsibility, taking the past into account is necessary to make sense of what forced migrants need qua people who have been displaced. In other words, we cannot properly understand forced migrants' needs in isolation from the harms of forced migration.

James Souter (2014, p. 327-328) noted that "much work on the ethics of asylum and migration tends to be primarily synchronic in character", which is to say that it focusses on "current needs", "on the fact of refugees' current plight, rather than the processes that caused it". In other words, most theorists adopt a forward-looking approach to what is owed to forced migrants, which considers present needs independently from their source. In this light, forced migrants strike us as people in immediate need of safety, shelter, nutrition, who should be granted humanitarian assistance in their country of origin, if possible, or admission to a safe country when they cannot avail themselves to their country of origin. Their needs for safety, shelter and nutrition do not differ from the needs of non-displaced poor people whose basic needs are unfulfilled. Indeed, from an exclusively forward-looking perspective, IDPs appear nearly indistinguishable from those of their non-displaced needy fellow citizens. When it comes to their interest in safe and legal migratory

routes and admissions, forced migrants are also very similar to other people on the move. However, this understanding of the needs of forced migrants is incomplete and insufficiently specific because it does not take into account the specific harms of displacement and thus prevents theorists from acknowledging the specific needs that derive from such harms.

By contrast, a backwards-looking approach allows us to develop a more precise account of the specific needs of forced migrants based on how they have been harmed. Thus, it allows us to see why forced migrants are due more than the fulfilment of survival needs and the freedom to enter a safe country. In addition, in Chapter 4 I will argue that this backwards-looking, harms-based approach can be fruitfully expanded to the issue of responsibility as well. I will argue that understanding how and why forced migrants have been displaced has important implications concerning the nature of obligations towards forced migrants and the identification of agents bearing obligations. However, the backwards-looking account of who is responsible for giving forced migrants what they are owed is separate from the backwards-looking approach to what forced migrants need. This is to say that someone may adopt the latter while rejecting the former in favour of a forward-looking humanitarian approach to responsibility.

Independently from responsibility attribution, thus, the aim of this chapter is to offer a novel, harms-bases account of what forced migrants are owed qua displaced people. In the first section, I build on the discussion of harms provided in chapter 2 to elaborate on what forcibly displaced people need. Thus, I show that both freedom of movement and humanitarian assistance (aimed at securing basic needs such as food and shelter) are not sufficient to provide what forced migrants need as displaced persons. Then, in section 2, I consider why they are owed the fulfilment of such more demanding needs. I argue that those needs are morally compelling because they express the same fundamental human interests which are recognised as worth protecting by general human rights.

1. *What Do Forced Migrants Need?*

The aim of this section is to show that (a) forced migrants have distinctive needs and (b) such needs derive from the harms of forced displacement. IDPs have specific needs if compared to the non-displaced population, although many non-displaced people may well benefit from humanitarian aid and development aid. Moreover, international forced migrants have additional needs compared to voluntary migrants. Often, forced migrants claim that what they need is simply "stability" or "a normal life". However, this does not imply that they do not have any specific needs. On the contrary, their desire for stability and normality reflects the disruptive impact that displacement had on their lives. As the harms of displacement are strictly intertwined, so are the needs that derive from them: needs are related to harms and interrelated. Therefore, I show that it would not be appropriate to consider each of them in isolation from one another or to classify them according to their chronological or moral priority. I argue that forced migrants need to regain control over their body, their close environment, and their immediate future. Thus, they also need to re-create a "cool ground", a new Home environment in which they can make plans for their life. This may require new abilities and cultural skills to understand and adjust to the new geographical, social, and cultural environment. Clearly, a source of livelihood is needed to make life plans and regain some control over one's future. Moreover, a livelihood is also part of what they need to restore their social standing, which implies recognition as individuals and, sometimes, collective recognition as members of a displaced minority group. Furthermore, forced migrants need to overcome the possible psychological consequences of the traumatic experiences they had, which may undermine their ability to get on with their lives and may hinder the fulfilment of the other displacement-related needs[45].

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[45] One might wonder to what extent forced migrants need to regain control or social standing, and, more generally, to what extent they need to regain what they have lost as a result of forced migration. I do not maintain that they need to restore the same level of control over their lives or the same social status they had before being displaced. Rather, they need to regain a level of control, social status and mental health sufficient to access the conditions for a decent, minimally flourishing life. Thus, I assume a sufficiency threshold analogous to the threshold set by human rights. The analogy between human rights and the claims of forced migrants to have such needs met will be further developed in section 2 of this chapter.

The distinctive needs to regain control, re-create a Home environment, to regain social and economic status, as well as to receive special care for mental wellbeing do not only follow from the theoretical recognition of the harms of displacement, but they also emerge in empirical research. For instance, a study assessing the needs of forced migrants from the Horn of Africa who had been resettled to Australia concludes that

> while many of the problems experienced by refugees, such as language acquisition, recognition of overseas qualifications, rental problems, and intergenerational problems are common to other migrants, there is a significant difference for people who come to Australia as refugees. The horrors of persecution, loss of family and homeland, the violence of flight, and the stark conditions in refugee camps take a long time to heal. People are often vulnerable; the need for security is critical. The meaning of home as a place to rebuild shattered lives has incredible importance. The need to maintain family and culture in a new country has enormous significance. People feel the need to be able to contribute to their new country, to retake control of their own lives, to regain their dignity and their freedom[46].

1.1. Regaining control: the limits of humanitarian assistance and freedom to settle

Consider first the need to recover control: neither the focus on humanitarian assistance nor the focus on admission policies allows us to acknowledge what is owed to forced migrants to meet such a need. As the second chapter illustrated, forced migration is a disruptive experience which undermines the individual's control over their body and movement, their private space, and their ability to make future plans. When voluntarily chosen, migration can indeed result in agency empowerment, even when it involves exploitative work conditions and poor standard of living in the place of destination. By contrast, when displacement is compelled by overwhelming external force, individual agency is undermined. Forced migrants thus need to recover control over their lives, which has been eroded as a result of displacement and may continue to be diminished afterwards, during the journey and in the places where they temporarily or permanently settle.

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[46] Pittaway et al. 2009, p. 144.

Recovering control over one's body and bodily movement is the most fundamental need which derives from the harms of displacement. Indeed, losing control over one's body impairs the basic self-confidence to a separate individual whose body parts have precise and interpersonally recognised contours. Of course, forced migrants are not the only ones that need to restore such basic confidence: non-displaced people may, for instance, be victims of torture or rape. Nor does forced displacement necessarily involve physical coercion. However, to the extent that their move was compelled and abrupt, forced migrants have a distinctive need to restore control over their body and movement, compared to voluntary migrants. Secondly, they need to restore control over their private space, which they lost as a result of forced displacement: this means that a sphere of inviolable, intimate space should be recognised, which should not be trespassed without permission, just as someone's body should not be touched, moved, or modified without their permission. Finally, for displaced people it is crucial to regain control over their immediate future, which means being able to make basic predictions about what is going to happen and to make plans involving themselves.

Emergency humanitarian assistance is currently the standard immediate response to the needs of most forced migrants, whose displacement is attributable to generalised violence or natural disasters.[47] However, it does not suffice to meet their distinctive, displacement-related need to regain control. Unfortunately, humanitarian camps and collective centres usually allow limited autonomy to the assisted persons. Indeed, they often entail containment inside a delimited area or measures such as curfews, which involve a lack of freedom to move when and where one wishes, and thus impede one's recovery of sufficient control over one's bodily movement.[48] Moreover, control over one's private space may be severely limited: shelters may be shared with strangers and accessed anytime by roommates and possibly by managers. Privacy limitations and intrusion

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[47] Note that not all of them actually receive humanitarian assistance. Moreover, development-induced displacement is normally not included.

[48] While curfews, strict control over external activities and acquaintances, and the obligation to sign in and out when leaving a receptive centre are far less coercive than containment inside a fenced camp, they still limit the autonomy of the hosts, who often declare that they feel like inmates (see for instance Murphy et al. 2019, p. 9).

on the part of managers may be particularly pervasive in the case of women who have been identified as victims of sex trafficking: fearing that victims of sex trafficking may end up in the prostitution market again, social workers may adopt strict control over their movement, acquaintances, and sex life. Despite the laudable aim of preventing their sexual exploitation, such intrusion is the opposite of what trafficked persons would actually need to regain control over their lives. Families who are lucky enough not to be separated after displacement may be sheltered together, but they may end up hosted in narrow spaces meant to offer an emergency accommodation, where each family member lacks minimal privacy for themselves.

Furthermore, in humanitarian camps and collective centres control over one's immediate future may be insufficient: assisted persons may not be able to tell how long they will be hosted there or where they will go next. Importantly, lack of sufficient control over one's future plans does not affect only those forced migrants who are contained in camps to prevent them from migrating elsewhere, nor does it concern only those caught in a jurisdictional limbo while waiting for their refugee status to be determined; it also affects IDPs who are legally entitled to remain in the place they have moved to. In Georgia, for instance, the IDPs from secessionist republics of Abkhazia and South Ossetia have been given a temporary shelter in dilapidated public buildings, in the indefinite, never-ending hope that they will return to their region of origin, without proper support to rebuild their future lives in the meantime (see Funke and Bolkvadze 2018). Finally, in humanitarian camps or other temporary receptive residences, not only do forced migrants lack control over important aspects of their future, but they also have little say on trivial choices affecting their present daily routine. An Irish survey illustrates that "the asylum system's curtailment of asylum seekers' efficacy to make simple daily choices, such as those about food, resulted in many of the participants feeling a reduced sense of independence. Instead, they likened themselves to dependent children with little to do during the day other than eat and sleep" (Murphy et al. 2019, p. 9).

However, forced migrants should not be deprived of any assistance and let free to settle autonomously as if they were voluntarily migrating, but rather supported in recovering control over their lives while also ensuring that their survival needs are met. Outside camps and receptive centres, urban forced migrants are let free to find autonomously an accommodation. This ensures greater control over their movement and daily choices, but, when left on their own, displaced persons may fail to secure clear water, minimum nutrition, and sanitation in their shelters. Such shelters can be extremely precarious over time: informal settlements are often unauthorised, so displaced people may be evicted.[49] Indeed, as a result of their forced displacement, many forced migrants find themselves deprived of the material, social, and cultural resources that would have helped them find a decent accommodation if they had voluntarily chosen and planned to migrate. Moreover, the accommodation they manage to find may offer insufficient safety; consider the cases of IDPs who remain in a context of generalised violence, forced migrants who had been individually persecuted, and trafficked people who had fled an exploitative relationship and fear retribution.

1.2. Recreating a Home environment and regaining social status

It is true that humanitarian assistance could be reformed to ensure greater autonomy. The provision of humanitarian assistance in securing survival needs, coupled with the goal of restoring, instead of undermining, a sufficient level of control over one's body and movement, one's private space, and one's life plan, would then be a more appropriate response to the needs of forced migrants than both the mere freedom to move and settle autonomously and the fulfilment of survival needs alone. Indeed, humanitarian actors are increasingly aware that "beyond survival, humanitarian aid should be committed to supporting people to live in dignity" (Cortés Ferrández 2019, p. 86). Nevertheless, a reformed yet merely forward-looking humanitarian

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[49] See for instance Cortés Ferrández 2019 on urban IDPs in Colombia.

assistance would still be an incomplete response to the needs that forced migrants have qua displaced people. In fact, to determine what forced migrants need once displaced, it is necessary to consider simultaneously all the harms connected with their being forcibly and often abruptly driven out of their habitual place of residence and compelled to move somewhere else. The loss of their Home environment, with its familiar and predictable features, leaves them disoriented. They have left behind not only their house and usually most of their belongings, but also their source of livelihood, their social roles, and most of the people they used to know and rely on. When forced migration is compelled by human violence, the fear and guilt regarding the fate of family members, friends, and acquaintances remains, often accompanied by the fear of still being in danger themselves. Moreover, traumatic memories related to the disruptive events that triggered forced displacement or followed it may continue to haunt them. This may apply even to the luckiest forced migrants, and not only to those who had the most traumatic experiences.

Consider the story of Dali and her family, with whom psychoanalyst Vamik Volkan conducted extended participant observations for several years (Volkan 2017). Dali and her family are Georgian IDPs who left the region of Abkhazia (an internationally unrecognised self-proclaimed republic) after the civil war began. Before displacement, they led elite lives: Dali's father was a well-known novelist and poet; her husband was a former soccer star. She and her three children all managed to safely reach the Georgian capital Tblisi on a helicopter and were eventually reunited with her parents and husband. She was not tortured or raped, she did not lose any family member, and she apparently only witnessed the destructive impact of ethnic conflict when flying away from Abkhazia. Moreover, she was given a shelter in a collective centre (a decrepit former hotel) in the Georgian capital Tblisi among compatriots (note, however, that local Georgians were reported to be mainly hostile to IDPs, who were marginalised despite usually being ethnic Georgians as well). Although privileged, compared to many forced migrants, Dali experienced flight as traumatic: she only had fifteen minutes to leave her home, where she had to abandon her dog and where she consciously left her ID, so that she could not be recognised as a

Georgian in case Abkhazian soldiers caught her. Moreover, she felt (long unexpressed) guilt about the death of the young pilot, since the helicopter was shot down soon after having brought her and the kids to safety. Finally, she could not resign herself to consider displacement as permanent, even after her husband obtained a rewarding job as policeman and was invited to play for a soccer cup, while his father got his post-displacement poems published and her eldest child got married in Tblisi. Indeed, the fact of being "left behind" by her family members who were now planning their future in Tblisi made her progressively fall into depression. She was stuck in a limbo: for many years she refused to ask for a new ID card which would have entitled her family to a little economic help from the Georgian government, as she nourished the absurd hope she would get back to her house and find her old ID card, despite having seen on TV the images of her house burnt down.

Dali's family story does not only illustrate the need for psychological care that even apparently less traumatised forced migrants may have. It also highlights the importance of restoring livelihoods and regaining social recognition in the new social environment, so that such environment can be perceived as a Home in which it is possible to conceive new life plans. Honneth's approach can once again contribute to showing why forced migrants are particularly in need of social recognition. He argues that, along with love which grounds self-confidence, human beings need respect and esteem (Honneth 1995, chapter 5). Recognition in the form of respect is universal, because it is the kind of recognition owed to all human beings qua human beings (i.e., as capable of autonomous agency). By contrast, recognition in the form of social esteem admits of degrees and is due to individuals on the basis of their distinctive traits (Honneth 1995, pp. 111–13). In other words, we might say that through respect the individual is recognised as equal, while social esteem entails recognition of difference. Forced migrants may experience the lack of both forms of recognition. They might be displaced because they were previously misrecognised as inferior, denied equal rights, and made displaceable: the most dramatic and familiar example in Western collective memory is probably the case of Jews during World War II, which illustrates

how inferiorisation can not only make the victim displaceable and subject to being socially annihilated but also subject to violence and death, as means of mental and physical annihilation. However, this is also the case for many contemporary displaced people. Finally, even when they do not experience that harm, forced migrants are usually harmed by the loss of status which derives from being expelled from their Home environment. When forced migrants are recognised as equals, as human beings, but as nothing more than human beings, they lose the recognition of their value as individuals, which is to say the social esteem earned in virtue of their socially recognised abilities and roles. In *We Refugees*, Arendt points to this kind of misrecognition, which harms self-esteem: "We lost our occupation, which means the *confidence that we are of some use in this world*" (Arendt 2007, p. 264). Since their social standing has been harmed, forced migrants are particularly in need of respect and social esteem. Thus, they need to assume social roles and to re-create social relations.

As Straehle (2020) has argued about asylum seekers, displaced people, who have been deprived of social membership, do not only need shelter and protection against human rights. They have relational needs, which are fundamental human needs. Indeed, "social relations provide for the kind of social recognition that individuals need to be able to form and implement their idea and vision of the good life" (Straehle 2020, p. 537). The relational needs of forced migrants have been neglected so far. Straehle notes that asylum seekers are often kept apart from the rest of society, prevented from working and controlled. Such arrangements severely limit their opportunities for human interaction and lead to social deprivation. As socially deprived, those forced migrants are not even in the position to ask for social recognition (Straehle 2020, p. 534). I argue that a harms-based account of needs that elucidates the loss of control, the loss of Home and social status suffered by forced migrants helps theorists to acknowledge that forced migrants have a particularly urgent and strong need to re-create social relations and assume meaningful social roles.

As I anticipated, needs are strictly intertwined, because several harms may contribute to making the fulfilment of the same need particularly crucial for a forced migrant, and such a need cannot be properly met if other needs are ignored. For instance, the need to find their own source of livelihood, instead of being in a condition of protracted dependence on charitable aid, is particularly compelling since it contributes to recovering control over their life plan, to regaining social status, and also to developing a meaningful routine and perceiving the place where they have moved to as a Home environment. Reducing their sense of powerlessness and humiliation also contributes to recovering psychological well-being.

Compared to protracted reliance on monetary allowance, the opportunity for forced migrants to access the job market is thus usually welcomed as a great improvement, as in Ireland, where this access was not allowed to asylum seekers until 2018.[50] However, simply being free to enter the job market, or being assigned to any job, no matter which, does not properly take into account the harms involved in forced displacement. For instance, a study on Liberian refugees resettled in the United States shows that, in order to fulfil governmental guidelines and secure refugees a job within a short time, caseworkers used to urge refugees "to accept menial jobs, ignoring their plea for better positions for which they may have qualifications" (Ludwig 2016, p. 13). Randomly assigned menial jobs may quickly provide forced migrants with a decent level of economic self-sufficiency, but they may further undermine their sense of worth and purpose and keep them from recovering the social status they lost because of displacement. In the case of Mr. Dorgbah Weemongar, who used to have a high-level job concerning health statistics in the Liberian government, being signed up by the resettlement agency to work as home health aide was felt as "extremely discouraging" and "downgrading [his] status" (Ludwig 2016, pp. 13–14).

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[50] Murphy et al. 2019, p. 17. In the global South, forced migrants are usually excluded from the job market and unable to secure a livelihood. An exception is the widely celebrated "self-reliance model" in Uganda (Betts et al. 2019).

It is important to clarify that the social status that forced migrants have a legitimate expectation to have restored does not correspond to the socioeconomic position they hold in the social hierarchy. There is no legitimate expectation to regain wealth and social prestige as such. In addition, social hierarchies may have been unjust and may be irreproducible in the society where displaced persons have moved. Clearly, a displaced formerly wealthy slave owner would have no legitimate claim to have his slave-owning role restored. A less extreme, yet frequent example is the gendered power and social prestige connected with women subordination, which a man may find himself unable to restore in a less patriarchal society, for instance when displaced from a rural to an urban setting or to a foreign country. The point is not to restore the social position one used to have before being displaced, but rather to re-create meaningful social roles for the displaced person, where their individual skills and abilities are taken into due consideration. Such skills and abilities depend on pre-displacement social roles, which the forced migrant has been deprived of.

Whatever their previous social status and level of income, the life-plan disruption that forced migration entails has harmed them. To reconcile their pre-displacement and post-displacement lives, forced migrants thus need a job that is not completely alien to them or so inappropriate that it is felt as humiliating and disrespectful. What counts is that when assisting a forced migrant in finding a source of livelihood, their individual history be taken into account, including their previous roles, their skills, the life plan they used to have before displacement, why and how they were displaced, their current conditions, and the traumatic experiences they might have had in between. Thus, the need to recover a source of livelihood cannot be properly met in isolation from the need to recover social status and have one's individual history, previous roles, and skills recognised.

1.4. Integration and recognition policies as means to overcome the harms of displacement

Forced migrants need to acquire sufficient knowledge of the cultural and social norms adopted in the place they have settled in. This is a particularly compelling need because it

contributes both to recovering economic and social status and to rebuilding a Home environment. In turn, a Home environment is needed to recover control over one's immediate future. If forced migrants lack a Home, a "cool ground", a relatively stable, understandable, and predictable set of geographical and cultural landmarks on which they can rely, they cannot properly make life plans.

In order to acquire the necessary cultural knowledge to make sense of how things work in their destination place, and how they can reorganise a daily routine and make future plans, forced migrants need to develop some human relations with members of that society, including other fellow newcomers, who may also act as formal or informal cultural mediators and interpreters of cultural and social norms. Language is a fundamental social convention, but other interpersonal social conventions may be taken for granted and generate misunderstandings among citizens and newcomers.[51] This may generate suspicion, hostility, and social exclusion, which are particularly humiliating for those who have been forcibly compelled to leave their previous place of residence and to resettle in an unfamiliar place. Thus, forced migrants need support in the process of social and cultural adjustment that moving to a different country or region may entail. However, how this support is provided is equally crucial: being lectured by public officials or social workers and expected to unilaterally adhere to norms which may be unusual and hardly comprehensible may also be perceived as humiliating (Fagen 2006, pp. 76–79). Therefore, host communities should also be encouraged to understand and actively include forced migrants, while public officials and social workers should also receive specific training.

As a means to re-create a Home environment, to renegotiate who they are, what is meaningful to them, and what they wish for the future, forced migrants need to acquire new knowledge and need support in coping with change. However, they also struggle to find continuity between their lives before and after forced migration. Thus, they need support in finding out how their pre-displacement identity fits with the post-displacement identity they are progressively

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[51] See Fagen 2006 on misunderstandings caused by reciprocal lack of cultural knowledge.

building. The subjective need to keep and continue cultivating one's cultural heritage varies among displaced individuals. However, they all benefit from the opportunity to maintain or develop human relations with other displaced people with whom they share some cultural knowledge and social norms, if they so wish. How much public recognition and institutional support forced migrants' minoritarian cultures are owed also depends on how forced migrants have been displaced and by whom. Nevertheless, independently from responsibility assessment, some groups are particularly in need of institutional support to maintain a distinctive way of life, including traditional sources of livelihood and distinctive kinds of settlements, religious worship, or language. This is the case when entire communities of indigenous or nomadic people are displaced. Recall, for instance, the case of the Veddas, the indigenous group in Sri Lanka: the Veddas would have needed social integration instead of segregation and marginalisation inside the Sinhalese villages; however, they would also have needed the option to continue to practice their religion and speak their language along with Sinhalese, instead of undergoing a forced cultural assimilation. For indigenous and nomadic peoples, keeping ties with other displaced members of the same community and with a specific kind of natural environment is extremely important. Thus, when households have been dispersed as a result of unfair resettlement projects, or when indigenous forced migrants are compelled to abandon their previous Home environment and disperse to survive (as in the Hawawir case mentioned in chapter 2), support for restoring interpersonal community ties and re-creating a Home environment is particularly needed.

Being able to count on a web of social connections, particularly with other forced migrants, also provides important support to cope with the psychological distress caused by past or enduring traumatic experiences, as well as new anxieties which arose in the new place of residence. As I made clear in chapter 2, forced migrants are not equally traumatised and mentally unwell, and not all of them necessarily need professional psychological or psychiatric support to recover mental well-being. For some, informal, peer-to-peer support provided by friends and acquaintances may suffice. For those who need professional support in recovering mental well-being, however, being

part of a network of social relations is key: isolation may both exacerbate psychological suffering and reduce the opportunities to seek help. Nevertheless, the attitudes of family, friends, and members of a group may also adversely affect individual opinions about mental health and one's chances to access mental health services. Indeed, when traumatic experiences and the need for psychological support are associated with stigma in their community, this makes forced migrants less likely to seek psychological support.[52] Thus, when addressing forced migrants' need to restore mental well-being, it is also necessary to raise awareness among them about mental health issues and encourage social acceptance of professional psychological support.

1.5. Targeting forced migrants' specific needs

One may argue that, in the end, most needs that forced migrants have are similar to the needs of the non-displaced population hosting them: having a house, having a job, being mentally healthy. Such needs could simply be met with a mainstreaming approach to social services, which covers both the needs of forced migrants (or migrants in general) and the needs of the general population hosting them. Not only may mainstreaming be more efficient than providing a separate set of social services, but it may also avoid fuelling envy and hostility among the general population and avoid the stigmatisation of forced migrants as posing extra burdens and receiving extra benefits. Forced migrants are sometimes simultaneously marginalised and despised as inferior while also accused of being privileged in welfare provision and thus envied. This happens not only to international forced migrants, but also to IDPs, especially when they are beneficiaries of development-aid programmes in which the local population is not included. For instance, in the case of the Muslim IDPs from northern Sri Lanka who moved to the Puttalam region once expelled

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[52] For instance, "in Syria and neighbouring countries, overt expression of strong emotions may be socially acceptable and emotional suffering is perceived as an inherent aspect of life. Instead, it is the explicit labelling of distress as a mental health problem that constitutes a source of shame, embarrassment and fear of scandal, because of the risk of being considered 'mad' or 'crazy.' The potential shame extends from patients to their families and affects the use of mental health services" (Hassan et al. 2016, p. 134).

from their territories by Tamil paramilitaries (LTTE), initial welcoming attitudes among hosts turned into hostility towards IDPs. Indeed, IDPs had been singled out as particularly vulnerable and had become the exclusive recipients of development aid, while the local population was neither included nor consulted about the impact of such projects (Thalayasingam 2009; see also Brun 2009).

Thus, social scientists increasingly invoke mainstreaming development projects in the global South as well as social services in the global North, instead of providing separate services for IDPs and forced migrants. However, I argue that this should not lead to adopting blind policies which ignore the distinctive condition of forced migrants in the host community, and the specific needs that displaced groups and displaced individuals have, as a result of having been harmed in a distinctive way. As Christine Straehle (2019b, pp. 14-15) points out in relation to refugees' health needs, while all human beings have a basic interest in enjoying physical and mental wellbeing and thus have a right to health, the content of such a right depends on specific individual needs. This requires that health services be targeted to meet such needs, rather than being based on a fictional, universal definition of what constitutes health. In the case of refugees and asylum seekers, Straehle argues, the content of the right to health is "based on the individual needs that arise in the context of persecution and flight"[53]. Thus, their health needs differ from those of the citizens of stable and peaceful liberal democracies. Targeting such needs, she notes, may demand different health care provisions than those normally accepted for citizens, particularly to address psychological trauma. Thus, Straehle concludes, asylum seekers and refugees are entitled to services that are not enjoyed by citizens (Straehle 2019b, p. 15). The same holds true for forced migrants (including IDPs), who have specific needs as a result of the harms of displacement. Targeting forced migrants' needs, I argue, requires either dedicated services or mainstream services capable of acknowledging and

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[53] Straehle adopts the Geneva Convention definition of refugee which, as we have seen, identifies refugees based on persecution and alienage. Given the applicative aims of the paper, she also distinguishes between asylum seekers and recognised refugees, whose asylum application has been accepted by the receiving country.

addressing specific needs. An approach which attempts to reduce special services for forced migrants in favour of mainstreaming universal services might only be fair to them if it is sensitive to their distinctive condition, which implies taking into account all past harms and present needs as a whole.

A forced-migrant-sensitive approach to mainstream social service provisions—including physical and mental health, education and training, housing, and employment—should be further refined to acknowledge that, among forced migrants, some individuals may have more specific needs, depending on how they had been harmed. Intersectionality allows us to disclose such needs: for instance, gender, provenance, and sexual orientation might be taken into account. As we have seen in Chapter 2, female forced migrants are more likely than male forced migrants to have suffered sexual and gender-based violence, as a result of the events that forced them to migrate or of the events that occurred after displacement. Trafficked women are the most likely to be forced into sex work, but other displaced women may also end up engaging in survival sex work, particularly if ostracised by their community of origin for having been raped, if unable to marry or find their own source of livelihood, or if caught in abusive relationships (Bartolomei et al. 2014).

Importantly, such traumatic experiences proved to have enduring consequences even once abused women have settled in a Western country. An extensive study carried out in Australia reported that interviewed women did not only continue to face stigma and ostracisation, but they were also particularly vulnerable to further sexual violence. For instance, women "known to have engaged in survival sex before arriving in Australia reported being targeted for abuse and harassment. They disclosed that men come to their homes demanding sex and rape them if they refuse" (Bartolomei et al. 2014, p. 51). Those women, often socially isolated and psychologically traumatised, were also more unlikely to access general welfare services and thus more unlikely to have other fundamental needs met, apart from their physical and mental health needs. In this Australian case study, women tend to avoid mental health services when stigmatised as "mad". Furthermore, if "unable to learn English quickly as a result of the traumas they have experienced,

[they] are less likely to be able to be employed and therefore find it difficult to find safe and affordable housing. . . . This forces them to rent housing in unsafe neighbourhoods where they experience racism and discrimination and are isolated from community and services. It is difficult for services to reach them and for them to reach out to services" (Bartolomei et al. 2014, p. 52). Thus, their needs to regain social and economic status and to remake a safe and reliable Home environment in the destination country are not adequately met either.

Displaced men, by contrast, may be socially stigmatised or feel guilty and ashamed because they did not live up to social expectations about their role (as males) in protecting female family members from violence; or they may become more likely to engage in violent behaviours against women in their families after they have been displaced, as a result of their inability to adequately cope with the harms they themselves have suffered.[54] Furthermore, LGBT+ forced migrants may have undergone specific forms of violence and persecution which might have triggered displacement or otherwise impacted their needs once they are displaced.[55] This subset of forced migrants should thus receive dedicated or otherwise targeted mainstream services. Research on male and LGBT+ sexual violence survivors in Syria, for instance, highlighted that they both "required specialised and differentiated care", and that they "could feel uncomfortable accessing care through female-oriented service points" (Chynoweth 2018). All in all, only by taking into account past and enduring harms connected with forced displacement is it possible to assess what forced migrants need, to determine when forced-migrant-sensitive mainstreaming policies are appropriate to meet the distinctive needs of a displaced group or person, and when dedicated policies are needed.

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[54] Bartolomei et al. 2014. In her research on Somali refugees in Norway, Fagen (2006, p. 87) also notes that "even though violence seems not to be unusual in Somali families, some of the instances of wife battering in Norway seem to have been triggered by a feeling of frustration and anger at not coping with one's own situation in diaspora", particularly their loss of previous social status and role as breadwinners. See also Roupetz et al. 2020 on intimate partner violence among Syrian forced migrants in Lebanon.

[55] Hopkinson et al. 2017. Note that LGBT+ people may be persecuted not only by repressive state actors, but also by nonstate actors, such as gangs, as in Central America, where widespread and systemic violence against people because of their sexual orientation or gender identity is known to have forced displacement (Knox 2019).

2. *The Moral Relevance of Forced Migrants' Distinctive Needs*

The previous section illustrated the distinctive needs that arise from the harms of forced displacement. Freedom of movement alone does not suffice to meet such needs. Thus, suppressing the concept of forced migration in favour of a broader concept of migration or mobility would impede us from recognising and meeting the distinctive needs of those who have been harmed by forced migration. Moreover, the fulfilment of such needs is more demanding than the fulfilment of basic survival needs such as having enough food and water or having a shelter. Therefore, emergency humanitarian assistance would not suffice either. What then grounds the claim of a forced migrant to have such more demanding needs met? Why are they morally compelling? In this section, I will argue that forced migrants' claims to have their distinctive needs met are analogous to human rights, because they are equally fundamental to provide the conditions for a dignified, minimally flourishing human life. Building on Lindsey Kingston's recent theory of human rights, I will highlight that meeting forced migrants' distinctive rights is necessary to fulfil the human interests in place and purpose that, according to Kingston, lie behind human rights lists. However, I will contend that although forced migrants' rights belong to the same genus as human rights, they remain distinctive because they arise as a result of the distinctive harms entailed in forced displacement. This has an important upshot for the ethics of forced migration. It shows that the language of general human rights does not fully capture the peculiarity of forced migrants' condition compared to those of both voluntary migrants and non-migrants whose human rights are unmet. When it comes to policy, it also clarifies why treating forced migrants as generically vulnerable and destitute people needing humanitarian assistance is an unsatisfactory approach. Furthermore, it also stresses that emphasising "durable solutions" (repatriation, local integration, and resettlement) obscures the fact that assigning forced migrants to a state responsible for their general human rights does not exhaust what forced migrants are owed.

In her recent book, Kingston argues that humans have fundamental rights to place and purpose. Her understanding of the rights to place and purpose expresses the importance of the needs I described, such as the needs to regain control over one's body and private space and ability to make future plans, the need for a Home environment, and the need for social recognition of one's individual identity. Indeed, she writes that "rights to place represent basic entitlements to home, both in the sense of geographic location as well as in the sense of belonging. . . . Relatedly, the right to purpose encapsulates a collection of rights provisions aimed at providing the opportunities necessary to pursue one's goals and actualize the right to self-determination. At the most basic level, the right to purpose centers on the belief that people must have control over their own destinies" (Kingston 2019, pp. 10–11).

Kingston argues that rights to place and purpose are threatened, to a varying extent, when people lack what she calls a "functioning citizenship". Far from being exceptional, she claims, this issue concerns not only stateless or displaced persons, but also irregular migrants and members of discriminated-against groups, such as nomadic and indigenous peoples. Forced migrants' needs may thus be viewed as arising from the specific ways in which their human rights to place and purpose have been infringed. According to Kingston, forced displacement "is perhaps the most extreme case of denied rights to place", which "begins with a first instance of forced movement" and results in "a long process that continually threatens, transforms, and problematizes our understanding of the right to place" (Kingston 2019, p. 93). Indeed, she notes elsewhere that "rights to place are further violated by the destruction of community ties—and, in some cases, by denationalization and other rights abuses that strip individuals of their ability to return home" (Kingston 2019, p. 10). When it comes to rights to purpose, she points out that displaced people are compelled to prioritise their immediate needs to survival and "often find that their rights to purpose remain seriously compromised after they achieve relative levels of safety in camps and other places of refuge" (Kingston 2019, p. 94).

Kingston admits that legal human rights documents do not use the term "rights to place and purpose", but she claims that they are expressed by legally recognised rights:

For instance, the rights to place within the UDHR [Universal Declaration of Human Rights] consist of freedom from arbitrary detention or exile (Article 9), freedom of movement and residence within state borders (Article 13.1), the rights to leave any country and the right to return to their own (Article 13.2), the right to seek and enjoy asylum (Article 14), and the right to a nationality—including protections against arbitrary deprivation and the right to change one's nationality (Article 15). The rights to purpose may include marriage and family rights (Article 16), the right to property (Article 17), freedom of "thought, conscience and religion" (Article 18), freedom of opinion and expression (Article 19), freedom of assembly and association (Article 20), rights to political participation and public service (Article 21), entitlements to the "economic, social and cultural rights indispensable for [one's] dignity and the free development of [one's] personality" (Article 22), employment rights (Article 23), rights to rest and leisure (Article 24), educational rights (Article 26), and rights to culture and community (Articles 27 and 29) (United Nations General Assembly 1948).[56]

Following Kingston, we might suggest that general human rights to place and purpose are implied in human rights doctrine and detailed in human rights lists. Thus, forced migrants' distinctive needs may be viewed as specifications of the general human rights to place and purpose, which arise in their specific condition of displacement. In other words, while all human beings have rights to place and purpose, forced migrants have distinctive needs as they are displaced human beings whose rights to place and purpose have been denied as a result of displacement and need to be restored taking their distinctive condition into account.

Recovering control is needed to enjoy both the rights to place and the rights to purpose. Without control over one's body, immediate environment, and personal belongings, rights to place are infringed. Thus, while collective temporary shelters and food distribution are necessary to the rights to life and bodily integrity, they are not sufficient to secure the right to place. Moreover, recovering control over one's immediate future is necessary for rights to purpose to be fulfilled. Though forced migrants' rights to purpose may have been already undermined before

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[56] Kingston 2019, pp. 11–12.

displacement (e.g., if their educational rights and social, economic, and cultural rights were not respected), the disruptive impact of forced migration upsets the purpose they used to give to their life. Moreover, the loss of their livelihood and the loss of their social roles within a familiar Home environment, composed of well-known geographical landmarks, social and cultural conventions, and reliable human relations, make it much harder to enjoy rights to purpose. In the new environment they have fled to or have been forcibly resettled in, new formal and informal obstacles arise for displaced persons in having their rights to employment, education, culture, and community life respected. Moreover, psychological obstacles may also hinder their effort at replanning their life and reconsidering its purpose: traumatic memories, feelings of guilt for having fled, fear for the uncertain future, nostalgia for their life before displacement, anger for what they have been obliged to leave behind, and more. Thus, forced migrants develop new and distinctive needs as a result of displacement that should be met to enjoy the fundamental human interests in leading their lives in a place and with purpose.

If we value general human rights, we should also recognise the analogous moral relevance of forced migrants' needs. Both the fulfilment of general human rights and the fulfilment of forced migrants' distinctive needs share the same object, which is to secure place and purpose. They also share the same goal; indeed, place and purpose provide the conditions of a dignified, minimally flourishing life.[57] Consider the use Kingston makes of the word "dignity" in the following passages. She claims that rights to place and rights to purpose offer us "the bare necessities required for living a life of human dignity", and that they "make a life of human dignity possible". Inspired by Arendt's influential works, Kingston stresses the fact that "a life of dignity requires not only the bare necessities to sustain human life and survival, such as food and water, but also

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[57] The goal of a flourishing life might be thought to put the threshold too high: Gilabert observes that human rights are more appropriately thought to secure a decent life, while social justice is aimed at promoting a fully flourishing life (see Gilabert 2018, p. 196). In the current non-ideal world, and plausibly even in a not-yet-just open-borders world, not only forced migrants but also voluntary migrants and hosts lack the enabling conditions for an ideal, fully flourishing life. Indeed, my point is that forced displacement often undermines the very conditions for a decent, or minimally flourishing, life and that forced migrants need special support to recover them.

includes opportunities for action, expression, and belonging that make life worth living".[58]
Pointing to refugee camps as a paradigmatic example where conditions for a "life of dignity" are
lacking, she notes that social workers and reporters frequently describe camps as "soul-
destroying", as "places that keep people alive but stop them from living". Indeed, people hardly
perceive camps as their Home and lack "anything to fill their days", which is to say purposes, and
"opportunities to engage in purposeful activity, including the sorts of meaningful work and study
that so many people consider central to their sense of identity and worth" (Kingston 2019, pp. 9–
10). In the case of displaced people, I argue, being able to restore control over one's body, personal
space, and immediate future, to recognise one's habitual place of residence as a Home, to
undertake social roles, and to receive interpersonal recognition are special needs that forced
migrants have to have met to restore place and purpose. Thus, fulfilling forced migrants'
distinctive needs is necessary to provide the conditions for a dignified, minimally flourishing
human life.

It is important to clarify, firstly, that what is at stake is the object of human rights (fulfilling
the fundamental interest in having place and purpose) and their point, or goal (securing place and
purpose as they provide the conditions for a dignified, minimally flourishing life). Secondly, the
object and point of human rights should not be conflated with the foundations of human rights.
Following the works of Pablo Gilabert and Jan-Willelm van der Rijt, I propose to distinguish
between two meanings of dignity which often overlap: the first is "status-dignity", or "inherent
dignity", while the second is "condition dignity", or "contingent dignity".[59] Status-dignity, or
inherent dignity, pertains to the foundations of human rights, while condition dignity, or contingent
dignity, is what human rights are aimed to guarantee. Here, my aim is to show that forced migrants'
distinctive needs are morally compelling as their fulfilment is necessary to have their human rights

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[58] Kingston 2019, p. 11. A similar view is defended in Parekh 2017, whose work draws explicitly on Arendt's
conception of ontological loss and on her conception of action.
[59] Gilabert uses the terms "status-dignity" and "condition-dignity", while van de Rijt uses "inherent dignity" and
"contingent dignity" (see Gilabert 2018 and van der Rijt 2017).

to place and purpose met and thus to provide the condition for a "dignified" or "sufficiently flourishing" life. I am not interested in taking any side in the debate on what ultimately provides the foundations for human rights.

It is true that the preamble of the 1948 Universal Declaration of Human Rights (UDHR) relies on the notion of inherent dignity and that article 1 states that all human beings are "born free and equal in dignity and rights". The UDHR affirms that since human beings possess inherent dignity (i.e., worth) qua human beings, they are equally entitled to some fundamental rights, which in turn are meant to protect their conditional dignity. The UDHR, though, does not specify in virtue of what human feature all and only human beings possess such inherent dignity. Kantians may point to the distinctively human capacity to act both rationally and morally, making autonomous choices according to a moral law or a conception of the good. However, it has been disputed whether it is possible to draw a line above which variations in the presence of such a capacity no longer matter, so that individuals in such a range have equal dignity, and what it implies in hard cases where humans do not yet, or no longer, possess such a feature to the relevant degree (e.g., young children and some mentally ill persons) or could never develop it (e.g., those who were born with severe mental disabilities). Some theorists have even argued against the entire enterprise of searching for a foundation of inherent dignity and urged getting rid of the concept itself (see inter alia Sangiovanni 2017). Debating the grounds of human rights is an important task for political theorists. Nonetheless, I will not attempt to delve into the foundations debate. My less ambitious aim in this section has been to show the affinity between human rights and the needs that forced migrants have qua forced migrants. Indeed, it is not necessary to endorse a conception of inherent dignity as a foundation for general human rights in order to appreciate their role, and the analogous role of forced migrants' specific rights, in protecting condition dignity. For instance, what Kingston calls a "life of dignity" does not seem to be far from what Sangiovanni, avoiding any appeal to the concept of dignity, calls a life where the "structural conditions for a flourishing life" are met (Sangiovanni 2017).

To sum up, I have argued that forced migrants' specific rights share the same object and the same point as general human rights, and that this analogy holds irrespective of what moral grounding of the theory of human rights we assume. The aim of the next subsection, however, is to argue that forced migrants' rights are specific, and thus cannot simply be covered by general human rights lists, because they arise as a result of the distinctive harms entailed by forced displacement.

2.2 Specific Claims: Why Forced Migrants Are Not Just Owed Human Rights Protection

I have argued so far that forced migrants' needs give rise to rights that are analogous to general human rights. Could not such rights be subsumed under general human rights? In the end, forced migrants are entitled to human rights, just like any other non-displaced human being. This position seems to be held by several political theorists. In her very recent book, Parekh wonders: "If we have obligation to refugees, what exactly are they? The answer is surprisingly simple and has a good deal of consensus: human rights" (Parekh 2020, p. 54). I agree with Parekh about the fact that we owe to forced migrants the conditions for human dignity, but I do not think that the provisions of basic human rights capture the distinctiveness of the forced-displacement condition. The point is that forced migrants do not just need what non-displaced people need to enjoy the fundamental conditions for a dignified, minimally flourishing life. Borrowing Aristotelian terms, we might define the claims of forced migrants to have their needs fulfilled as belonging to the genus of human rights (i.e., moral claims to have place and purpose, understood as basic conditions for a dignified, minimally flourishing human life). Yet, forced migrants' rights are distinctive and specific. General human rights cannot cover them, nor should they, because non-displaced people (including voluntary migrants) do not have the same needs as forcibly displaced people.

The Guiding Principles on Internal Displacement and in the Framework on Durable Solutions for Internally Displaced Persons seem to implicitly acknowledge that the specific needs of displaced people give rise to additional specific rights. The Framework states that "A durable

solution is achieved when internally displaced persons no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement". The Guiding Principles are aimed to "address the specific needs of internally displaced persons" by identifying relevant rights and guarantees. Several articles begin by stating a general human right such as the right to life, liberty and security, freedom of movement or family life, and then consider what IDPs specifically need to enjoy this right, compared to non-displaced people. Outside the displacement realm, there are several binding and non-binding human rights document listing the rights of specific categories of people, such as the United Nations Declaration on the Rights of Indigenous People (UNDRIP), the Convention on the Rights of the Child or the Convention on the Rights of People with Disabilities. The normative status of the rights of forced migrants, I argue, is analogous to the normative status of these special rights.

What gives rise to the specific difference of forced migrants' distinctive rights are the harms of forced displacement, which is to say the specific ways in which they have been deprived of the conditions to meet the fundamental human interests in having place and purpose. As a result of the harms of displacement, forced migrants have specific and additional needs that non-displaced people do not have, and they should enjoy specific rights until they cease to have these additional needs. Only then they can enjoy general human rights on an equal basis as non-displaced people.

Of course, the conditions to meet the fundamental human interests in having place and purpose may be infringed independently from forced displacement. The same person may already have such conditions denied in several ways prior to forced displacement. Some of these pre-displacement harms can be effectively described as human rights violations. However, forced displacement entails additional harms. Recall the fictional example of the Afghan woman sketched at the beginning of chapter 2. Suppose she grew up under the Taliban regime and she had some of her human rights denied (including the rights to education, employment, and free movement) well

before her displacement. She had been forced into marriage as a teenager and used to spend most of her daily routine inside her house, given that she was only allowed leave the house with a male guardian. No doubt, she was already deprived of the conditions for a minimally flourishing life before being displaced, although her life was fairly stable and predictable. Imagine, however, that her husband, who serves as teacher in the local school, refuses to abide by one of the rules imposed by the regime and the whole family is forced to flee persecution and death threats. Alternatively, imagine that during the war her husband is killed by shrapnel, and she ends up in a camp with other widowed women fleeing generalised violence. If she were merely recognised as a victim of general human rights violations, both before and after forced migration, this would not allow us to acknowledge the crucial change in her existential condition that came with displacement.

In addition to harms covered by general human rights lists, other pre-displacement human rights violations could be identified that point to specific human rights lists which cover specific categories of people, such as indigenous people (UNDRIP 2007). Again, the point is that forced displacement entails additional harms for this subset of people as well. Imagine a man who belongs to a Colombian indigenous minority. He grew up in a decrepit house in a remote rural area with insufficient infrastructures and was unable to continue his education after primary school. He lives off subsistence crops that he grows on the collective community land. He belongs to a minority systematically discriminated against and marginalised on racial grounds in education, employment, political participation, and media representation. Imagine, however, that members of some paramilitary group force him to leave his house and his collective community land under the threat of killing him and raping his daughter. He might have been accused of supporting a rival guerrilla group, or his land might have been targeted for unlawful seizure by an expanding palm oil company.[60] He moves to a shanty town in the suburbs of the closest city, which looks completely unfamiliar to him, to look for a job he has never done. In vain he tries to find out who

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[60] Forced displacement in Colombia will be extensively discussed in chapter 5. On displacement as a political cleansing strategy, see Steele 2017. On displacement as a strategy for land grabbing, see Maher 2015.

exactly has forced him to move and why. He is constantly looked at with suspicion and open hostility by the local population, who accuse him of being a terrorist hiding from the authorities. He feels humiliated, angry, and afraid that his kids might be recruited by gangs and drug cartels controlling the urban area. Even if pointing to the rights of indigenous peoples may add some precision in assessing, for instance, what is owed to a Colombian indigenous *desterrado*, this is again not enough to make sense of the distinctive harms he experienced qua forced migrant, compared to non-displaced Colombian indigenous people. Analogously to the rights of indigenous people, the distinctive rights of forced migrants belong to the same primary genus as human rights. Yet they constitute a different species of rights which apply to a specific subset of human beings.

What is owed to forced migrants, in addition to the fulfilment of their general human rights qua human beings (and in addition to the pre-displacement special rights they might have as members of a vulnerable group), is the recognition that, as forced migrants, they have specific needs which give rise to fundamental yet distinctive rights. Indeed, such specific rights arise when the basic human interests in place and purpose providing conditions for a dignified life are undermined as a result of the specific harms entailed by forced displacement (i.e., the loss of control, the loss of the Home environment, the loss of livelihood and social status, and the loss of psychological well-being).

I leave open the question of the legal status and exact content that such rights should have. Theorists debating the possibility of reforming the Geneva Convention on the refugee status are well aware of the feasibility limits in making the Convention more demanding and stringent. Rights contained in non-binding documents such as the Declarations and Guidelines, such as those on Internal Displacement, may eventually be incorporated in domestic law, regional treaties and gradually become part of customary law. Whatever the legal form that a document on forced migrants right might take, I argue that it should be based on a harms-based understanding of the needs of forced migrants and that rights should extend to both international and internally displaced people.

Conclusion

This chapter adopted a backwards-looking, harms-based approach to assess what is owed to forced migrants. The first section argued that forced migrants have distinctive needs that depend on the distinctive harms of displacement discussed in the previous chapter. Such needs extend well beyond survival needs that humanitarian emergency assistance is meant to fulfil, and they exceed the need to move to a safe haven, which has attracted much attention among scholars. Yet, forced migrants have a strong moral claim to have those specific needs fulfilled. Section 2 was devoted to considering what kind of moral claim forced migrants have in seeking to have such needs met. I have argued that the moral relevance of forced migrants' distinctive needs lies in the fact that their fulfilment is necessary to provide the fundamental conditions of a dignified, minimally flourishing life. This is also the purpose of human rights. Forced migrants' claims to have their distinctive needs met, then, are fundamental, analogously to human rights. However, they are also specific because they depend on the distinctive harms of forced displacement, which is to say on the distinctive ways in which forced migrants have been deprived of the conditions for a minimally flourishing life. Therefore, subsuming forced migrants' rights under general human rights would prevent us from acknowledging what makes the predicament of forced migrants distinctive and from appropriately remedying the harms they have suffered.

In the next chapter, I will move to the issue of who is responsible for meeting forced migrants' distinctive needs. Again, a backwards-looking, harms-based approach will allow us to recognise reparative responsibilities that states and non-state actors have on the basis of their contribution to causing the harms involved in forced displacement and thus in generating forced migrants' needs.

Chapter 4

Repairing the Harms of Forced Migration

1. *Responsibility for Forced Migrants*

The previous chapter argued that forced migrants have strong moral claims to the fulfilment of their distinctive needs, because those needs express the same fundamental human interests that are protected by human rights. Indeed, forced migrants have distinctive rights because the specific harms entailed by displacement have undermined, in a specific manner, the essential conditions to lead a dignified, or decent, or minimally flourishing life. This section addresses the issue of what institutions have the duty to meet the specific needs of forced migrants, and what kind of moral obligation they have towards them.

Who is responsible for the needs of forced migrants? It might be useful to distinguish between two meanings this sentence can have: first, one may wonder who is responsible for generating such needs; second, one may wonder who is responsible for remedying them. The first interpretation refers to what Miller calls outcome responsibility, while the second refers to what he calls remedial responsibility (Miller 2007, chapter 4). According to Miller, an agent is outcome responsible when they caused, or contributed to, a certain outcome, given that such outcome was foreseeable, although not necessarily intended. By contrast, one is remedially responsible when one is in a position to remedy an outcome. While outcome responsibility may be discovered, remedial responsibility is attributed. In Miller's account, being outcome responsible is one of the criteria on the basis of which remedial responsibility can be assigned, although other criteria (most notably capacity) should be taken into account (Miller 2007, pp. 99–104).

When it comes to forced migrants, remedial responsibility is in practice generally assigned to states on the basis of their geographical position, independently of outcome responsibility. It is assumed that the responsibility to provide a safe haven falls on the closer "safe" country, and often the same proximate states are also expected to provide a "durable solution" in the form of local

integration. However, numerous forced migrants find themselves in a condition of prolonged encampment, as a "de facto durable solution" (Parekh 2017, p. 3), because the host state does not actually provide local integration: once admission to the territory has been granted, the host state does not take on the responsibility to fulfil forced migrants' distinctive needs, which would require greater economic and social costs. This is because host states consider the moral obligation to address forced migrants' needs as a matter of charity. The other states, which may have greater capacity to address forced migrants' needs, also assume that their duty to provide for them, by supporting host states in local integration or resettling forced migrants to their territory, is a matter of charity.

Not only political actors, but also scholars usually frame the moral obligations states have towards forced migrants as humanitarian. As Valentini notes, there is little controversy among political theorists about the existence of duties of charity, which is to say humanitarian duties, or duties of beneficence. When someone is in need, as in Singer's often-cited case of the child drowning in the pond, any agent who has the capacity to help at a reasonable cost has a moral obligation to do so (Valentini 2013). Divergences arise concerning how this sort of moral obligation should be attributed, since there are multiple bystanders by the pond, i.e., multiple states that can provide help to displaced people at a reasonable cost.[61] Yet, such a burden-sharing debate assumes that states have humanitarian obligations that do not depend on any pre-existing relations between the agent and the recipient of aid: humanitarian obligations are forward-looking.

By contrast, I have argued that a backwards-looking understanding of forced migrants' needs is necessary to assess what is owed to them: to make sense of what they need once displaced, we should take into account the way they have been harmed. In this chapter, I argue that a backwards-looking approach is also necessary to understand who is responsible for fulfilling

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[61] While Singer's pond thought experiment included just a bystander, when bystanders are more than one it becomes less clear how to determine each bystander's fair share of humanitarian obligations and whether others should "take up the slack" in cases of non-compliance. Indeed, these issues have attracted a lively debate when it comes to humanitarian obligations towards refugees (see, inter alia, Stemplowska 2016).

forced migrants' needs and to make sense of the kind of responsibility that responsible agents bear. A harms-based account of needs sheds light on the causes of forced migrants' displacement and allows us to see whether any agents are involved in producing such harms and the subsequent needs. Assuming this perspective, mass displacements, in the current non-ideal world, turn out not to be purely natural disasters or the fruit of bad luck, but rather foreseeable (though not necessarily intended) outcomes of human actions and social processes. Thus, I argue, outcome-responsible agents have a reparative responsibility to redress the harms involved in forced displacement and to meet the needs that forced migrants have as a result of such harms. Acknowledging responsibility for harm is a key component of what forced migrants are owed, which a forward-looking approach cannot provide.

David Owen has already argued against the dominant humanitarian understanding of states' obligations towards refugees. Owen claims that states have a reparative, rather than remedial, responsibility for the "failure of the international order of states to secure the conditions under which individuals and groups can enjoy basic rights in their own states" (Owen 2020, p. 67). Thus, for Owen, refugee protection raises duties of justice, more precisely obligations to "[redress] the wrong and harms to which refugees are subject" (Owen 2020, p. 67), and the discharging of this duty, he argues, is required to repair the legitimacy gap opened up by the failure of the international order. I agree with Owen in conceiving responsibility for forced migration as reparative, and in attributing obligations of justice to responsible agents, rather than less stringent humanitarian obligations. However, I assume a different account of what is owed to forced migrants, because I maintain that states have a duty to fulfil forced migrants' distinctive needs qua displaced people, and not to generically fulfil their human rights. As a result, in my account reparative responsibility has a different justification. In Owens' theory states have a reparative responsibility to secure forced migrant's human rights because, as international order of states, they have failed to ensure that each person have their human rights fulfilled, and such an order has become illegitimate. What needs repairing is the legitimacy of the order of states. By contrast, in

my account states have a reparative responsibility to meet forced migrant's specific needs because they contributed to producing the harms of displacement, which have undermined forced migrants' basic conditions for a dignified life, and meeting their needs is necessary to secure such conditions. What needs repairing are the conditions for a dignified life undermined by the harms of displacement.

While repairing the legitimacy of the order of states is a powerful reason for states to step in and take responsibility for forced migrants' rights qua human beings, I argue that it is not sufficiently precise to explain why an agent would have a duty of justice to fulfil forced migrants' specific rights as a reparation for the harms they suffered qua displaced persons. Restoring the legitimacy of the international order, per se, does not seem to require the fulfilment of refugees' distinctive needs qua displaced people who have undergone specific harms. Since the international order is legitimate if, and only if, each person belongs to a state which guarantees their basic rights, what repairing legitimacy requires is that those whose state has failed are assigned to a state which can guarantee their basic rights qua human beings. Indeed, Owen maintains that the fundamental wrong in the case of Geneva Convention refugees is their being de facto stateless as a result of persecution; thus, asylum and eventually a new citizenship are what they are owed. Political pictures of refugeehood also underline the expressive role that states perform when they act *in loco civitatis*: they condemn the state of origin for violating or failing to protect the human rights of their citizens (see also Price 2006). However, condemnation seems to apply to this wrong, i.e., the lack of human rights protection provided by effective citizenship, rather than to the harms specifically connected to forced displacement. As Kingston (2019) widely illustrates, not only displaced people but also numerous people belonging to marginalised groups lack effective citizenship (though they may formally have one). Restoring the legitimacy of the international order seems to require securing effective citizenship to those who lack it, either displaced or not,

rather than repairing the distinctive harms that displacement entails.[62] Moreover, since Owen offers a theory to assess what is owed to those who are displaced outside their country of nationality and who should provide for them, IDPs remain out of the picture, though they endure displacement-related harms too.

In my view, fulfilling forced migrants' needs should indeed be framed as an issue of justice. However, such duties of reparative justice arise as consequences of the violation of the negative duty to do no harm, because several agents are causally connected to forced displacement and thus to the distinctive harms and needs which arise as a result. Indeed, the harms of forced displacement do not simply arise from a failure, on the part of the states of origin, to secure forced migrants' human rights to place and purpose; nor do they merely follow from the international community's failure to assist them once displaced.[63] On the contrary, not only home states, but also external states and non-state actors act in ways that directly contribute to the harms of forced displacement itself. This is to say that their actions contribute to the harms of forced displacement, either directly or indirectly, through their participation in structures and their contribution to processes that foreseeably trigger forced displacement.

1.1. Special Reparative Responsibility for Harmful Actions

Owen argues that states may have special responsibilities to refugees in virtue of their unjust acts or omissions foreseeably contributing to the production of these refugees. Responsibility for harm is a widely endorsed moral principle, and it has long been applied to states

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[62] One may also observe that, if lack of effective citizenship is so pervasive, then the creation of refugees does not deviate from a baseline of legitimacy: the legitimacy of the international order does not seem to be in need of being restored, but of being achieved.

[63] Of course, the way forced displacement is managed may cause further harms and entail additional responsibilities. For instance, Parekh has argued that the international community is responsible for actively preventing forced migrants from finding "refuge", meaning "minimum conditions of human dignity", while they wait for a durable solution (Parekh 2020, p. 20). The international community, in other words, is responsible for providing those who have been displaced with unacceptable options only and thus for the harm they experience "*as they seek refuge*" (Parekh 2020, p. 19, emphasis in the original). Note that the responsibility for this secondary harm is independent from the responsibility for causing displacement in the first place.

as agents (Gibney 2004, p. 49). Moreover, few would deny that the unjust acts or omissions of states of origin originate forced displacement and those states should be held accountable for them. Bradley (2013) has argued that states of origin owe refugees repatriation as a form of redress. Indeed, the home country's reparative responsibility for those who have been displaced (including IDPs) is particularly relevant in postconflict situations and may be a crucial component of transitional-justice processes (Duthie 2011). I do not mean to deny the special reparative responsibility that states of origin bear, in virtue of their acts or their failures to live up to their special duties to protect the human and citizenship rights of their nationals. However, I agree with Owen that in some cases there are specific external states that bear "some significant portion of [outcome] responsibility" for displacement and that this grounds special obligations towards those who have been forced to move. Indeed, such cases are more frequent than we might think. Certainly, as Gibney (2004, p. 51) noted, they are more frequent than acknowledged by those who adopt an "internalist approach", according to which "the harms that generate refugees are caused solely by the states that they have fled".

External states, including Western ones, do act in ways that lead to or contribute to displacement. A paradigmatic case is military intervention: Gibney recalls the examples of US and Australian involvement in Vietnam in the 1960s and the NATO bombings in Kosovo in the 1990s. However, he notes, in most cases external intervention crucially contributes to displacements in which the state of origin is also implicated. External states may for instance sell and supply military equipment or provide economic and political support to the actors which appear directly connected to displacement itself (Gibney 2004, p. 52). Owen also provides two fictional examples to illustrate external states' involvement. In the first case, "State A actively supports a dictatorial regime in State B, with the reasonably foreseeable consequence that particular individuals or groups are liable to be subject to persecution by the state (or by nonstate actors from which the state is not disposed to protect them)". In the second case, "States A, B and C illegitimately act to produce, enable or exacerbate the breakdown of public order and the spread of generalised violence in State

D with the foreseeable consequence that affected citizens of State D have compelling reason to flee its territory or not return to it" (Owen 2020, p. 87). Thus, as Gibney and Owen illustrate, not only actions directly causing displacement, such as military intervention, but also actions indirectly but foreseeably related to it, such as diplomatic or economic support to states that generate refugees, can make external states outcome responsible for such displaced people.

One might object that it seems counterintuitive to claim that states have special reparative responsibilities when forced migration derives from morally legitimate actions. If a state took up the responsibility to protect the human rights of citizens in a foreign country and this leads to displacing some of them as collateral, inevitable damage, it would seem unfair to impose to this state a duty to repair the harms of forced migration, particularly when the other states have refused to step in. Besides, this would disincentives any kind of displacement-enhancing intervention even when refraining from intervening amounted to culpable omission or collusion with a human-rights-violating agent. Owen clarifies that special reparative responsibility arises in cases of illegitimate actions. He does not seem to hold states responsible when forced migration derives from actions "authorised under the norms of the international order of states and, hence, can be seen as acting in ways consonant with, or as the representative of, this international order" (Owen 2020, p. 122).

Clearly, the legitimacy of the reasons for displacement makes a crucial difference. When causing displacement is morally illegitimate, the outcome responsible states are also morally responsible. Forced migrants, on their part, are not only harmed but also wronged. In principle, if an action causing forced migration was legitimate, I concede that it would not entail reparative responsibility. However, for a displacement-enhancing action such as a military intervention to be legitimate, it does not suffice that it is legal or authorised by the UN. It should be both morally justified, and procedurally just and proportionate (i.e., such actions genuinely strive at protecting the target population, do not exploit humanitarian justification to pursue the interests of the intervening state and genuinely attempt to minimise collateral damage, including forced displacement). In practice, few real-world examples would meet both requirements. Thus, even

adding the legitimacy caveat, states directly contributing to displacement typically retain special reparative responsibility for the displaced people, because displacement is not legitimate.

Having agreed with Owen that external states have a special reparative responsibility for those they forced to migrate outside the country of origin, I argue that special reparative responsibility should be extended in three directions. Firstly, concerning the scope of responsibility, I argue that external states have special reparative responsibilities towards the internally displaced people whose displacement they have contributed to.[64] For instance, if the United States or the UK has special reparative responsibilities for the Iraqis who have been forced to migrate across borders after the coalition attacked Saddam Hussein's regime in 2003, such responsibilities also apply to those who have been displaced inside Iraq for the same reason. Likewise, the United States also has special responsibilities for those Colombian IDPs whose displacement can be linked to the US government's "war on drugs" and "war on terror". Indeed, for decades the United States has provided strong support to military and paramilitary forces to both defeat left-wing guerrillas and curb drug trafficking (even though right-wing paramilitaries themselves are also involved in drug trafficking). Moreover, the United States carried out extensive chemical fumigation operations (a central element of Plan Colombia, launched in 2000) to destroy coca fields and undermine the left-wing guerrillas relying on them. Both increased militarisation and pollution caused by fumes are known to have fuelled forced displacement.[65]

Secondly, with respect to the content of reparative obligations, granting admission to the territory of outcome-responsible external states to those forced migrants who reach their borders does not exhaust what such states owe them. As I argued in the previous chapter, forced migrants are owed the fulfilment of their distinctive needs. Outcome-responsible states owe this to those who have moved into their territory, not as a matter of charity but as a matter of justice. Moreover,

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[64] Souter has argued that asylum, as well as other "durable solutions" such as resettlement and local integration, can be forms of reparations for external states' involvement in the "unjust harms" of displacement (Souter 2013; 2014). Furthermore, his definition of a refugee is not conditional upon alienage and extends to IDPs too (Souter 2013).

[65] See Buxton 2006, pp. 133–34, 176–87. See also Isacson 2012. On Plan Colombia, see Restrepo-Ruiz and Martínez 2009.

they should also support the state of origin, neighbouring host states, or humanitarian agencies who can ensure the fulfilment of the needs of those who are internally displaced or have migrated in neighbouring countries. As I suggested in chapter 2, even if borders were open not all IDPs or forced migrants who had moved in neighbouring host countries would desire or be able to move to distant countries in the global North. Thus, when outcome responsible for them, Western countries would still have to ensure that their needs are met where they are (and could still be required to provide resettlement options). Note that this obligation to provide in situ assistance, from my perspective, derives from the reparative duties owed to displaced people themselves. Thus, it is not a compensation to the host state for the costs of fulfilling their needs, nor a containment policy. As a result, forced migrants are not seen as objects to be managed but as subjects having claims. Moreover, they are also recognised as agents who may not choose to migrate in the external state which is outcome responsible for their displacement.[66]

In the previous chapter, I argued that freedom to move is not all forced migrants need, because they have undergone distinctive harms which give rise to distinctive needs. In this section I have argued that external states, including Western liberal democracies, may be held outcome responsible for such harms and have special reparative responsibilities to fulfil the distinctive needs of forced migrants qua displaced people. This shows that current efforts to externalise border controls and keep forced migrants distant do not undermine states' responsibility for those they helped to displace, because responsibility for harm does not depend on where the harmed person is located. While humanitarian duties to help may be weakened or evaded if other bystanders happen to be closer to the child drowning in the pond, reparative duties do not. Moreover, if states have special reparative responsibility to meet the needs that derive from the harms they have contributed to, admission alone is not an appropriate response. Briefly, even in an open-borders scenario where admission would not be an issue, states would continue to have special

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[66] On compensation to refugees and host states and on refugees' choices, see also Souter (2013, 2014) and Owen (2020).

responsibilities both towards those displaced people who have migrated inside their territory and to those who have not.

A third important extension of special reparative responsibility concerns the range of actors to whom such a responsibility applies. States are not the only international actors which could share outcome responsibility and special reparative responsibility for displacement. Supranational organisations or companies may be involved. For instance, the International Monetary Fund may provide loans to states that generate forced migrants, or the World Bank may fund development projects (e.g., dams) which involve mass evictions and sometimes environmental degradation leading to further forced migration.[67] Some development projects which require displacement and resettlement might be morally justifiable if, at least, displacement is not arbitrary and the harms explored in chapter 2 are prevented or minimised.[68] However, this is clearly not the case when the displaced population is not consulted, when displacement is carried out coercively using violence, threat, or deceit, when oustees are left uncompensated or households are arbitrarily dispersed, when they are left economically, socially, and culturally impoverished, or when the negative externalities of development projects on the environment and on nearby human settlements are not prevented or not even assessed.[69]

Companies too may be involved in the unjust dispossession and removal of former settlers from the land they acquire or be implicated in environmental degradation leading to forced

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[67] It is worth noting that the World Bank issued some guidelines on displacement and resettlement, which also inspired other banks' policies. However, it has been shown that several projects funded by the World Bank failed to live up to its own ethical standards. Furthermore, recent World Bank regulations tend to be less demanding, compared to those issued over the previous four decades (see Mathur 2013, pp. 51–62).

[68] Displacement is legally prohibited when "arbitrary" (see the UN Guiding Principles on Internal Displacement, principle 6, and the Kampala convention, article 4), but considerable discretion remains. A more comprehensive ethical framework, focussed on justifiable development-induced displacement, has been proposed in Penz et al. 2011. A specifically human rights–based approach to resettlement is prosed in van der Ploeg and Vanclay (2017). Importantly, the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement already requires compensation for harms including "loss of life or limb; physical or mental harm; lost opportunities, including employment, education and social benefits; material damages and loss of earnings, including loss of earning potential; moral damage; and costs required for legal or expert assistance, medicine and medical services, and psychological and social services."

[69] Consider, for example, the Jamuna Bridge case in Bangladesh: the project planner had not considered its effects on the over seventy-five thousand inhabitants of the Chars sandy island, who were massively and abruptly displaced, as the island eroded in a few days as a result of the bridge construction (Penz et al. 2011, pp. 198–201).

migration. For instance, companies may support paramilitary groups to unlawfully seize lands.[70]

Moreover, they may legally buy extensive lands, including entire villages, at very low prices. Displaced people may thus be evicted without being consulted or even informed, and receive a risible compensation or none at all, since they often lack property rights on the lands where they lived.[71] Companies do not have a territorial jurisdiction or institutions to fulfil forced migrants' needs. However, they have both a negative moral duty to do no harm, and a positive moral duty to provide compensation and other forms of reparation (such as apologies) when they do harm. It is worth noting that positive and negative duties have been acknowledged in the United Nations Guiding Principles on Business and Human Rights, which is a non-binding, yet influential, soft-law document.[72] Although such duties have not been applied to the harms of displacement, some scholars suggest that they should (see Adeola 2017, especially pp. 262–65). Indeed, I have argued, the harms that forced migrants experience as a result of displacement undermine some essential human interests that, in Kingston's terms, give rise to human rights to place and purpose. Thus, though not legally obliged yet, private companies are at least morally required to avoid causing the harms connected with forced displacement and to redress those who have been harmed. As in the case of states, companies' reparative duties are not duties of charity, but duties of justice.

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[70] For instance, in Colombia, some banana companies and other businesses are known to have supported paramilitary groups as a means to acquire tens of thousands of hectares of land, which were mostly inhabited and cultivated by indigenous, Afro-Colombian, and mestizo communities. In particular, the multinational company Chiquita Brands pled guilty in US court to having financed the Autodefensas Unidas de Colombia between 1997 and 2004 (see Brodzinsky and Schoening 2012, p. 366). In Sudan too, between 1999 and 2002, the Greater Nile Petroleum Operating Company (a state-owned corporation in partnership with multinational companies such as Canadian-based Talisman) "with the aid of the military engaged in the violent displacement of civilians for oil extraction" (Adeola 2017, p. 249).

[71] See Mathur 2013 on the Indian case, particularly pp. 154–55 and pp. 168–83 on indigenous people's evictions from lands acquired by multinational companies. See also Liberti 2013 on land acquisition in Ethiopia.

[72] Adeola notes that businesses are required "not to take any measures that will violate human rights and to ensure redress where these impacts occur during its activities. Some scholars have argued that there is a positive element to this obligation in addition to the obligation to refrain, as businesses are 'required not just to avoid the passive avoidance of harm' but also to take steps to ensure that such harm is addressed in accordance with human rights law" (Adeola 2017, p. 262, note 100).

1.2. General Reparative Responsibility for Harmful Outcomes of Structures and Processes

I have argued that, in several cases, not only states of origin but also specific external states have special reparative responsibility for specific groups of forced migrants, in virtue of their actions or omissions which make such states outcome responsible for their displacement, and thus for the distinctive harms they have endured and the distinctive needs that have arisen as a result. I have also argued that non-state actors such as corporations may also have special reparative responsibilities. However, in some cases it is hard to isolate specific states (or non-state actors) as outcome responsible. Moreover, sometimes even when it is possible to attribute the proximate causes of displacement to the actions (or omissions) of some specific agents, such as local governments, such agents may have been in fact constrained, to a relevant extent, by processes or structures over which they have little control. Sometimes, as is often the case for the states of the global South which originate most forced migrants, they may occupy a subordinate structural position, or contribute the least to the processes which affect them.

An example of a global process may be climate change. The harms deriving from climate change, including forced displacement, do not seem straightforwardly and exclusively attributable to the actions of specific agents. Instead, they derive from a global process resulting from "a complex combination of actions and policies by individual, corporate, and government agents" (Young 2011, p. 100). Furthermore, such agents do not equally contribute to the process. Indeed, it has often been argued that those states which contribute the least to climate change pay the highest costs (McAdam 2012, p. 38). Citizens of such states may well be more vulnerable to displacement because of their governments' incapacity or unwillingness to mitigate or adapt to the environmental slow-onset changes and to cope with sudden disasters. Indeed, the fact that some social groups inside that country are more vulnerable than others may depend on domestic social injustices. However, their vulnerability and their state's incapacity to reduce it may also, at least in part, depend on other global processes and structures where such states occupy a subordinate position.

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According to I. M. Young, structures include "the confluence of institutional rules and interactive routines" as well as the "mobilization of resources" (Young 2006, p. 112). As Young notes, structures remain relatively stable over time and "serve as background conditions for individual actions by presenting actors with options; they provide 'channels' that both enable action and constrain it" (Young 2006, p. 112). The global economy may be viewed as an example of such a global structure. Castles provocatively claims that "the North does more to cause forced migration than to stop it, through enforcing an international economic and political order that causes underdevelopment and conflict" (Castles 2003, p. 18). Although the general claim that the global order causes forced migration is vague and thus hardly verifiable or falsifiable, it seems reasonable to credit more specific claims, for instance that some structural processes, such as the rules regulating the appropriation and trade of natural resources, exacerbate local socioeconomic conflicts and sustain authoritarian regimes (see Wenar 2016), which, I add, often appear as proximate causes of displacement.

Who, then, should be held outcome responsible for those cases of forced migration triggered by global structures and processes, such as climate change and global trade? How can reparative responsibility be assigned when it seems impossible to attribute the outcome (solely) to specific actions of particular states or non-state actors? According to Young's social-connection model, all those agents (either individual or institutional) who participate in global structures "bear responsibility for structural injustice because they contribute by their actions to the processes that produce unjust outcomes" (Young 2006, p. 119). Thus, a backwards-looking assessment of causation still plays a role in Young's model. However, she insists on the inappropriateness of holding single agents individually liable (i.e., morally responsible and thus blameable) when it is not possible to directly attribute a harmful outcome to a specific action intentionally meant to

produce such an outcome.[73] Thus, she rejects reparative-justice accounts (as involving the retribution of identifiable particular agents and the absolution of any others) in favour of a forward-looking remedial responsibility to reform structures falling upon all contributors (Young 2006, pp. 121–22). Shall we then renounce adopting a backwards-looking, reparative approach when forced migration results from a complex chain of interrelated policies, norms, and practices?

Some theorists have recently defended explicitly reparative or at least backwards-looking approaches to responsibility for displacement cases of this sort, particularly for displacement caused by climate change. However, to do so they avoid adopting a structural frame, and propose instead to trace the relative contribution of states as a proxy to determine their differentiated share of reparative responsibility. James Souter, for instance, maintains that climate change and political economy do not count as "*pure* cases of structural injustice, for they are partly sustained by individual and often deliberate acts of wrongdoing by states and others, such as their efforts to uphold political and economic structures despite their foreseeably harmful consequences" (Souter Forthcoming). Such actors, then, still bear a special reparative responsibility, as they "indirectly create the conditions" for displacement (Souter Forthcoming). Buxton and Draper frame responsibility for displacement triggered by climate change in a similar way. Discussing the case of the displaced people forced to leave permanently sinking islands, Buxton defends the application of the Polluters Pay Principle, arguing that reparative responsibility for climate-induced displacement should be assigned to states based on their relative contribution to climate change through greenhouse gas emissions.[74] Analogously, focussing on international "climate

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[73] Drawing on Arendt's distinction between political responsibility and moral or juridical guilt, Young opposes backwards-looking moral and legal liability (associated with blaming and punishing perpetrators while absolving anyone else) to her forward-looking social-connection model of responsibility (Young 2011, chapter 4). Moreover, she insists on direct causality, voluntariness, and sufficient knowledge as necessary conditions for liability (Young 2011, pp. 98–99). There is no place in her account for outcome responsibility as defined by Miller and adopted here as a basis for special reparative responsibility. Note, however, that although outcome responsibility singles out specific agents and acts, it does not require intentionality, nor does it necessarily imply moral blameworthiness.

[74] Buxton critically assesses also the Beneficiary Pay Principle (BPP) and the Ability to Pay Principle (APP), which are usually invoked in climate change ethics. See Buxton (2019), pp. 204–10. See also Eckersley (2015) for a defence of the APP as the most appropriate principle for assigning responsibility to assist forced migrants from sinking islands, coupled with the application of the PPP as a proxy to identify which state should receive them.

migrants" whose states do not face extinction, Draper argues that high-emitting states should be held outcome responsible, as they negligently failed to mitigate emissions notwithstanding the foreseeable harmful outcomes (Draper 2019, p. 67). Indeed, he notes, the possibility of displacement being triggered by climate change was already envisaged in the first Intergovernmental Panel on Climate Change dating back to 1990 (Draper 2019, p. 68). Although Draper talks of remedial rather than reparative responsibility, all three proposals adopt a backwards-looking approach to the assessment of responsibility for forced migration, understood as a foreseeable outcome of climate change. Moreover, they all insist on the fact that responsibility to repair (or remedy) the harms suffered by climate migrants falls upon the high-emitting states. In sum, they attempt to overcome the challenges of complex interconnections by looking for special responsibility even for cases of forced migration triggered by global structures and processes, even though special responsibility only seems to partially cover such cases.

By contrast, I argue that it is possible to reconcile a structural understanding of processes such as climate change with a reparative approach to responsibility for forced migration. Young's model concerns individuals' shared responsibility for structural injustices; however, it has already been applied to states. Serena Parekh, for instance, argues that it can be applied to the current global refugee regime (Parekh 2017, p. 120). While Parekh focuses on the containment and encampment of refugees rather than on their displacement (Parekh 2017, pp. 120–22), Owen seems to suggest that states have general responsibility also for the generation of refugees and that their share of responsibility depends on their contribution to its structural causes. He writes that "the share of the general responsibility owed by a state will, at least in part, be a function of its relative contribution to, and relative benefit from, the conditions of background injustice that make the generation of refugees an all too frequent feature of our global political life. In practice, this means that, in general, the wealthy, 'rule-making' states of the global North bear greater responsibilities than the poorer, rule-takers states of the global South" (Owen 2020, p. 90).

A structural approach to responsibility for forced migration triggered by climate change or political economy, I argue, has important explanatory and normative advantages. It sidesteps the epistemic challenges of tracing and measuring special responsibility of identifiable perpetrators for every case of displacement, by acknowledging instead a general reparative responsibility falling upon participants even when the causal contribution of each participant is hard to disentangle. Nevertheless, it is compatible with an assessment of special reparative responsibility when particular agents can be held directly outcome responsible for specific cases of forced displacement that happen against the background of global structures and processes. General responsibility for structures does not rule out special responsibility for discrete actions, but it rather allows us to see that discrete actions do not always tell the whole story. Secondly, a structural account also allows us to see that such a general responsibility is nonetheless differentiated: all contributors share some responsibility, but not equally. Thirdly, it shows why those actors who bear the larger shares of reparative responsibility based on contribution to the structure are usually in practice the same actors that benefitted the most from it and that have the greatest ability (or capacity) to both reform the structure and compensate those who have been harmed. When it comes to climate change and global economy, reparative responsibility for their harmful effects seems to fall primarily on the countries of the global North if we consider their relative (historical) contribution, benefit, and capacity to remedy. This is not a coincidence. Indeed, contribution, benefit, and capacity are all connected with the structural position of an agent. Thus, drawing on Young,[75] I propose to adopt relative power (instead of relative contribution, benefit, or ability) as a criterion to determine states' fair share of reparative responsibility for cases of forced migration triggered by global structures and processes such as the global economy and climate change.

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[75] Power is the first of the parameters Young proposes to assign responsibility for structural injustice, followed by privilege, interest, and collective ability. All of them depend on the social position that each agent occupies in the structure (see Young 2006, pp. 127–30, Young 2011, pp. 145–48).

Someone might object that such an approach relies on a fully externalist explanation of the causes of forced displacement, where domestic injustices are always merely epiphenomenal and the global North is outcome responsible for each and every case. I do not deny that some injustices may be essentially local (Gibney 2004, p. 235), and I recognise the special responsibility of states of origin. My point, here, is to underline that external states are connected to forced migrants not only through particular acts and omissions, but also through global processes and structures in which they take part. Thus, they have obligations of justice to avoid or mitigate the foreseeable harms which such processes and structures may produce (including forced displacement) and to repair them. In virtue of such global connections, when forced displacement is to a relevant extent a consequence of global structures and processes, forced migrants are not owed the fulfilment of their specific needs as a matter of humanitarianism but as a matter of justice.

1.3. Remedial Responsibility for Purely Natural Disasters

I have concentrated so far on cases where there are agents who contributed to causing displacement, thereby violating the duty not to harm. Indeed, the harms of displacement are serious because they undermine rights to place and purpose that provide the conditions for a dignified life. However, there might be cases of purely natural disasters, i.e., cases in which no agent is involved in causing, or contributing to generate, forced displacement. In our world, such cases are extremely rare, but not impossible. Empirical research shows that the impacts of natural disasters depend to a significant extent on human actions or omissions and that environmentally induced forced displacement usually affects groups which were already made vulnerable by poverty or social marginalisation. Moreover, some natural disasters may be connected with global warming, pollution, and anthropogenic climate change. Although it is not easy to tell which phenomena are actually attributable to climate change, it has been argued that some phenomena are at least made

more probable.[76] Thus, many cases of environmentally induced forced migration do not seem to be straightforwardly attributable to purely natural causes, even though scientists may not be able to attribute them to anthropogenic climate change either. A few cases, however, might be. We might think of geophysical hazards, such as an earthquake or a volcano eruption which has not been triggered by human actions (like underground atomic tests) but provoked by moving tectonic plates. At least ideally, we may also suppose that no one is unjustly made vulnerable. If so, no agent could be held outcome responsible for the displacement that these disasters provoke and there is no injustice involved. In such cases the state of origin and foreign states only have a remedial responsibility to fulfil forced migrants' needs, depending on their capacity to remedy harms.

Some may argue that states still have a duty of justice to compensate forced migrants for the losses they have incurred as a result of nature-induced displacement and to meet their current needs, since forced migrants are not themselves responsible for their displacement condition. Others may object that justice does not require neutralising the effects of bad brute luck and claim that states may only have a humanitarian duty (or duty of charity) to help those who have been harmed by natural causes (Valentini 2013). Even so, two points need to be made: first, since purely nature-induced displacement is extremely rare, the cases in which states may be thought to have a merely humanitarian duty to meet the needs of forced migrants are the exception, rather than the norm. Second, even in such exceptional cases the claims of forced migrants to have their distinctive needs met could not be easily overridden by competing considerations. As I have argued in chapter 3, forced migrants have rights analogous to human rights, since fulfilling them is necessary to restore the very conditions for a dignified, minimally flourishing life that human rights are meant

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[76] Anthropogenic climate change can be more easily connected with slow-onset environmental degradation (Zetter 2010, p. 140). However, extreme events have also been and are projected to be on the rise, and there is "increasing scientific evidence that the changing likelihood of extreme events is linked to human-induced climate change" (Banholzer et al. 2014, p. 35).

to protect. Thus, even if no agent had reparative responsibilities for the harms of displacement, states would still have a positive obligation to impede that such rights remain unfulfilled.

2. *How to Address Forced Migrants' Distinctive Needs*

The backwards-looking harms-based approach I have outlined allows us to identify three principles that should guide policies aimed at addressing forced migrants' needs. Call them the specificity principle, the continuity principle and the expressivity principle. The specificity principle highlights that policies should not be simply aimed at fulfilling forced migrants' basic needs in the short term, qua vulnerable and destitute, and subsequently at securing their basic human rights, qua human beings, in the long term. By contrast, policies should be directed at meeting needs as they arise from the specific harms of forced displacement. This implies recognising forced migrants as people who have been forcibly displaced, instead of subsuming them into a generic category of "vulnerable" people in need of humanitarian concern until they eventually access a "durable solution", a fictional turning point when they suddenly become indistinguishable from the non-displaced population, with whom they share the same claims to human rights protection.

Relatedly, the continuity principle prescribes overcoming the artificial and misleading temporal separation between a "displacement" phase and a "postdisplacement durable solution". Among theorists, policy makers, and humanitarian agencies, there is a well-established consensus about three "durable solutions": repatriation, local integration, and resettlement.[77] Until forced migrants reach one of those solutions, they are left in a limbo phase of displacement, largely equated with prolonged encampment, during which they receive emergency humanitarian assistance. Ideally, such phase is intended be brief, and displacement should be quickly solved. But it is now well known that the displacement phase is usually protracted (according to Betts and

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[77] All three durable solutions are territorially based. However, a utopian transnational alternative has been proposed by Cohen and Van Hear (see Cohen and Van Hear 2017).

Collier 2017, p. 8, the average length is over two decades). Indeed, repatriation is usually unfeasible and undesirable in the short term. Moreover, only a risible percentage of forced migrants are resettled: most remain inside their countries as IDPs or move to neighbouring countries, while a minority make their own way to the global North to claim asylum. Those who remain encamped in the global South are usually denied local integration. Though over half of forced migrants now live outside camps, mostly in urban areas, they are very often prevented from integrating into the local community.

I argue that the partition between the displacement phase and the durable-solution phase obscures the fact that forced migrants have distinctive needs which should be met both before and after they gain access to a durable solution. Indeed, the term "solution" may convey the misleading idea that being repatriated, resettled, or allowed to live and work in the host countries is per se sufficient to end the displacement condition. By contrast, I have shown that forced migrants have undergone specific harms connected to displacement, which require prolonged support in order to be overcome: this includes support to regain control over their lives, to re-create a Home environment, to regain both economic independence and social status, and to regain psychological well-being. Thus, forced migrants are owed specific support from the beginning of their displacement until they cease to have such needs. Such support is to be guaranteed both in host countries and in the home country, were they to return.[78] Furthermore, I have argued that the state and non-state actors which are outcome responsible for provoking those harms have duties of justice towards them, duties to redress such harm and make sure that the needs that arise as a result

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[78] It is worth noting that the UN Framework for Durable Solutions acknowledges that "mere physical movement, namely returning to one's home or place of habitual residence, moving to another part of the country or choosing to integrate locally, often does not amount to a durable solution." A durable solution is a "long-term process of gradually diminishing displacement-specific needs, while ensuring that IDPs enjoy their rights without discrimination related to their displacement" (see §§10 and 15). This may take years, even decades. In fact, "for long periods after return, those who have been displaced may find themselves in markedly different circumstances and with different needs than those who never left their home communities. . . . Similarly, those who are settled elsewhere may require humanitarian and financial aid until they are able to obtain shelter and employment in their new location" (Brookings-Bern 2007).

are fulfilled. This means that outcome-responsible actors continue to have such duties even when forced migrants are repatriated or locally integrated elsewhere.

In order to publicly acknowledge and repair the harms of forced migration, a third principle is needed. The expressivity principle requires that policies directed at meeting forced migrants' needs be explicitly aimed at recognising and repairing the past or enduring harms affecting them qua displaced people. Along with symbolic forms of apology, a range of other policies may be used as forms of redress. Such policies may be funded and implemented by actors bearing special reparative responsibilities, or they may be funded by such actors while provided by other actors. Furthermore, policies may have a reparative value even when actors that issue them only bear a general, collective responsibility for having taken part in processes or structures leading to displacement. This affects both the public justification for policies and the way policies are implemented. For instance, policies directed at sustaining forced migrants' economic independence should not be implemented with the aim of quickly relieving the burden on the host state's welfare system, or with the aim of contributing to the economic development of that state, although such policies can indeed contribute to these goals,[79] but rather should start from the recognition that the forced migrant was harmed (economically, but also socially and psychologically) when forced to abandon their source of livelihood and thus should be redressed.

Taken together, the three principles of specificity, continuity and expressivity offer normative guidance in devising policies that take seriously the needs of forced migrants as individuals harmed by forced displacement. In this section, I do not attempt to provide a comprehensive set of political prescriptions for all cases of forced displacement, which would both involve oversimplification and exceed the purpose of this theoretical discussion. However, in the next subsections I illustrate how such principles help us to rethink some policies directed at

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[79] A development-based approach to the needs of forced migrants has been recently offered by Brock 2020, drawing on the influential proposal of Betts and Collier 2017. I will elaborate this point below in section 2.2.

meeting forced migrants' needs, compared to dominant approaches to forced migrants' protection as a humanitarian issue and emerging approaches which reframe the issue as a development one.

2.1.Housing and the Home Environment: Beyond Restitution and Return

As Parekh (2020, p. 17) notes, theorists and policy makers usually adopt an ethics of rescue. This influences not only the kind of responsibility at stake but also what is thought to be owed and how it should be provided. The term "rescue" chosen by Parekh is evocative, since it recalls the image of migrants drowning in the Mediterranean. Forced migrants are considered as people fleeing life threats, who thus are in need of safety. This implies they should be provided emergency humanitarian assistance in situ whenever possible or admission to a country capable of providing such temporary aid. Humanitarian responses to forced displacement are largely devoted to providing shelters to displaced people, along with other basic essential goods such as food and water. They are meant to be quickly available and provisional. Thus, as I argued in the first section of this chapter, housing provided as humanitarian assistance does not usually allow one to recover control over their private space and belongings or control over their future, which are necessary for a decent, minimally flourishing human life. Humanitarian responses are also focussed on the present: they are not meant to redress past harms or to rebuild displaced people's future lives. Thus, while laudably providing shelters, this kind of policy freezes forced migrants in a never-ending present, where their shelter is not meant to be their house. Moreover, such an emergency-assistance phase is presumed to precede one of the three durable solutions: neither resettled, nor returned to their place of residence, nor locally integrated, forced migrants are not assisted in remaking a Home environment around their provisional shelters. Quite the opposite: formal norms or informal restrictions, including the recourse to encampment or spatial segregation, are used to discourage forced migrants from developing sufficient social and cultural resources to orient themselves in the environment, perceive their personal identity as meaningful within it, and

conceive future plans, because this would foster their local integration and make them more unlikely to return to their place of origin, if they eventually could.

Indeed, a new house and a new Home environment seem more than what is owed, on humanitarian grounds. However, this is what is owed to forced migrants as a redress for having been deprived of their previous house and Home environment. Thus, it is unjust to prevent them from remaking Home for an indefinite amount of time while waiting for a durable solution to come. Even if their settlement is expected to be provisional, forced migrants are owed proper housing and support in re-creating a "cool ground" to get on with their lives. The specificity and continuity principles help us to identify what states should ensure to those who have been displaced: not merely survival, which generically requires providing a shelter, but the conditions for a dignified life that forced displacement specifically harmed. This includes shelters allowing minimum control over one's private space, and support to quickly reorient in the surrounding spatial, social, and cultural environment. The expressivity principle also requires that these measures should not be publicly justified based on pragmatic or humanitarian reasons, but based on the acknowledgement of the harms of displacement, such as the loss of control and the loss of house and the Home environment.

The most appropriate way to meet forced migrants' need for a house and Home environment seems to consist in restoring the original ones. This seems to imply that a harms-based approach requires return. However, I will argue, return and restitution are not necessarily the morally preferable options to meet forced migrants' needs, nor even to rebuild a Home environment. Since the 1990s, return has been the preferred durable solution from the perspective of the international community (as well as from the perspective of host regions, in the case of IDPs). Moreover, it has been long thought to be the preferred solution from the perspective of displaced people themselves.[80] Although not immediately feasible, return is usually conceived of

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[80] In the normal literature, this is assumed, for instance, by Brock (2020), whose focus is conflict-induced displacement.

as practically possible, since scholars typically equate forced displacement with paradigmatic cases of conflict-induced displacement, in which forced migrants move (both within and across borders) to escape from generalised yet temporary violence. Ideally, when the conflict is over, forced migrants can return to their Home environment and to their own house. In contrast to provisional humanitarian assistance, the durable solution of return can be used as a form of redress. Property restitution is meant to be a form of restoration of the status quo ante.[81] Return itself, it has been argued, is a form of reparation for the harm of having been deprived of effective citizenship, since the home country was unwilling or unable to protect the human rights of the forcibly displaced people (Bradley 2013).

However, it has been admitted that return to one's own house and Home environment is not always possible in all kinds of displacement, nor is it always desirable. In the case of displaced people who were individually targeted for persecution, return is often unsafe if the risk of persecution remains.[82] In cases of environmentally induced or development-induced displacement, which are not usually discussed in relation to return and restitution, the status quo ante may not be restorable. Even focussing on the typical case of conflict-induced displacement, forced migrants' preference for return is not straightforward and decreases with the passing of time (see Smit 2012, chapter 3). Indeed, the term "return" is itself misleading, since it assumes that the Home environment has not changed.[83] The truth is that that Home environment and life as it was prior to displacement do not exist any longer in a postconflict situation. Thus, despite still dreaming of returning to the lost Home environment, many are rationally aware that return would actually mean reintegration in a new environment which has "elements of familiarity and alienation" (Smit 2012, p. 113), where they may not be able to rely on the previous source of livelihood, social relations, and social status.

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[81] See Smit 2012 for a critical assessment of restitution in kind.

[82] This is acknowledged in Brock 2020. Note that persecution may not only be perpetrated by an agent (e.g., a dictator who may be overthrown), but may stem from enduring social injustices.

[83] L. Hammond, "Examining the Discourse of Repatriation: Towards a More Proactive Theory of Return Migration", quoted in Smit 2012, p. 112.

Smit insists on the contrast between emotional pressure to return and rational reasoning. Some may feel "burdened with a sense of obligation to return, partly rooted in the feelings of embarrassment, shame and personal failure for having fled in the first place" (Smit 2012, p. 112); others may simply retain a nostalgia for their pre-displacement lives. However, "nostalgia should not be confused with an actual intent to return", and "return dreams" have mistakenly been taken to be something upon which forced migrants are "prepared to act" (Smit 2012, p. 110). In fact, an extensive literature on restitution and return in Bosnia shows that while many claimed the restitution of their original properties, most did not return or soon left again upon return, particularly if they had returned to an area in which they now belonged to the ethnic minority.

Return failures should not strike us as surprising, since return itself does not end displacement: return is not a "solution" to forced migrants' needs; it simply implies that such needs should then be met in that geographical location. When this does not happen, forced migrants are compelled to migrate again, or they remain internally displaced. This clearly does not repair the harms of being forcibly displaced. There is a limited but growing literature on the ethics of return, usually conceived of as repatriation.[84] Repatriation, it is often argued, should be voluntary: indeed, justice in repatriation could not include coercing or deceiving those who had been forced to migrate to get them to move back (Bradley 2013, pp. 53–54). Importantly, it should also be safe.[85] Forced migrants may want to repatriate even under non-ideal unsafe conditions, but at least, it has been argued, they should be informed about the risks and should not be encouraged to do so if available evidence allows them to infer that they would probably regret it.[86] Thus, host states should be careful in facilitating repatriation and should not assume that it solves the loss of the Home environment, let alone the other harms involved in forced migration. We should bear in mind that repatriating may not imply being able to return to the place of origin (as a geographical location)

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[84] The fact that the emerging debate revolves around repatriation shows that theorists' gaze is still focussed on international migration and, in particular, on the ethics of immigration to the global North.

[85] If, as the UNHCR seems to assume, legal and material safety are required along with physical safety, this condition is hardly ever obtained. See Bradley 2013, pp. 57–58).

[86] See Gerver 2018 on these conditions and other conditions for ethical repatriation under non-ideal conditions.

and that that geographical location often does not correspond to the pre-displacement place of origin. Furthermore, neither repatriation nor the return to the exact place of origin puts an end to the reparative responsibility that external states and companies may have towards forced migrants. Return does not mark a spatial or temporal limit. Indeed, I have argued, that responsibility also applies to IDPs who have always remained in the jurisdiction of their state of origin. In addition, as the continuity principle underlines, reparative responsibility does not cease after return because it is a responsibility to meet the needs that forced migrants have qua displaced people and that may well continue to exist after they have returned.

I do not argue that the place of origin is never the best place to meet forced migrants' needs, all things considered. However, I argue that forced migrants should not be obliged or even economically incentivised to return if their distinctive needs will not be addressed after their return. Concerning international forced migrants, host countries should not deport or incentivise forced migrants to repatriate as soon as there are safe areas in the country they could be sent to. Indeed, forced migrants have needs deriving from the harms of displacement, and not just a need for physical safety. In addition, as Gerver (2021) has recently highlighted, the expectation of an obligatory return whenever possible prevents displaced people from regaining control over their life plan while in the host states. Uncertainty over the near future undermines the ability to form social relations or find employment. If, as I have argued, forced migrants have distinctive needs to regain control over their lives and re-create a Home environment, the obligation to return severely impairs the fulfilment of their needs. Of course, forced migrants should not be deprived of the opportunity to return either. Straehle (2019a) explicitly defended an autonomy-based right to return for refugees. She argued that countries of asylum have a duty to take action in the country of origin to enable return since, by granting asylum, they have assumed the responsibility for the protection of their human rights. In my account, states and non-state actors outcome responsible for displacement have a duty of justice to fulfil the needs that derive from the harms of displacement. Thus, I argue, they retain such a duty in the case of returnees as well. This means

ensuring that returnees are adequately supported in the process of recovering control, remaking a Home environment, regaining a source of livelihood and a dignified social status and recovering psychological wellbeing, so that they can plan and lead a decent, reasonably flourishing life.

Analogously to return, resettlement and local integration should not be intended only to provide the legal permission to settle in the host country (or region). When it comes to remaking a Home environment, housing security should be promoted, so that forced migrants can count on it and be protected from sudden evictions. This may involve regularising forced migrants' shelters by allowing them to have formal tenancy agreements and pay rent to live in the public or private lands or buildings where they are hosted, or to acquire ownership titles.[87] Indeed, land or housing, or a monetary equivalent, is owed as a compensation for those whose land and housing cannot be restored or those who do not wish to return. However, such compensation (both monetary and in kind) cannot be merely calculated on the basis of the market value of the land or house and cannot leave uncompensated those who did not have any legal title to their housing. Rather, compensation should be devised to make sure that the person is able both to count on reliable, decent, and safe housing facilities which do not undermine their control over their body, private space, and immediate future and to rebuild a comparable Home environment around it (i.e., a web of familiar geographical, social, and cultural landmarks on which they can rely to carry out her daily routines and make future plans). Collective lands and other commons are often either deemed not worth compensation or considered impossible to compensate (see Penz et al., pp. 177–78). However, although the exact natural and human geography of the previous Home environment cannot be re-created elsewhere, this should be taken into account. For instance, displaced indigenous and nomadic peoples cannot be considered fairly compensated if they are allocated to flats in a

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[87] Smit (2012, chapter 4) provides an extensive discussion of housing regularisation in collective centres through tenancy and ownership.

completely unfamiliar urban environment or given a sum of money to navigate the city housing market on their own.[88]

2.2.*Employment, Mental Health, Education: Beyond Humanitarian Aid and Development Aid*

There has been growing interest in the forced-migration literature about development-oriented approaches, which stress the importance of providing forced migrants with legal access to the job market, with training, and with education in order to be economically independent, to productively contribute to the economy of the host country, and to acquire (or maintain) skills that can be useful in their home country upon return. This, it is argued, is a win-win strategy: besides benefitting refugees, it contributes to economic development in host countries, which are mainly located in the global South. Furthermore, education, training, and work empower forced migrants, who can thus contribute to postconflict reconstruction in their home country. Since the overwhelming majority of forced migrants remain in the global South, it is certainly more economically efficient to turn them into productive development actors, instead of burdensome recipients of humanitarian aid (see Betts and Collier 2017). What is more, this is also a morally preferable option, since it empowers forced migrants, while protracted humanitarian assistance is humiliating and disempowering (see Brock 2020).

Critics have objected that the biggest winners, again, seem to be the states in the global North which are interested in keeping forced migrants away from their territories (Yaghmanian 2017; see also Bertram 2017). Defenders of development-oriented approaches argue that keeping forced migrants in the global South simultaneously benefits forced migrants, host countries, and sending countries.[89] This can provide a new and stronger justification for

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[88] Van der Ploeg and Vanclay (2017, p. 44) note that the UN criteria related to the right to adequate housing include "cultural adequacy." According to this criterion, "housing is not adequate if it does not respect and take into account the expression of cultural identity."

[89] Draper rightly pointed out that the principle of comparative advantage that is assumed "represents the interests of states under conditions of an imbalance of power, not the interests of free states." Thus, this principle makes states in the global South in a relationship of domination, in which less powerful states are induced to "choose options that they would otherwise not choose, were the background conditions not ones of inequality" (Draper 2020, pp. 10–11).

externalisation and closed-borders policies, compared with approaches that defended humanitarian aid, which proved to result in onerous and morally disputed prolonged encampment. Western corporate business can also profit from the creation of special economic zones, which according to Betts and Collier would facilitate forced migrants' employment.[90] In sum, fulfilling forced migrants' needs for a restored source of livelihood and for receiving training and education when needed to adapt to the local labour market seems to be primarily defended as instrumental to meeting donors' goals. Economic self-reliance in a geographically proximate host country is expected to discourage onward migration to the global North while also contributing to the economic development of host countries and minimising the economic, social, and political cost of hosting forced migrants. Moreover, keeping forced migrants well trained and close to their region of origin is predicted to make return more likely, assuming that forced migration is triggered by temporary mass violence and state fragility. For Betts and Collier, return continues to be the best option, from a consequentialist perspective, even when this does not match forced migrants' preference. For instance, they explicitly claim that tertiary education in host countries should only "come as a package with the obligation of return": since graduate elites are needed to rebuild institutions and thus to ensure stability in postconflict societies, they should not be given the option of integrating locally or moving elsewhere.[91] All in all, for both state and non-state donors, development aid is a bargain, compared to humanitarian aid: it is a matter of investment, not charity.[92]

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[90] Special economic zones (SEZs) offer tax breaks and reduced regulation. According to Crawley (2017) and Yaghmanian (2017), this would allow companies to impose exploitative labour conditions on forced migrants, as is often the case in SEZs. As Brock notes, however, forced migrants are already susceptible to exploitation, since even outside camps they often have no other option but to work in the informal market without a legal permit (Brock 2020, p. 129). Thus, host states, businesses, and donors could still claim that what is on offer is morally preferable to the status quo.

[91] Although they make clear that obligatory return both meets host countries' interest in denying permanent membership and Western countries' interest in restricting onward migration, the moral legitimacy of their claim is defended using a brain-drain argument: skilled forced migrants have a moral duty to return grounded on the special responsibility for their less advantaged fellow nationals left behind. See Betts and Collier 2017, p. 195.

[92] Betts and Collier 2017 (see, inter alia, p. 175, discussing the strategic convenience of the Jordan Compact).

While presumably more efficient in ensuring compliance, do development-oriented approaches offer a morally preferable alternative to the dual-phase approach envisaging temporary humanitarian assistance followed by a durable solution? In contrast to approaches focussed on humanitarian assistance, development-oriented approaches are more apt to meet the continuity principle. Firstly, such approaches suggest policies which do not reduce the time frame to the present, keeping lives "on hold", but rather take the future into account. Moreover, development-oriented and empowerment-oriented policies are conceived to be adopted shortly after displacement, so that the response to the needs of forced migrants in the initial displacement phase is not artificially separated from the durable-solution phase. Nevertheless, development-oriented approaches fail to adequately meet the Specificity and Expressivity requirements, because they are not sufficiently backwards-looking in identifying needs and in assigning responsibility to fulfil them. Since policies providing employment, education, and training are more forward-looking than emergency sheltering and feeding, they may have a rehabilitative function for forced migrants. However, such policies are not grounded on the recognition of displacement-related past harms and their enduring consequences; thus, their rehabilitative function cannot be a proper form of redress.

Indeed, defenders of development approaches do not endorse a theory of reparative responsibility for displacement. For instance, Betts and Collier minimise "Western complicity" in forced displacement as "occasional", citing examples of direct military intervention in conflicts, such as those in Vietnam, Kosovo, and Iraq (Betts and Collier 2017, p. 99). Furthermore, they explicitly reject as a "lingering vestige of colonialism" the view that "in a globalized world, all injustice is structurally interconnected" and endorse Gibney's claim that "some injustices are simply local" (Betts and Collier 2017, pp. 99–100). The Syrian war, for example, is depicted as an almost completely endogenous civil conflict, in which external states do not bear any reparative

responsibility for the mass displacement it involved.[93] In their view, external states, business, and other non-state potential "donors" are similar to a crowd of bystanders by the pond where forced migrants are about to drown: they all individually have a duty to rescue, but they should find a criterion (i.e., comparative advantage) to discharge it in a coordinated way, according to their capacities. Surely, showing that contributing to development-oriented policies both meets their interests and creates economic, political, and social benefits is more strategically effective in motivating them to fund employment, training, and education policies than arguments based on a disputable duty to repair harms for which they are directly or indirectly outcome responsible. However, I argue that part of what justice in forced migration requires is precisely the recognition that social services (including employment, training, and education policies) are owed as a form of redress, and not as a form of either humanitarian or development aid by generous or self-interested donors.

Finally, development-oriented approaches largely focus on forced migrants' economic self-reliance and thus tend to highlight the importance of employment, training, and education, while the need for other rehabilitative social services, such as psychological support, does not emerge. If mental health were to be taken into account, presumably it would at least be instrumentally valued, as a means to ensure that the forced migrant is economically productive and thus contributes to the development of their host country or to the reconstruction of their country of origin. Indeed, from a consequentialist perspective, the mental health of a person who is outside the formal labour market, such as a housewife, also has indirect social and economic benefits, since it affects their partner and children. However, according to my harms-based approach, it is important to insist that a forced migrant is owed support towards recovering their mental health as a form of reparation for having been psychologically harmed when forcibly

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[93] Betts and Collier 2017, p. 99. According to Bertram (2017), "Betts and Collier present both history and social science in highly selective ways. They present the failures that led to mass forced migration as the unpredictable results of local 'fragility' and downplay the responsibility of Western governments. This is particularly jarring in the case of Syria and indeed the whole Arab Spring, where the destabilising effect of the 2003 Iraq War is simply forgotten." Crawley 2017 makes a similar point. I will extensively examine the Syrian case in chapter 7.

displaced: this would continue to hold even if improving their mental health did not result in a benefit for the host society or the society of origin.

2.3. *Social Status as Individuals and Group Members: The Role of Recognition and Truth*

The literature on reparative justice shows that, for social service provision to work as a reparation, it should be publicly explained that "the social benefit is given to the victim in recognition of the harm suffered" and "as on obligation for the harm caused" (Perez Murcia 2014, p. 199). Housing, health, employment, training, and education policies can thus be used as forms of redress for the distinct harms of displacement. However, such policies should be tailored to meet forced migrants' specific needs to restore control, remake a Home environment, regain livelihoods and social status, and restore mental health. This implies that social policies should sometimes engage in positive discrimination to foster forced migrants' social recognition, as individuals and also as members of a group, when this is the case. Layers of recognition are not mutually exclusive and may apply simultaneously to the same person. Recognition as members of a harmed group may come through positive actions, such as offering credit to start a new farm or a small business or through instituting quotas and bursaries to access education and training courses.[94] This means that a forced migrant is recognised as having been disadvantaged by displacement. However, a forced migrant is not only a member of a harmed group; they are a person whose individual identity has not only been upset as a result of forced displacement, but also overshadowed by their forced-migrant condition. As de Angelis writes about trafficked women, their reduction to victims of trafficking "threatens to strip women of a real and enduring sense of who they are—before and outside of their trafficking experience" (de Angelis 2016, p.

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[94] Forced migrants can be considered a harmed group that shares the experience of common harms, without implying that they shared any previous cultural or ethnic membership or that they identify themselves as members of a group. This is analogous to a non-essentialist conception of women as a harmed group. By contrast, some forced migrants also belong to minority groups, such as indigenous minorities, for whom displacement involves social and cultural harms as a people.

61). Trafficked women do need to be believed and recognised as forced migrants, but they also need to be recognised as individuals. De Angelis's collection of testimonies shows that they not only "possess a sense of their trafficked selves" but also "maintain a pre-trafficking persona" (de Angelis 2016, pp. 61–63), which they describe when referring to their former job, their former roles and responsibilities within the family, and their personal achievements (e.g., in education). Recognition of a forced migrant's individual identity may be expressed through extra support in finding a job which is appropriate to their skills and shows respect for their pre-displacement social roles. Finally, recognition of the same forced migrants as members of an ethnic or cultural minority who have collectively been harmed by displacement may require public acknowledgement and support (e.g., concerning the minority language or religion), particularly if such membership has contributed to making them vulnerable to displacement.

To recover social and epistemic status, forced migrants are also owed truth telling about why they have been displaced and should be offered the opportunity to contribute as witnesses in reconstructing what has happened. This may sometimes require judiciary trials in civil and even criminal courts, but it may also involve forms of truth telling, such as truth commissions, which are not aimed at imposing penalties on individuals or legal persons. As for reparations more broadly, the limited literature on the role of truth telling in redressing the harms of displacement focusses on the responsibility of states of origin in reintegrating returnees and is limited to postconflict situations (Bradley 2012, pp. 213–14). However, as Bradley noted, truth telling may also make it more acceptable for forced migrants themselves to settle elsewhere and consider other compensation options instead of restitution in kind and return to their original houses or lands (Bradley 2012, p. 215). This may apply to enduring conflict and postconflict situations where return is politically unfeasible (e.g., Palestine or Cyprus), but it also applies to other kinds of displacement (including development-induced and environmentally induced displacement). Whether or not this leads to their return, forced migrants often need truth to be reconstructed and publicly recognised to get on with their lives and recover self-esteem and social recognition,

overcoming feelings of humiliation, guilt, fear, anger, or suspicion. When displacement-related harms are considered together, it becomes clear that tying truth telling to return undermines its reparative role. In Bradley's words, "If the truth-telling process is geared toward promoting a particular durable solution such as return, rather than opening up a range of choices to refugees and IDPs regarding the resolution of displacement, the process may ultimately be frustrating and disempowering, rather than helping to mend relations and restore to the displaced a stronger degree of control over their lives" (Bradley 2012, p. 217).

In the postconflict and transitional-justice literatures, truth telling is mostly exemplified by truth commissions. However, along with truth commissions, other forms of truth telling include the collection and publication of oral, written, and visual testimonies. As credible and reliable witnesses, displaced persons regain social and epistemic status. Moreover, when their story is validated by actors who bear a special reparative responsibility for their harmful action and this results in public apologies, this further strengthens forced migrants' status. Truth telling may also foster their trust in institutions as well as mutual trust among them and the non-displaced population (both hosts and those who remained home, in the case of returnees).

In the first section of this chapter, I argued that special responsibilities for forced migration are more frequent than commonly acknowledged and apply to external states and non-state actors along with states of origin. Moreover, even those actors who do not have special reparative responsibilities should acknowledge the epistemic value of forced migrants' testimonies; indeed, the recognition of the harms they suffered as displaced people and the recognition of the forcedness of their move do not require the interlocutor to assume responsibility for having caused such harm. Finally, when state and non-state actors participate in structures and processes that have plausibly contributed to forced displacement, those actors should publicly recognise, rather than deny, their outcome responsibility and the general reparative responsibilities that this entails. Even if they are not individually guilty of wrongdoing, the public recognition of such a collective responsibility

both contributes to meeting forced migrants' claim to truth telling and preludes commitment to reforming structures and processes to reduce future forced migration.

Conclusion

This chapter considered which institutions are responsible for the fulfilment of forced migrants' needs and what kinds of moral obligation state and non-state actors have. I adopted a backwards-looking, harms-based approach to the issue of responsibility, and I argued that both states (not only the state of origin but also external states) and non-state actors may have reparative duties of justice, rather than humanitarian duties, towards forced migrants, when they are outcome responsible for their displacement. This is typically the case in the current non-ideal world: such institutions may have either special reparative responsibilities if their actions contributed to displacement or general reparative responsibilities if they participate in structures and processes that contributed to displacement. The second section was devoted to the implications of this harms-based reparative approach to how forced migrants' needs should be met. I argued that policies should respect three principles. According to the specificity principle, policies should be targeted to forced migrants' distinctive needs qua forced migrants. Secondly, the continuity principle makes sure that the recognition of forced migrants' distinctive condition should begin shortly after displacement (as opposed to generic humanitarian assistance) and continue until their distinctive needs cease (as opposed to admission-focussed approaches). Thirdly, the expressivity principle prescribes that policies addressing forced migrants' needs must be explicitly carried out as part of the reparative duties for the harms of forced displacement.

Part II

Forced Migration Reframed: Three Case Studies

Introduction to Part II

Forced migration is complex and diversified phenomenon. Part I has identified common harms and needs and offered a general normative account of what do forced migrants have a right to, what kind of responsibility states and other agents bear towards forced migrants and what principles should guide policy responses to forced migration. Part II is meant to apply these general harms-based account of forced migrants' needs and backwards-looking account of responsibility to diverse cases of forced migration. While Part is a work of generalisation, part II is a work of contextualisation. I will provide three case studies. The aim is to test the theoretical frame in different contexts, to assess whether it allows us to better grasp forced migrants' needs compared to other perspectives, to rethink responsibility assessment, and to identify shortcomings in current policy responses which may not have identified so far. In three selected case studies, I will examine harms, needs, responsibility and remedies. However, the structure of the three chapters will not be symmetric. Indeed, although they are not representative of all forms of forced migration, these three cases have been chosen because they allow us to draw out different insights from the theoretical frame proposed in Part I.

Chapter 5 will be devoted to forced migration in Colombia. Although increasingly discussed in literature on conflict and reparations, displacement in Colombia has not attracted the attention of normative theorists working on the ethics of migration. As anticipated in the introduction, the overwhelming majority of Colombian forced migrants are internally displaced. Moreover, among the minority who crossed international borders, many moved to neighbouring Ecuador, whose borders have been largely open to Colombians. Thus, Colombian forced migrants do not pose an immigration issue to liberal democracies in the global North. If political theorists were to discuss the Colombian case, responsibility to meet their needs would probably be usually attributed to the Colombian state for two reasons: the Colombian state has failed to protect them from generalised violence or persecution perpetrated by non-state actors, and most forced migrants

have remained within the jurisdiction of the Colombian state. By contrast, the backwards-looking approach to responsibility outlined in part I allows us to see the special reparative responsibilities of external states and companies who contributed to displace Colombian forced migrants. Moreover, the harms-based approach to needs shows why remedies pursued by the Colombian states, namely humanitarian assistance and land restitution, have been insufficient to properly address the needs that Colombian forced migrants have qua displaced people.

Chapter 6 will examine intra-EU trafficking for labour exploitation. This is an example of forced displacement which has not only been neglected in the ethics of migration but also in the vast legal and sociological literature on trafficking, which predominantly focuses on trafficking for sexual exploitation. Again, this is a case of forced migration where forced migrants do not face closed borders but are clearly not in the same condition of voluntary migrants. Rather than being considered qua forced migrants, people trafficked for labour exploitation are typically considered qua victims of labour exploitation. However, the harms of labour exploitation may well be suffered by voluntary migrants or non-migrants as well. Thus, in this case, my first aim is to show that EU trafficked people suffer the same kind of harms as other forced migrants. They are not just exploited but also coerced or, more frequently, deceived into migrating. Using the taxonomy of harms provided in Part I, I show that people trafficked for labour exploitation suffer the loss of control, the loss of the Home environment, the loss of social status and the loss of mental wellbeing. As a result, they need to recover from these losses, in addition to receiving a shelter granting temporary safety from exploiters and the fulfilment of survival needs. Then I consider responsibility and reparations. Scholars, policymakers and practitioners converge in considering trafficked people to be victims of a crime. Fundamentally, the wrong lies in exploitation and responsibility falls on exploiters. Thus, while reparation language is often employed, reparation is usually conceived as compensation for the unjustly extracted labour. By contrast, in my account forced migrants are owed reparations for the harm of displacement. What is more, my backwards-

looking approach encourages to devote more attention to the reparative responsibilities of states and companies that contribute to create the conditions for trafficking.

The final chapter will move to the case of forced migration in Syria. Unlike the previous to cases, the Syrian one has gained enormous attention in both public and scholarly literature. Several recent works on the ethics of refuge point to examples of Syrian forced migrants. Indeed, unlike Colombian IDPs and EU trafficked people, many Syrian forced migrants were confronted with closed borders. In this case, I begin by engaging with the dominant understanding of the responsibility states have towards Syrian forced migrants. Both policymakers and political theorists usually defend or assume a view where external states resemble to innocent bystanders who have a humanitarian duty to rescue Syrian forced migrants, by providing admission or aid to host states. By contrast, a backwards-looking approach allows us to see that external states are not uninvolved in the displacement of Syrian forced migrants. Secondly, I turn to needs and remedies. I focus on how Syrian forced migrants' needs have been dealt with in Germany, which has often been praised for its generous admission policies. I show that, even in the German virtuous case, Syrian forced migrants have been assumed to need safety, which is to be provided through admission and the fulfilment of survival needs. Since the harms of displacement have not been properly recognised, the needs to regain control, re-create a Home environment, regain social status and restore mental health have not been sufficiently addressed. For the same reason, the German state seems prone to encourage return as soon as safety is restored at least in some areas of Syria, even though forced migrants' distinctive needs would often be unmet upon return.

Chapter 5

Purely Domestic Forced Displacement? The Colombian Case

Colombia has become the second country of asylum in the world, hosting more than 1.7 million displaced Venezuelans in 2020 (UNHCR 2021, p. 19). However, historically Colombia is first and foremost a country that originates forced migrants. Although the latest UNHCR data available account for just 104,900 Colombians displaced across borders (UNHCR 2020, p. 20, fig. 8), the figures dramatically change when IDPs are included in the picture. In 2020, as is the case since 2015, Colombia continued to report the highest number of IDPs worldwide, with 8.3 million IDPs according to government statistics (UNHCR 2021, p. 24). Besides, both figures are likely to underestimate the actual number of Colombian forced migrants, since several more may not have registered as refugees or IDPs.

The Colombian case might seem an easy one to make sense of. Colombia has been torn for several decades by a civil conflict involving the state, insurgent groups, and paramilitaries. Thus, the situation of Colombian forced migrants might be quickly classified as conflict-induced displacement, where people leave as a side effect of generalised violence. Since most forced migrants do not cross international borders, their plight appears to be an eminently domestic one which remains off the radar of both public and academic debate on migration in the global North. Therefore, the Colombian state alone, apparently, bears reparative responsibility for the failure to protect its citizens from non-state armed actors (and, in a more refined picture, for its connivance with the paramilitary groups actively and deliberately carrying out displacement).

In reality, the Colombian case is far more complex. As I will show, displacement in Colombia is typically not the unintended side effect of a domestic an intestine conflict. Displacement is usually actively used as a strategy to separate lands from unwanted settlers, either as a means to seize the lands (as in the land-grabbing reading) or as a means of political cleansing (i.e., removing politically disloyal residents and replacing them with loyal settlers). Along with

the Colombian state, the insurgents and the counterinsurgent paramilitaries, corporations (such as banana and palm oil companies), and external states (namely, the United States) play a relevant role too, by contributing to and benefitting from forced displacement. In particular, the US wars on drugs and terror in Colombia involved funding and training Colombian state forces notwithstanding their notoriously ambivalent relationship with the paramilitary squads committing massacres and displacing citizens. Furthermore, cases of apparently voluntary economically driven subsistence migration turn out to be triggered by environmental degradation connected with the chemical aerial fumigation of lands as part of the US war on drugs. Thus, forced displacement is not a fully endogenous phenomenon. As a result, both the United States and the corporations which can be held outcome responsible bear some special reparative responsibility to redress the harms of forced displacement. This holds true even though the overwhelming majority of Colombian displaced people remain under the jurisdiction of the Colombian state.

When it comes to what Colombian forced migrants are owed, I show that what these forced migrants need depends on how they have been harmed and thus on the causes of their move and on their demographic characteristics. Overall, forced displacement mostly concerns rural areas and disproportionally affects people belonging to Afro-descendant and native minorities. Colombian forced migrants often move to urban areas which may be dramatically different from their previous Home environment. There, they may still face safety threats, coupled with economic insecurity, existential uncertainty, social marginalisation, and stigmatisation, even within their own country. The few who cross borders to neighbouring countries are not luckier. Ecuador, the main destination for Colombian forced migrants, has been pursuing an open-border policy which nonetheless proved insufficient to meet Colombian forced migrants' needs, and did not protect them from widespread xenophobia. In sum, although most Colombian forced migrants are not confronted with the issue of closed borders, their existential condition remains distinct from that of voluntary migrants, as well as from the existential condition of non-displaced Colombians.

Despite the negotiation attempts and the official demobilisation of some armed actors, peace, security, and rule of law do not seem to have been reached in Colombia yet. It is true that reparative-justice projects have been pursued in the meantime. In particular, an ambitious law on land restitution has been introduced. However, criticisms have been raised about its implementation. Fine-tuned social service provisions have been claimed in lieu of mere restitution, monetary compensation, or memorials. Truth telling, rather than a generic apology, emerges as a key issue in recognising the harms of forced migration and in restoring the social status of Colombian *desterrados*. Surely, the ongoing armed conflict makes the fulfilment of forced migrants' needs difficult and risky, particularly as reparations would entail a redistribution of land titles, a key issue that lies at the origins of the civil conflict. Rather than providing a ready-to-use policy toolkit, however, the aim of this section is to reorient the frame within which policies should be devised. While forward-looking humanitarian approaches would easily consider the Colombian case as a generically conflict-induced migration one needing better-managed humanitarian and development aid (as in the UNHCR view), a backwards-looking approach allows us to unpack its different roots, triggers, and impacts, to identify special responsibilities, and to ensure that policies acknowledge forced migrants qua forced migrants and carry a reparative value for the specific harms they endured.

This chapter proceeds as follows. In section 1 I adopt a backwards-looking approach to responsibility for forced migration. I begin by sketching the historical roots of civil conflict in Colombia, laying out the uncertainty about land titles coupled with the concentration of power in the hands of the two main parties, which resulted in widespread clientelism and did not allow citizens to peacefully express dissent. Armed insurgent and counterinsurgent non-state actors were formed against this background. The underlying causes behind the political, legal, and economic arrangements of Colombia may well be traced back to colonialism. However, even assuming them to be domestic factors, we should acknowledge the role that external states, namely, the United States, and private companies have played in the last decades in contributing to widespread forced

displacement in Colombia. Indeed, the interests of such actors intersected with those of domestic actors involved in the civil conflict. I show that displacement in Colombia has been used to both remove political opponents and appropriate land (or benefit from cleared land). I also show that even cases of environmentally induced forced migration in Colombia have often been causally connected to US foreign policy. In section 2 I then adopt a backwards-looking, harms-based approach to the needs of Colombian forced migrants. I argue that the harms of forced displacement influence the needs of Colombian displaced people and make them distinctively different from those of non-displaced Colombians. Thus, I show that humanitarian-assistance policies and even restitution policies fall short of fully acknowledging such distinctive harms and thus to adequately meet IDPs' needs. This holds true also for policies adopted by host countries, even "welcoming" ones such as Ecuador, that focussed on the admission of displaced Colombians. By contrast, I argue that recognition qua forced migrants and truth about causes and responsibilities are key components of what Colombian forced migrants need.

1. *Roots, Triggers, and Responsibilities regarding Forced Displacement in Colombia*

The Colombian civil conflict dates back, at least, to the 1940s, and land control has always played a key role. Since colonial independence at the beginning of the nineteenth century, land titles have been concentrated in the hands of wealthy *latifundistas*, while a large share of the Colombian territory has long remained unclaimed and outside the effective control of the state. Moreover, Colombian political life was dominated by two parties—the Liberals and the Conservatives. Conservatives strongly opposed land redistribution, while Liberals proposed a tentative agrarian reform, the 1936 Law of Lands, or Ley 200 (Steele 2017, p. 62).

The confrontation between Liberals and Conservatives escalated throughout the 1930s and 1940s. Following the assassination of the (former Liberal) populist and pro-redistribution presidential candidate Jorge Elicér Gaitán in 1948, armed conflict broke out (Tate 2012, p. 397). In this period, known as La Violencia, violence spread among civilians in the countryside, where

Conservative death squads known as *pájaros* and Liberal guerrillas targeted political opponents and engaged in torture and killings. Violence de-escalated after a military coup in 1953 that led to a short-lived dictatorship, followed five years later by the power seizure by the two traditional parties united in a National Front, which would rule until 1974. Liberals and Conservatives had agreed on alternating power. No third-party participation was allowed, nor any electoral choice offered.

Insurgents, however, did not give in after the end of La Violencia. Abbey Steele considers the "widespread civilian displacement during La Violencia as essential for the formation of the insurgent groups that became the protagonists of the contemporary war" (Steele 2017, p. 89). Some peasant guerrillas, who were fleeing state and paramilitary forces, settled in largely uninhabited lands that were in practice outside the control of the Colombian state.[95] There, they gave rise to "independent republics" (Tate 2012, p. 398). Initially tolerated, guerrilla enclaves began to be the target of counterinsurgent operations in the mid-1960s, under the pressure of local elites (Steele 2017, p. 75). This inaugurated a new phase of the conflict. Guerrilla groups adopted a Marxist platform and in 1966 formed the Revolutionary Armed Forces of Colombia (FARC), the most influential and enduring insurgent group in Colombia. Other guerrilla groups were created in the following years, inspired by the Cuban revolution and the decolonisation processes, including the National Liberation Army (ELN), the People's Liberation Army (EPL), and the April 19 Movement (M-19).[96] To fund their expansion, guerrillas mainly relied on *vacuna* (i.e., extortion) and kidnappings.[97]

In the 1960s and 1970s, the Colombian military forces remained small and the military budget limited. Thus, the state still generally avoided open confrontation with the guerrillas in their enclaves. Nevertheless, civilian self-defence was legally authorised in 1968. Such

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[95] Tate 2012, p. 398. See also Steele 2017, pp. 69–72.
[96] Tate 2012, pp. 398–99. Note that, during the Cold War, Colombia was in the US sphere of influence and contributed a battalion to fight in Korea.
[97] Molano 2007, pp. 214 and 222; Tate 2012, p. 400. See also IDPs' testimonies in NRC/ICMD 2007a, pp. 97 and 170.

paramilitary forces, however, only gained strength in the 1980s. At the time, the business of drug traffickers, namely the Medellín and Cali cartels, was rapidly growing as cocaine consumption spread in the United States. Thus, narcotraffickers began buying extensive parcels of lands to launder their money, acquire political influence, and grow coca crops out of sight of state authorities. Since ungoverned spaces were often under the control of rural guerrillas like the FARC,[98] narcotraffickers needed paramilitary protection against guerrilla extortion and kidnappings. Together with other landowners, they created, trained, and funded paramilitary self-defence forces.[99] Backed by local military forces sharing their counterinsurgent agendas, paramilitaries targeted guerrillas and their alleged supporters, including community leaders and politicians promoting agrarian reform (i.e., the redistribution of land estates concentrated in the hands of the *latifundistas*).

It was only at the end of the 1980s that mass displacement emerged in Colombia.[100] It dramatically escalated in the 1990s and remained considerably high after reaching the peak around 2002 (Steele 2017, pp. 114–15). Far from being a mere side effect of a civil conflict, displacement was usually sought for both political and economic reasons: clearing areas from left-wing guerrillas and their alleged supporters, and appropriating lands for legal or illegal businesses. Abbey Steele notes that mass displacement in Colombia cannot be explained as the unintended side effect of a conflict or the consequence of individual persecution only. While some forced migrants are individually targeted, most are collectively targeted. This, she argues, is part of a "political cleansing strategy" that could only be adopted in the late 1980s. A strategic, large-scale use of forced displacement had not been possible before, because of epistemic and material limits on the part of the state and right-wing paramilitaries. However, since the late '80s a political reform allowed armed actors to infer citizens' allegiances and thus to use displacement as a political

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[98] Steele 2017, p. 128, footnote 9.
[99] Steele 2017, p. 128, footnote 8.
[100] Although IDPs began to be registered in 1985 and the state only began to keep official displacement statistics in 1997, scholars have noted that until the end of the 1980s displacement was limited.

strategy. Based on extensive archival research, Steele found out that large-scale collective targeting only began after the creation of the Patriotic Union party (Unión Patriótica, or UP) in the context of the (ultimately failed) peace talks between the FARC and the Colombian government. Furthermore, collective targeting would not have been possible had local elections not been introduced. Indeed, Steele notes, "displacement on a wide scale can be traced to 1988, the year elections were extended to the local level". For the first time it was possible to infer the constituency supporting the FARC from their support for the UP. Though UP members and supporters were not all necessarily guerrillas, and the party officially broke from the FARC in February 1989, its opponents conflated the two entities (Steele 2017, p. 129). After the peace talks failed in 1987, in its opponents' eyes the UP remained the political branch of the insurgents whom the state and the paramilitaries were at war with.

Surely, land could have been cleared by physically eliminating unwanted occupants. Paramilitaries did carry out massacres in targeted communities, along with the selective killings of UP representatives, but their aim was usually to intimidate rather than to exterminate the population: murders effectively communicate what fate awaits survivors unless they leave. Graffiti and leaflets have also been frequently used "to announce their arrival and to warn residents that they should leave ahead of time" (Steele 2017, p. 31). Political cleansing, indeed, is less costly than mass killing. First, Steele argues, "it is more plausible to deny responsibility for political cleansing; armed groups can and do claim that civilians are leaving of their own accord rather than in response to targeted violence. Second, because displacement is frequently perceived to be a by-product of violence rather than a strategy, armed groups, especially state armed forces, can deny responsibility more easily than when they use widespread lethal violence" (Steele 2017, p. 46). Note that, since the 1977 amendments to the Geneva Convention prohibited the resettlement of civilians during wars, states and armed groups alike have had incentives to represent displacement as out of their control and certainly not directly caused by them (Steele 2017, p. 54).

Despite the allegiances-revealing role of local elections, collective targeting would not have been possible without a power imbalance between insurgent and counterinsurgent forces: how did paramilitary and state security forces come to be in a position to reconquer guerrilla-controlled territories using forced displacement as a tool? The counterinsurgency front began receiving unprecedented funds and training, not only from the newly enriched narcotraffickers, but also from corporations and even by the United States, since the interests of those diverse actors converged in fighting guerrillas. Therefore, though mostly internal, forced displacement in Colombia is not purely endogenous and involves powerful external states and multinational businesses.

Paramilitary groups were formed and hired by wealthy landowners, including narcotraffickers, to clear guerrillas and civilian supporters from their lands. Indeed, extorting money from coca growers had been rapidly increasing the guerrillas' budget. As for the Colombian state, it oscillated between open legalisation of the paramilitaries and de facto tolerance. Having been legal since 1968, paramilitary forces were outlawed in 1989, only to be legalised again in 1994, when they also gained a new structure with the creation of the Convivir platform supported by the would-be president Uribe, at the time a governor in the Antioquia department. From that moment on, paramilitaries proliferated and could openly form ties with business organisations, such as AUGURA, the banana producers' organisation. In 1997, paramilitaries formed for the first time a national body, the United Self-Defence Forces of Colombia (AUC), under the lead of Carlos Castaño, himself a well-known narcotrafficker and landowner. More than 240 massacres were attributed to the AUC between 1997 and 2002 (Tate 2012, p. 402). Scholars also attribute the overwhelming majority of forced displacements to paramilitary forces.[101]

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[101] An analysis of 1,500 land-restitution cases resolved by the Land Restitution Tribunals through April 1, 2016, identified paramilitary forces as responsible for displacement in 55 percent of cases, whereas guerrilla groups were responsible in 13 percent, as reported in Counter 2019. Although the AUC began demobilising in 2003 (thanks to a

Meanwhile, Colombian security forces had begun expanding, and the process accelerated during the Uribe mandates (2002–10). This transformation was strongly supported by the US Plan Colombia inaugurated in 2000 by the Clinton administration. Around 80 percent of the aid package was devoted to military training and equipment (Buxton 2006, p. 180). Despite the initial target being narcotraffickers, the war on drugs progressively turned into a war on terror, and more precisely a war against guerrillas (Buxton 2006, p. 136). According to Buxton, the Colombian case is just an example of US foreign policy objectives being "traditionally prioritized over and above progress in reducing the illicit trade, even in those countries where the US presence was initially premised on anti-drug operations" (Buxton 2006, p. 139). The year 2002 was a turning point for the goals of Plan Colombia: "The Bush administration and Congress enacted a bill permitting Colombia to use all past anti-drug aid for 'a unified campaign against narcotics trafficking [and] against activities by designated terrorist organizations'" (Martinez 2009, p. 209). In 2004, the United States also supported the Colombian state as it engaged in a major counterinsurgency campaign, the Plan Patriota, directed against guerrilla-controlled territories.

While the US aid was not directly given to paramilitary forces (some of them were officially counted as terrorists), human rights activists were already revealing the connivance between the Colombian state (particularly the military) and the paramilitaries.[102] For instance, Human Rights Watch issued a detailed report as early as 2001 documenting the fact that at least the 24th and the 3rd brigades of the Colombian army actively cooperated with paramilitary

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law resulting in generalised amnesty and reintegration support), the process turned out to be deeply flawed, involving fake fighters instead of actual paramilitaries being handed over to the authorities. Demobilisation has been followed by the official transformation of some paramilitary groups into NGOs and the proliferation of neo-paramilitary groups (such as the so-called Black Eagles and the Rastrojos), still engaging in intimidation, murders, rapes, forced conscription, and forced displacement (Steele 2017, p. 109). Neo-paramilitary expansion in former guerrilla-controlled territories seems to be even facilitated by the retreat of FARC guerrillas as a result of recent peace talks with the Colombian state.

[102] A 1997 constitutional-court ruling prohibited the paramilitary groups from collecting intelligence from security forces and from possessing military-issued weapons but maintained that they were legal. Besides, paramilitary forces, strongly backed by narcotraffickers, continued to receive support and training from local military forces (Steele 2017, p. 88). Indeed, following the Betancur administration's attempts to negotiate peace with the guerrillas, disgruntled military officials more decidedly opted for an alliance with civilian self-defence groups (Steele 2017, p. 92).

groups.[103] In some cases, the military warned the civilians that paramilitaries would follow them. Even when action was not coordinated, collusion could exceed mere tolerance and omission: Human Rights Watch described several cases where the security forces, in particular the military, did not move against paramilitaries or engaged in actions that produced only delays and allowed paramilitaries to continue their activities with impunity (Human Rights Watch 2001, pp. 3–4). The US government at that time was already aware of that, since in August 2000, President Bill Clinton made sure to sign a waiver that lifted the human rights conditions imposed by the US Congress, "in essence allowing security assistance to be provided to the Colombian military even as the State Department reported that some of its units continued to be implicated in support for paramilitary groups" (Human Rights Watch 2001, p. 4).

Along with the military support provided to counterinsurgent forces involved in displacement for political cleansing, the United States also directly contributed to environmental degradation, leading to further forced migration. Plan Colombia involved massive chemical fumigation aimed at eradicating the cultivation of coca leaves. Indeed, the whole funding package was dependent on Colombian acceptance of an eradication strategy based on aerial fumigation (Buxton 2006, p. 180). Martinez decries that "glyphosate is used in aerial fumigations in Colombia in a concentration twenty-six times higher than is allowed in US agriculture. According to Nivia (2002: 393, 397), each doubling of the glyphosate dose multiplies its biological action by four, meaning that exposure to glyphosate as applied through Plan Colombia has a potency 104 times higher than the dose recommended for agricultural use in the United States. Making matters worse, coca-growing areas in Colombia are often fumigated two to four times". Furthermore, "glyphosate is very soluble in water and can contaminate ground water at various levels". Therefore,

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[103] Human Rights Watch 2001, pp. 2–3. Cooperation involved "active coordination during military operations between government and paramilitary units; communication via radios, cellular telephones, and beepers; the sharing of intelligence, including the names of suspected guerrilla collaborators; the sharing of fighters, including active-duty soldiers serving in paramilitary units and paramilitary commanders lodging on military bases; the sharing of vehicles, including army trucks used to transport paramilitary fighters; coordination of army roadblocks, which routinely let heavily-armed paramilitary fighters pass; and payments made from paramilitaries to military officers for their support" (Human Rights Watch 2001, p. 1).

fumigation with glyphosate has been linked to "human health problems, especially of the skin, vision and digestive system; illnesses and deaths of farm animals; contamination of water sources; and the extermination of legal crops, which has created a significant food crisis in the fumigated regions". It has been estimated that "from 1999 through 2002, 35,000 families were forced to flee their homes as a direct consequence of fumigations. In 2003 alone a total number of 27,044 people fled areas where fumigations were taking place" (Martinez 2009, p. 212).

According to Buxton, chemical fumigation in the 2000s "increased the rate of population displacement while the fumigation campaign itself detracted from the need to address the social problems caused by the on-going civil conflict". Furthermore, she argues, "US sponsorship of chemical fumigation was acutely problematic given that the focus of eradication activities was those areas controlled by the left-wing insurgent group, the FARC" (Buxton 2006, p. 187). Thus, the war on drugs also contributed to the political cleansing of fumigated land. Although the guerrillas initially opposed the cultivation of illicit crops, they tolerated it to preserve popular support among growers, to whom the earnings from the new illegal crops often appeared as a blessing. Moreover, guerrillas had quickly realised that extortion regarding coca-crop cultivation and trafficking in their territories would substantially increase their revenues. Thus, they at least benefitted from the dramatic increase of illicit crops in Colombia. In the US perspective, fumigation "was seen as functional in the anti-terrorist context as it eliminated the financial base and consequently the military capacity of the FARC". In sum, the "link between terrorism and drugs was used to detract from the claims of health problems and illness in sprayed areas. It was also used to denigrate the campaign against fumigation with critics of the strategy condemned by the US and Colombian governments as supporters of terrorism and the drugs trade" (Buxton 2006, p. 187).

Given this background, forced migration in Colombia is clearly far from being the unintended product of unfortunate accidental conditions. As Steele puts it, "The common impression that violence causes displacement is incomplete. Rather, it is often the case that because

displacement is the goal, violence increases" (Steele 2017, p. 142). The Colombian state bears strong reparative responsibility for the harms of displacement attributable to its security forces and for its complicity with paramilitary groups doing the bulk of the dirty work in cleansing land from unwanted occupants, by means of killings and displacement. However, the United States also bears reparative responsibility to the extent it provided equipment and intelligence that strongly contributed to the dramatic increase in Colombian forced migration. Moreover, although the Colombian government agreed to allow chemical fumigation as a condition to receive US funding to counter insurgents, the United States continues to hold reparative responsibility for those displaced as a result. As Buxton notes, "Given the power and influence that the USA had over the Colombian government at this time, it is open to question how far the Colombian president would have been able to resist US eradication plans and strategies" (Buxton 2006, p. 186). Legally, liability for the act of delivering a poisoning amount of glyphosate on Colombian lands proved hard to isolate. According to Buxton, since chemical fumigation was a product of elite, intergovernmental negotiations between the Colombian and US administrations, "no mechanisms of accountability or 'ownership' of aerial fumigation policies existed". Moreover, "responsibility for fumigation had been outsourced by the US State Department to the US firm DynCorp Aerospace Technologies" (Buxton 2006, p. 186). Although the firm is causally responsible for materially carrying out the spraying, and thus owes reparations to the displaced people, this does not mean that the United States does not bear a large share of reparative responsibility, given its key role in devising and funding Plan Colombia.

The picture becomes even more complex, and more actors come into the picture, if we consider what happens to the lands that have been cleared from the undesired occupants and sometimes actively repopulated with compliant settlers. As we have seen from the political explanation of forced displacement provided by Steele, UP supporters were collectively targeted and their removal justified by their being equated with insurgent guerrillas. However, Colombia's IDPs are often selectively or collectively targeted and accused of being guerrillas if they are

socially active, reclaiming rights qua workers and union members, qua owners of small farms and campesino leaders, or as members of native and Afro-Colombian communities that collectively own lands.[104] This is how private companies, including large corporations based abroad, come into the picture.

In 2007 the multinational corporation Chiquita Brands International Inc. admitted publicly that it had made payments to the FARC, which controlled the Urabá region in the 1990s, and then to the paramilitaries from 1997 to 2004 (Martin-Hortega 2008, p. 5). The president of Chiquita justified the payments to the paramilitaries based on their capacity to intimidate, claiming that there were only two options: pay for the protection of the paramilitaries or run the risk of seeing employees killed or kidnapped. Demobilised paramilitaries also confirmed their relationship with the companies Chiquita, Del Monte, and Dole. According to AUC military leader Salvatore Mancuso, however, there was no need to pressure, blackmail, or threaten the banana-producing companies into making payments, as they did it voluntarily and willingly (Martin-Hortega 2008, p. 6). If true, this would mean that such companies not only paid extortion money to the armed actors, but even hired them as private security forces, as other landowners have done for decades, to suppress social protest in rural areas by removing dissenters.

Furthermore, private companies, including banana companies and more recently palm oil companies, have been involved in land grabbing, by taking advantage of land abandoned following paramilitary violence or by actively hiring paramilitaries to dispossess land occupants.[105] It is no coincidence that paramilitary violence has been particularly acute in areas that, like most former guerrilla strongholds, had been long outside the state jurisdiction. In those lands, land titles were often lacking or collectively belonged to marginalised native and Afro-Colombian communities, which represent the overwhelming majority of the population on the Pacific coast (Steele 2017, p.

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[104] Note that, in 2010, more trade union members were killed in Colombia than the rest of the world combined (Maher 2015, p. 312).

[105] Frances Thomson proposed the label "land-grab-induced displacement" to describe such cases; see Thomson 2014.

60). As Vigil puts it, "When tenure is not formalised, populations can be labelled as illegal settlers and evicted without compensation. Moreover, populations with unclear or insecure tenure arrangements have scarce negotiation power" (Vigil 2018, p. 375). Afro-Colombian land is protected as alienable according to Law 70, article 7 (NRC/IDMC 2007b, p. 10). Nevertheless, Law 210, introduced in 2007, allows companies to easily formalise the coercively or deceitfully occupied lands, since they are not required to present evidence on how they were acquired (NRC/IDMC 2007b, p. 13).

The NRC/IDMC reports that fifteen to seventeen thousand people were forcibly displaced from Urabá as result of Operacion Genesis, jointly carried out in 1996 by the army and the paramilitary groups. Palm companies were established in the cleared areas (Jiguamiandó y Curvaradó) starting in 2000, and the extension of palm plantations nearly doubled between 2005 and 2007. Companies may have merely benefitted ex post, without being causally implicated in the displacement, but the NRC/IDMC also reports that IDPs who were trying to reclaim their lands were persistently intimidated (NRC/IDMC 2007b, p. 15), thereby suggesting a relationship between companies and paramilitaries. Indeed, unidentifiable men imposed themselves during the NRC/IDMC researchers' fieldwork with some IDPs that had returned and built up a shantytown "humanitarian zone" on the fringes of the seized lands (NRC/IDMC 2007b, p. 15). Humanitarian zones are meant to reject any political involvement by denying access to any state and non-state actors, thus protecting residents from being accused of alleged cooperation with the guerrillas. Nevertheless, in 2007 the owner of the land hosting the humanitarian zone visited by the NRC/IMDC researchers received death threats by the neo-paramilitary group Águilas Negras (NRC/IDMC 2007b, p. 17).

Links between paramilitary violence, mass displacement, and palm-cultivation expansion were also assessed in other regions, such as former guerrilla strongholds Meta, Casanare, and Nariño (Maher 2015). Some scholars even suggest that it is possible to identify a typical four-phase pattern: (1) armed incursion by paramilitary groups, enabling (2) the illegal and violent

expropriation of land; (3) forced displacement of owners and/or communities which occupy these lands; and (4) the planting of African palm on the "conquered land" (Maher 2015, p. 311). Luis Angel, an IDP from Chocó interviewed in 2006 by the NRC/IMDC, comments:

> We don't know why they needed to use force to get us off the land, despite knowing that we own it. It fills us with worry, but we do know that it all has to do with the major projects that they plan for our region; for example, monocultures of palm for oil . . . , mining in the Careperro hills and the Urra hydroelectric dam. As far as palm is concerned, we've got Urapalma, Palmadó, Palmas and Palmas de Curvaradó, and there's La Tukeka, another palm oil company. . . . They took their decisions behind our backs and everything they've done has been done by force, by violence. In the case of palm, the growers never came to the communities to consult us about their operations. . . . More recently the growers tried to make approaches to the communities, but they've already planted their crops and so we just kept saying that we wouldn't talk to any of them. We know that the state is behind it all, so it should be the state that talks to them. Similarly, we were never consulted about the mining operations either.[106]

This so-called "black legend" of land and resource appropriation being often the purpose of forced displacement in Colombia is not based only on anecdotal evidence and testimonies. For instance, an econometric study also analysed the soundness of the causal-link hypothesis to correlate the expansion of palm cultivation in Madgdalena between 2000 and 2010, the expansion of the paramilitaries, and the dramatic growth in forced migration from that region over the same period. Results confirm that the development of the palm oil agribusiness seems to have caused a significant increase in forced displacement beyond that caused by the ongoing armed conflict. The study also found strong evidence that paramilitary violence was a key factor in the expansion of palm agribusiness while guerrilla violence did not affect the expansion of this type of cultivation (Hurtado et al. 2017, p. 464).

Not only some palm oil businesses cooperated with the paramilitaries: paramilitaries infiltrate some of these companies from within. What is more, they may even receive funding from the US. Indeed, while 80 percent of Plan Colombia funds were military aid, a smaller percentage

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[106] NRC/IMDC 2007a, p. 177.

was meant to promote development while also encouraging the cultivation of legal crops as an alternative to coca crops. Palm oil was one of the few aid-funded crops whose profits could match coca profits (Ballvé 2009): its market was booming, and it could adapt to both domestic and export demand in an extremely flexible way (Marin-Burgos and Clancy 2017, p. 17). According to a 2009 article in the *Nation*, since 2003 USAID's alternative-development contracts had provided nearly $20 million to palm oil agribusiness projects across the country. Urapalma was one of the first palm companies to send an application, presenting itself as a representative of "Afro-Colombian associations", and nearly won the grant, despite having paramilitary-affiliated members and despite having been accused of the illegal seizure of more than fourteen thousand acres of land in Chocó. In the end, Urapalma was denied the grant, but other paramilitary-led companies got grants. Coproagrosur received its $161,000 grant in 2004, while Gradesa obtained a $257,000 grant in December 2003. The former was run by a paramilitary commander known as Macaco, while the latter had a narco-paramilitary family on its investors' board (Ballvé 2009).

External states also benefitted from the expansion of agribusiness in Colombia. When it comes to palm oil, exports more than doubled between 2003 and 2008 (Marin-Burgos and Clancy 2017, p. 8). From 2004 until 2008, most palm oil exports went to the European Union (Marin-Burgos and Clancy 2017, p. 8), particularly to the UK (War on Want 2008, pp. 4–5). Palm oil was no longer employed in food and soaps only; it was increasingly requested as a biofuel too. As no palm oil is produced in Europe (palm oil being a tropical crop), the entire supply needs to be imported. Some scholars have begun pointing to the ironic effects of "green grabbing", whereby historically high-emissions states' virtuous turn to biofuels comes through extensive land dispossession, displacement, and environmental degradation in the global South (Vigil 2018). ONG War on Want decried that the British government had already admitted in a 2006 study that increased palm production in Colombia is likely to provoke more forced evictions, land grabs, pollution of waterways, and destruction of forests (War on Want 2008, p. 12). Although they are not directly causally responsible for displacement, it seems at least reasonable to claim that

importing states have a moral duty to research on their suppliers and owe reparations to forced migrants to the extent that their displacement was a foreseeable consequence (though not intended by the importing state) of the activities (either legal or illegal) of supplier companies.

2. *The Impact of Specific Harms on the Needs of Colombian Forced Migrants*

The fact that Colombian forced migrants are neither moving voluntarily nor just displaced as an unintended side effect of generalised violence matters when it comes to what they need and what they claim once displaced. Being either individually or collectively targeted impairs their ability to register as displaced (either inside or outside their country) and to get on with their lives. As a result, the humanitarian emergency-assistance approach fails to meet their needs and claims, and an impressive law on land restitution may prove nonetheless insufficient for reparative justice. To show that this is the case, in this section I rely on qualitative and testimonial evidence to highlight the connections between displacement triggers and forced migrants' needs and claims, particularly their claims to truth telling and social recognition.

Steele notes that when civilians are targeted collectively by an armed group, they are likely to resettle together with others similarly targeted or to move closer to the rival group to seek protection. Indeed, "hiding" among others who are similarly targeted, or seeking the protection of an armed group, will help reduce the chances that that household will suffer direct violence. Most tend to relocate to cities for safety and for access to resources. Given that cities tend to be controlled by the state (instead of the guerrillas) more often than the countryside, this is a satisfactory outcome for counterinsurgents. However, since IDPs tend to cluster in cities too, they remain vulnerable to further targeting and displacement (Steele 2017, pp. 49–50).

Law 387 of 1997 mandated that the state register the displaced. Displaced individuals and households must approach a government agency and respond to a questionnaire in order to have their application assessed. If successful, applicants are included in the Unique Victim Registry (Registro Único de Víctimas, or RUV) and become eligible for humanitarian assistance from the

government. At the time of Steele's fieldwork, assistance amounted to three months of rent and groceries, but there was generally a long delay between the time of entrance into the RUV and receipt of assistance (Steele 2017, p. 181). Furthermore, short-term humanitarian assistance does not help forced migrants to regain a source of livelihood, nor to mitigate the disorientation of leaving their Home environment to move to an unfamiliar one where they are often not welcome (Selfa 2013, p. 26). Ismael, a peasant and IDP leader displaced multiple times, recalls the harassment his children faced at school: "I managed to get the kids enrolled. And once I'd enrolled them, then every so often, pretty much everyday, they'd complain that the others, the other schoolkids, kept saying they were displaced people and because they were black with curly hair, they gave them a hard time. . . . So my kids starting fighting with the others, and then the teachers said that they were violent because they were displaced . . . and the kids came home crying" (NRC/IMDC 2007a, p. 121).

In cities, social marginalisation and stigmatisation for their alleged allegiance to insurgents, and racism in the case of Afro-Colombians, add to economic destitution, the fear of (often newly discovered) urban street crime, and often a persisting fear of being identified by the armed actors that have displaced them. The latter leads many IDPs to try to maintain anonymity and to conceal the reasons for their move. As a result, they might avoid registration and lose access to government programmes. Government programmes for IDPs have traditionally been assistance oriented: they focus on the short-term future and do not take into consideration the causes of forced displacement (Gonzáles Bustelo 2013, p. 233). Thus, they are not meant to provide compensation or any other kind of reparation. Nor are they devised to ensure housing security, social inclusion, psychological assistance, and integration in the job market. Blanca, interviewed by the NRC/IMDC in 2006 at the age of sixty-four, was unsatisfied with the approach of the Colombian authorities: "I believe that they haven't felt our pain or appreciated us as victims: on the contrary. They say that we have to forgive, that we have to forget" (NRC/IMDC 2007a, p. 82).

In 2011, the Colombian state issued an innovative law (Ley 1448), marking a significant shift from a purely forward-looking and assistance-based approach to forced displacement to a backwards-looking, reparative-justice one. This so-called Victim's Law has been hailed as one of the most complex and integral reparation programmes worldwide (Weber 2020, p. 5). Indeed, it provides for land restitution, together with agricultural, social, and infrastructural projects, to those internally displaced after 1991. To those who suffered human rights violations after 1985 the law offers compensation accompanied by a dignification letter. Moreover, groups that suffered collective damages can receive collective reparations (Weber 2020, p. 7). The law even envisages differentiated measures to respond to the "particular situation and degree of vulnerability" of certain groups of victims due to their age, gender, sexual orientation, or disability (Weber 2020, p. 8). However, there are strong limits on its implementation, particularly when it comes to land restitution. Firstly, abandoned lands may not have been registered as such: many displaced land claimants never registered their parcels with the Central Registry of Abandoned Parcels and Territories out of fear, or did so only many years after abandoning the land (Counter 2019, p. 178). Secondly, land irregularly acquired could have been regularised in the meantime by current occupants under Law 210 (NRC/IDMC 2007b, p. 13). Thirdly, there is a denigratory narrative of land restitution as an attempt to re-establish guerrilla territorial control which enjoys substantial political capital, especially among landowners defending their property against claims in the Land Restitution Tribunal (Counter 2019, p. 182). Fourthly, the Land Restitution Unit cannot control the whole process, which also depends on local authorities, and thus its outcome is vulnerable to corruption (Weber 2020, p. 13). Finally, land restitution raises the issue of the eviction of second occupants (i.e., current owners), who, even when not causally implicated in displacement, may not be eligible for compensation if unable to prove that they bought the land in good faith with due diligence (i.e., actively investigated the history of the parcel to ensure the land transfer was free of any irregularities) (Counter 2019, p. 177).

Furthermore, the limits of the restitution-based approach to forced displacement do not consist in implementation shortcomings only. Indeed, land restitution per se is insufficient to allow for rebuilding life plans upon return and does not automatically entail truth telling about how the land had been seized in the first place. Thus, it needs to be complemented by other effective rehabilitative measures (e.g., social services) and symbolic reparations. Restitution and return do not suffice to put an end to the distinctive displacement condition of Colombian forced migrants, who continue to have specific additional needs deriving from the losses they suffered qua forcibly displaced people.

Weber recently conducted ethnographic research on returned IDPs in the municipality of Chibolo, in Magdalena Department. They had been displaced in 1997 by the paramilitary Bloque Norte, which repopulated the area with sympathisers to keep the land occupied. Among the harms they suffered qua forcibly displaced people, participants mentioned burnt-down houses and the loss of their farm animals (cattle being a key measure of wealth) but most importantly the "loss of a way of life and the rupture of a process that provided economic and social stability". They also alluded to family breakups and mentioned illness deriving from "stress, hypervigilance and sadness produced by displacement". A loss of their "sense of self and identity" was also mentioned in relation to the radical change in lifestyle experienced by those who had moved to cities. Weber underlines that participants' most urgent needs upon return were "defined by the different elements needed to rebuild their lives and life projects".[107] As a guarantee of non-repetition, land titles were deemed crucial. However, the land-restitution process turned out to be much slower and more complex than had been communicated to returning IDPs, who were promised restitution sentences within a couple of months. Furthermore, participants emphasised that "receiving land titles was only one step towards recovering the life project that was hampered by displacement" (Weber 2020, p. 11). The land was not suitable for cattle grazing after more than a decade, and

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[107] Return began in 2012, while Weber's fieldwork took place between 2015 and 2017.

restoring their livelihoods proved difficult, even more because of the effects of several years of drought. As Weber sums up, "They found monetary compensation insufficient to transform their living conditions. This would require the provision of the crucial elements for a life plan, such as education, employment and the provision of basic living conditions. Yet the infrastructural projects ordered in the land restitution sentences, including the provision of running water and electricity, had not been implemented" (Weber 2020, p. 12).

Chimbolo returnee communities were also granted a collective-reparation plan that included commemorative activities. Interviewed community leaders, however, expressed a strong preference for material reparations over symbolic commemorative activities. Weber comments that "material reparations can lend credibility to symbolic reparations. . . . In Chibolo, the absence of the conditions for a dignified life makes people feel treated as second-class citizens, making the symbolic message of recognition of equal citizenship sent through the Colombian state's dignification letter seem empty words" (Weber 2020, p. 16). Symbolic reparations, I add, also require truth telling. Truth on what lies behind displacement and its most proximate triggers gives value to commemorations and apologies and also has value in itself, not just for returnees but also for those forced migrants who cannot or do not wish to return.

The claim for truth telling is recurring in IDPs' testimonies, such as Carlos's. A former peasant farmer from the region of Jiguamiandó and Curvaradó, Carlos was a twenty-six-year-old father in 2006 when he was interviewed by the NCR/IMDC. Like many other farm owners in that region, he had to leave his land after the arrival of the paramilitaries in 1997; he remained in the countryside until 2001, then spent three years in Medellín but had to move again "for security reasons". He was too afraid to have his current place of residence mentioned in the testimony: "No one is blamed, because if you know that you were displaced by the paramilitaries, or you if you denounce having been displaced by the guerrillas, or whoever else, it's that group that has to take responsibility, not the state". On the contrary, he claims, "I think it's just a state strategy . . . Why didn't they just buy the lands from us or tell us what lands they wanted! No one talks about that

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. . . For example, my land is now planted with palm (backed) by international agencies, especially the gringos.[108] You say: 'Fine, what happened here?' The gringos are supposedly the only ones assisting the peace process in Colombia! But on the land from where people were displaced, instead of helping us to return, they are growing crops for export" (NRC/IMDC 2007a, p. 185). Carlos has no doubts about what he thinks he is entitled to qua IDP: "I want my testimony to be taken into account, for someone to begin an investigation. What is happening? What happened with those lands? . . . I demand, in the first instance, that the truth be known about what happened and why we were displaced; about what was really behind all this. Secondly, that both the material and intellectual author of this be punished" (NRC/IMDC 2007a, p. 186).

I have argued so far that mass forced displacement in Colombia is not a mere side effect of generalised violence and that, unlike a purely forward-looking humanitarian approach, a backwards-looking approach allows us to see how displacement triggers and deeper causes affect IDPs' needs and claims for reparations. The same, I argue, also applies to the minority of Colombian displaced people who migrate across borders. Given their geographical location, Venezuela and Ecuador have long been among their main destinations. Analogously to Colombian IDPs who overwhelmingly flee to cities, Colombian forced migrants who move to neighbouring cities in Ecuador try to hide in the urban crowd. They try to avoid not only the attention of Colombian armed actors that may still chase them down, but also widespread social discrimination by Ecuadorians. Note that admission is not an issue for Colombians moving to Ecuador. Ecuador has maintained a consistent policy of open borders. Under Rafael Correa (2007–17) the Ecuadorian government promoted "a discourse of universal citizenship, under which migrants are provided a basis to claim protection and a say in the decisions that affect them by virtue of their humanity". Furthermore, the 2008 Ecuadorian Constitution prohibited discrimination based on migration status and guaranteed refugees many of the same rights as Ecuadorians (Pugh 2018, p. 986). Since

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[108] The term is often used in spoken language to refer to US citizens, the US government, or US companies.

there are no refugee camps, most forced migrants from Colombia settle either in cities in the Andes (e.g., Quito, Ibarra, and Tulcan) or in rural provinces near the Colombian border (Pugh 2018, p. 986). Their freedom of movement is not formally restricted, and they are allowed access to health care, education, and employment (Verney 2009, p. 60). Thus, formal obstacles to rebuilding lives are no greater for Colombian forced migrants in Ecuador than they are for those who remain in Colombia. Nevertheless, they struggle to have both their survival and specific needs met, particularly when it comes to recovering social status. Indeed, their legal inclusion comes through their social marginalisation: they face an "invisibility bargain", whereby tolerance on the part of the host society depends on their political and social invisibility (Pugh 2018).

According to Pugh, Colombians in Ecuador are "expected not to make claims or political demands on the government, especially using public, collective action to demand rights to which they claim to be entitled because of international treaties, domestic law, the constitution, moral claims, or other reason" (Pugh 2018, p. 984). Although advocacy by Colombian migrants during the constitutional assembly in 2007–8 was important in achieving progressive policy gains and protections, Pugh notes that this "did not violate the invisibility bargain because [it] took place behind closed doors and relied on host society NGO allies for political cover" (Pugh 2018, p. 990). Furthermore, Colombians are expected to minimise or even hide "characteristics and practices that are distinct from the norms defined by the host society—including language . . . or even visible racial difference" (Pugh 2018, p. 984). Given the higher percentage of Afro-Colombians compared to Afro-Ecuadorians (21 percent versus 7 percent), race is a marker of difference which can identify Colombians and mark them for exclusion (Pugh 2018, p. 991). Moreover, in Pugh's qualitative study, accent was second only to "being Colombian" as the most often-mentioned reason for discrimination, followed by sexualised stereotypes of women and perceptions of threatening male criminality (Pugh 2018, p. 994).

Consider how these elements are illustrated in Ricardo Sierra's testimony.[109] Ricardo used to be a relatively wealthy car painter in Colombia. His family started being targeted after botched business dealings between his brother and the paramilitaries. Following the killing of his beloved nephew, he fled to Bogotá with his wife and children, where they lived off of Ricardo's minimum wage job (less than one-third of his previous income). After some years of struggling for survival, he decided to move back to his hometown with the family. However, repeated threatening phone calls and an attack on a sibling compelled them to leave again, this time to Ibarra, an Ecuadorian city close to Colombia where they had been once on vacation. Ricardo was reluctant to migrate abroad: "We waited a few months before we decided to go, because at that time I still didn't have the strength to go. I knew it was going to be a hard change". In Ecuador, Ricardo and his family faced a dramatic loss in socioeconomic status, humiliation, and discrimination. Ricardo's family were granted a refugee visa after only six months, which gave them all the rights of the Ecuadorians, except the right to vote. However, Ricardo remarks that, since voting is mandatory, all Ecuadorians have a voting card. According to his experience, a voting card is the first thing required when one applies to work in a company, asks for a loan, or simply tries to cash a check. "I am no one here", he sadly remarks. He started to search for a job as a qualified car painter, but all car-shop owners kept replying that there were no vacancies. One of them looked him in the eyes and said quietly, "No, I don't give work to Colombians because Colombians hurt me". Finally, he found a job in the most scattered car shop he visited, making meagre earnings. Frustrated, he asked his wife Salud to find a job too. Salud was also denied employment by a store owner based on her nationality. She eventually found a job as a cleaner in a "love motel" in a neighbourhood in which there were four brothels employing Colombian sex workers. As a result, people began to harass her and her daughter. "At school, Lina's classmates ask her what brothel her mom works in. One time, when Salud was at the mass, a priest said that prostitutes that worked

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[109] See Brodzinsky and Schoening 2012, pp. 237–51.

in the neighbourhood brothels were the parasites of humanity, and right then everyone in the church turned to look at her. She had to leave the church", recalls Ricardo. He also mentions hearing angry remarks while at work about Colombian men being criminals. He recalls that since his first days in Ecuador he had been warned to distance himself from Colombians. A friend of him told him he had changed his accent on purpose. However, Ricardo claims it is his duty to keep his being Colombian visible and to struggle to change the image that people have of Colombians.

Surely, one might note, discrimination and xenophobia affect Colombians independently of their being forced migrants? Actually, the impact of xenophobia is different for those who were forced to flee Colombia and cannot come back. This is what emerges from Pugh's ethnographic work:

> In the same focus group, two university-educated Colombian women shared their personal testimonies. One was a white researcher who had migrated to Ecuador on an economic visa and later naturalized as a citizen; the other was an Afro-Colombian social worker who had fled death threats and was living in Ecuador as a refugee. Both women described incidents of discrimination and xenophobic comments triggered by people hearing their accents, as well as sexualized comments about prostitution that responded to gendered stereotypes of Colombians. The Afro-Colombian woman, however, responded to her compatriot's story by saying that the consequences of their experiences were very different because her precarity as a refugee meant that housing or job discrimination could put her life at risk if she had to return to Colombia or was "outed" in public to armed actors who might threaten her. . . . Xenophobic comments, then, represented a greater threat to her livelihood and survival than to the other woman (and the white participant agreed).[110]

To minimise their difference from the host society, Colombian forced migrants typically employ two main strategies: reducing the visible/audible markers that distinguish them from Ecuadorians and reducing their level of contact and interaction with Ecuadorians altogether. However, this makes them more isolated and less resilient against attacks or discriminatory behaviour because they lack a support network that stretches into the host society (Pugh 2018, pp.

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[110] Pugh 2018, pp. 998–99.

1002–3). Furthermore, isolation as an invisibility strategy does not reduce xenophobia on the part of the host society.[111]

The case of Colombian forced migrants highlights the importance of social-recognition claims along with truth-telling claims. They need recognition as individuals whose personal identity and status in society have been undermined because of their flight from their Home sociocultural environment and by their being forced to settle in a different, often-hostile host environment. They need recognition qua forced migrants: they need the fact of their being forcibly displaced, rather than voluntarily migrating, to be publicly recognised, the non-accidental nature of forced displacement to be acknowledged, and their displacee status to be delinked from stereotyped association with being a guerrilla or a criminal. Often, they also need recognition as members of a collectively harmed social group: for instance, as members of Afro-Colombian or native minorities who have been made vulnerable to forced displacement because of their marginalised social status and their lack of individual land titles, or as Colombians when abroad, given that the membership in this group results in stigmatisation.

Such recognition requires their formal social and political inclusion not only through legal rights, but also through policies guaranteeing the preconditions for such an inclusion, including dedicated or appropriately sensitive mainstream social services and positive actions when needed. Although not reparative in itself, the delivery of social services such as infrastructures, education, and labour integration may have a reparatory potential depending on the symbolic value publicly associated with such delivery. To count as reparations, policies of this kind should recognise the beneficiaries' past harms and the causal connection between the harms of displacement and their current needs. Furthermore, they should acknowledge the responsibility of involved actors, which may differ from the actors delivering social services. For instance, the United States, or the

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[111] On the contrary, the literature on contact theory shows that contact does reduce anti-immigrant attitudes. When it comes to Colombians in Ecuador, in a 2008 survey 59 percent of Ecuadorian respondents who did not know a Colombian personally supported a policy of deporting all Colombian migrants to their country of origin, while only 27 percent of those who reported knowing a Colombian personally supported deportation. See Pugh 2018, p. 1000.

companies having special reparative responsibility for the forced migrants displaced by the paramilitaries they colluded with, may acknowledge their responsibility by providing monetary compensation, truth, and apologies. Importantly, such reparations are owed to displaced people themselves, instead of being owed to the state hosting them (i.e., Colombia, in the case of IDPs; Ecuador, Venezuela, and so forth in the case of international forced migrants). There might be fairness-based well-founded arguments to compensate states for the cost of hosting forced migrants, but these are independent of the reparative rationale of what is owed to forced migrants themselves.[112]

Conclusion

In this chapter, I have illustrated my backwards-looking harms-based approach to what is owed to forced migrants in the context of forced displacement in Colombia. For most Colombian forced migrants, admission is not an issue; there is no need to single them out from other people on the move to determine the priority owed to their admission claim. Among the few who flee across borders, most remain in neighbouring countries, such as Ecuador, whose borders have been quite open to them. Moreover, the overwhelming majority are displaced within Colombia. Nevertheless, the fact that they have been displaced remains normatively salient. Looking at the reasons and the way Colombian forced migrants were displaced and how displacement harmed them is useful to better assess responsibility, needs and remedies. I have shown that, even when Colombian forced migrants remain under the jurisdiction of the Colombian state, their state of origin is not the only agent bearing special reparative responsibility for them. Indeed, the United States intervened in the Colombian civil conflict, thereby contributing to conflict-induced displacement, and directly caused environmentally induced displacement to pursue foreign and

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[112] In addition to reparative justice arguments for compensating forced migrants rather than hosting states, there might be also pragmatic reasons for bypassing the redistributive role of weak or corrupt institutions, by directly targeting beneficiaries.

domestic policy goals. Furthermore, local and foreign businesses also funded paramilitaries carrying out forced displacement, acquired the abandoned land and even actively sought to dispossess unwanted land occupants.

When it comes to the needs of Colombian forced migrants, I have argued that insufficient humanitarian aid aimed to tackle survival needs neglects the specific needs that derive from being deprived of one's Home environment and fails to acknowledge displaced people claim that they have been wronged, their demands for truth and reparations. Land restitution is crucial to repair the harms of forced displacement, but it is not sufficient because it concentrates on the harm of material dispossession. Bearing in mind the harms of forced migration allows us to see why Colombian forced migrants are also owed specific social services to regain control of their life plans and re-create a Home environment around them, even in the case of those who return to the place of origin. Furthermore, it allows us to see that, without truth telling, generic public apology results void and provides no guarantee of protection against future displacement.

In sum, the theoretical frame provided in Part I illuminates the fact that Colombian forced migrants are not just people in need of humanitarian or development aid, nor even just dispossessed people, but people who have been deprived of control over their lives, forced to abandon their Home environment and social roles, and psychologically harmed by both such losses and the experiences of violence that often triggered their move. Qua displaced people, Colombian forced migrants are owed public acknowledgement of specific responsibilities and the fulfilment of those needs that derive from the harms of displacement.

Chapter 6

Intra–European Union Trafficking: The Case of Trafficking for Labour Exploitation

The previous chapter, devoted to displacement in Colombia, has concentrated on the condition of IDPs since the overwhelming majority of Colombian forced migrants are internally displaced. The case of internal displacement in Colombia shows that forced migration remains a distinctive and normatively relevant phenomenon even when there are no borders that restrict mobility and no need to discriminate among migrants to determine priority in admission policies. This chapter will illustrate this claim pointing to a case of forced migration that happens in a regional free movement area, where international mobility is allowed. This is the case of trafficking in human beings across European Union (EU) member states, which I mentioned in Chapter 2. EU citizens are allowed to move and settle in other EU member states. Thus, restriction in immigration policies is not an issue. If what all migrants, including forced migrants, ultimately needed were freedom to move across borders, identifying forced migrants within the EU would be redundant and normatively useless. The point of this chapter is to argue that this is not the case. Despite borders being open to EU citizens, some of them do not move voluntarily, and, as a result, they experience specific harms and have specific needs. Therefore, their condition remains distinctive and normatively relevant. EU citizens are not forced to migrate to neighbouring countries because of armed conflicts. Nevertheless, an impressive number of EU citizens are still being trafficked, both inside EU countries and across EU countries.

The UN Protocol on trafficking defines trafficking as

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. . . . Exploitation shall include, at a minimum, the exploitation of

the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.[113]

Much emphasis in policy and public debate has been placed on transportation, so that the concept of trafficking often overlaps with the concept of smuggling and is thought to involve illegal border crossing. However, this is not necessarily the case. Campana and Varese clarify that what is essential in trafficking is "the unlawful control over a person", not the illegal crossing of a border (Campana and Varese 2016, p. 93). As Anderson echoes, "The transportation element of trafficking does not have to occur across national boundaries and neither is entry into a state necessarily illegal" (Anderson 2014, p. 358). Indeed, trafficking also occurs within states or across the borders of states that are part of a free-movement area, such as EU member states. Furthermore, being transported from one's place of origin to another place does not amount to being trafficked. The crucial elements in trafficking are the means and the ends of transportation. Indeed, trafficked people are coerced, or deceived, so that their consent to being transported is deemed irrelevant (UN 2000, article 3). Furthermore, they are coerced or deceived into migrating for the purpose of exploiting their labour or their own body. Thus, trafficking does not necessarily involve illegal migration, yet it is an example of forced migration: trafficked people experience harms that they would not have experienced had they moved voluntarily, even in the case their move had involved recurring to a smuggler.[114]

This chapter will focus on internal trafficking inside the EU. Internal trafficking designates the trafficking occurring both inside an EU member state and across EU member states, but I will predominantly refer to the latter. Internal trafficking in the EU is indeed a serious issue. The actual number of EU citizens trafficked inside the EU is extremely difficult to estimate, given that many cases remain undetected. However, it is worth noting that, according to a report issued in 2018 by the European Commission, among the 20,532 victims of trafficking registered in 2015–16, nearly

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[113] UN 2000, article 3.
[114] See Campana and Varese 2016 for a comparison between exploitation following smuggling and exploitation as the goal of trafficking.

a quarter (22 percent) were citizens of the reporting country (i.e., the country that detected the situation of trafficking victims), and an equal percentage (22 percent) were citizens of other EU member states. Overall, nearly half (44 percent) of registered victims were citizens of the EU (European Commission 2018, p. 80). Note that this data assessment is underestimated, as it did not include data from Bulgaria. By contrast, a previous Eurostat report which included data from Bulgaria concluded that 65 percent of the registered victims of trafficking (in 2010–12) were EU citizens (Eurostat 2015, p. 41). Indeed, the top three countries of origin of registered EU trafficking victims, both in absolute terms and in relation to the population, were Romania, Bulgaria, and Hungary (European Commission 2018, p. 81). In sum, data suggest that a large share of trafficking victims inside the EU are EU citizens themselves. Therefore, internal trafficking is an eminent example of forced migration occurring inside the global North and inside a free-movement area, where citizens of member countries do not need smugglers or fake documents to travel to another neighbouring country. Indeed, as Smith notes, the disappearance of border controls within the EU made it easier for traffickers to engage in their business, by providing "opportunities for less sophisticated, smaller or mid-level crime groups that would otherwise not so easily operate across borders" (Smit 2011, p. 192). Furthermore, as Palumbo highlights, "the fact that EU migrants do not need a residence permit linked to an employment contract means they are more likely to be involved in a context of informality and irregularity" (Palumbo 2016, p. 23), making them an ideal target for traffickers. Thus, far from putting an end to internal trafficking, the enlargement of the EU allowed for its increase: notwithstanding the possibility of moving freely across the EU, poor, marginalised, or otherwise vulnerable citizens became even more susceptible of being deceived by luring job offers by individuals involved in the trafficking business.

Most literature on trafficking, including intra-EU trafficking, revolves around the exploitation of sex work (Anderson 2014, p. 360; Ricard-Guay and Hanley 2020, pp. 289–90). Since the emphasis in the migration literature and public debates is on border controls, innocent women portrayed as unwilling victims of trafficking have been contrasted with smuggled men

who are deemed to have actively sought the services of smugglers and are thus guilty of an offence against immigration laws. Scholars and activists have often pointed to the blurring between trafficking and smuggling when the agency of migrants is considered (see inter alia O'Connell Davidson 2013). Indeed, some trafficked people may well have sought the services of their traffickers too, looking for travel and employment support, or at least may have had the intention of leaving their place of origin. What is more, they may have consented to be transported and employed. Thus, they may well express agency. However, the fact of expressing agency does not amount to migrating voluntarily. Thus, while the focus on borders and the criminalisation of irregular immigration leads to a misleading picture of ideal trafficking victims as completely passive and helpless, analogously to ideal refugees, a focus on the harms of forced displacement allows us to see that one need not be infantilised and made completely passive to count as a victim of trafficking. Indeed, the aim is not to separate the innocent from the guilty, but to tell who has suffered specific harms, has specific needs as a result, and is owed specific reparations. This helps us to move from the exclusive focus on the stereotypical "Natasha cases" to get a more detailed and complete picture of who the European victims of trafficking are.

First of all, trafficking should not be equated with sexual exploitation. Although over half (56 percent) of registered victims of trafficking in the EU28 in 2015–16 had been trafficked for sexual exploitation, 26 percent of registered victims had been trafficked for labour exploitation and 18 percent for "other" forms of exploitation (European Commission 2018, p. 55). For EU citizens, the proportions concern sexual exploitation (57 percent), labour exploitation (31 percent), and other (11 percent) (European Commission 2018, p. 87). Note that labour-exploitation figures are likely to be highly underestimated, since cases are even more difficult to detect. Secondly, trafficked people are not necessarily female: according to the same report, 32 percent of registered victims were male (European Commission 2018, p. 56). Again, male figures are likely to be strongly underestimated, since there is a correlation between females and sexual exploitation and between males and labour exploitation and there is a gender bias in identifying victims of

trafficking. Males were over three-quarters (80 percent) of the victims of trafficking for labour exploitation in the EU28 in 2015–16. These data also show that women may well be trafficked for labour exploitation too (20 percent), though women are more represented in sexual exploitation (95 percent). Moreover, there is a minority of nonfemale victims of sexual exploitation (5 percent) (European Commission 2018, p. 64).

In this chapter, I will thus concentrate on the often-neglected intra-EU trafficking for labour exploitation. I will illustrate the importance of a backwards-looking, harms-based approach to what is owed to EU citizens who have been trafficked for labour exploitation inside the EU. An intersectional approach will also be adopted, taking into account gender, on the one hand, and, on the other hand, the displacement condition of the trafficked person and the form of labour exploitation. Special emphasis will be given to the Romanian case, given that Romania is among the top three sending countries when it comes to intra-EU trafficking. Though most literature about Romania concentrates on trafficking for sexual exploitation, and particularly on the role of Romanian organised crime in cross-border trafficking of Romanian women intended for prostitution, a large number of Romanians are also being trafficked for labour exploitation inside the EU.

1. *The Harms in Intra–European Union Trafficking for Labour Exploitation*

According to a recent report by the EU Group of Experts on Trafficking (GRETA), "Men constitute most of the identified victims of labour trafficking, in sectors as diverse as agriculture, construction, hospitality and fisheries. Women are also victims of trafficking for labour exploitation, often in the more isolated setting of domestic and care work" (GRETA 2019a, p. 6). The GRETA report emphasises that, though the majority of identified trafficked victims in the EU were trafficked for sexual exploitation, the "identification of victims of trafficking for the purpose of labour exploitation is challenging and statistics available on identified victims do not reflect the actual scale of the phenomenon" (GRETA 2019a, p. 7).

There are several reasons why identifying victims is particularly difficult when it comes to trafficking for labour exploitation. One reason has to do with gender. Male trafficked people are particularly unlikely to turn to the authorities to decry the fact that they have been trafficked or seek assistance. Not only may they fear retaliation, but they may also be particularly reluctant to lose their job, given the social expectations still associated with the traditional role of males as breadwinners. Most importantly, they may be unable or unwilling to recognise themselves as victims of trafficking and labour exploitation. In a study carried out in the Netherlands, some of the participants in the study asserted that "the idea that 'real' men are not victims of exploitation was ubiquitous and that social pressure was often exerted on men to 'not overreact.' Consequently, men were ashamed of their victimhood and less eager to express it than the female victims did" (van Meeteren and Hiah 2020, p. 1612). Males trafficked for labour exploitation thus often refuse the label of victim and feel responsible for what happened to them (GRETA 2019a, p. 7), even though they were deceived upon departure, threatened, or coerced to keep on working in exploitative conditions impeding them from leaving. They may fear the stigma associated with being a victim and a man unable to care for himself and his family. Surtees reports two illustrative excerpts from interviewed men. One of them notes that "most people do not believe that it was really impossible to exit the slavery. . . . They think if such things happened to you, you are stupid. And stupid people do not stand high in people's esteem". The second echoes his concerns: "I suppose that in my village people would blame me saying that 'after such disgraceful behaviour, he doesn't deserve to be helped'" (Surtees 2008, p. 27).

A further reason why trafficking for labour exploitation often goes undetected concerns insufficient monitoring. Inspections are at best rare, when not lacking altogether, and often poor in quality, meaning that labour inspectors fail to recognise signs of trafficking. In addition, trafficked people find themselves isolated, unable to prove their exploitation condition and the fact that they have been deceived or coerced into consenting to migrate and to live in such a condition. Consider first trafficking for labour exploitation in agriculture. Palumbo has extensively

researched this phenomenon in the Italian province of Ragusa, an area characterised by small and medium-sized businesses that are difficult to monitor. Immigrant workers in that area, she notes, used to be mostly Tunisian until the early 2000s. However, since 2007, when Romania joined the EU, the number of Romanian workers in agriculture in Ragusa has increased, exceeding that of Tunisian migrants, who by that time were increasingly unionised. Once in Ragusa, Romanians, who could not yet count on an established diaspora in the area, would more easily accept exploitative working conditions. Furthermore, as Palumbo underlines, "the irregular employment of EU migrants is less risky for employers as they do not risk being charged with the offences of facilitation and exploitation of irregular migration" (Palumbo 2016, p. 19). Given that trafficked victims in the area find themselves physically and socially isolated in an unknown rural area, fear retaliation, and are afraid to lose their job and sometimes their shelter (when provided by the employer), they are unlikely to seek help. Moreover, their exploitation is hard to prove in the absence of written or oral evidence. Finally, employers may provide inspectors with falsified forms pertaining to their workers, which impedes inspections and the potential identification of trafficking victims (US DOS 2020, p. 279). According to Palumbo, in the Ragusa area most of the migrant farm workers, in particular Romanian workers, have either no contracts at all or contracts in which the number of working hours is lower than effectively performed.

Isolation and lack of inspections are even more acute in domestic work. Palumbo highlights that domestic workers in Italy have fewer rights compared to the rest of the workers, and the fact that their work is performed in the employer's household makes them more vulnerable to exploitation, given that the private sphere escapes labour inspection. Indeed, domestic work is hardly considered "real work" both in politics and in public debate, particularly in Italy, where the welfare system is still based on a "familialist model" relegating care to the private sphere (Palumbo 2016, p. 25). Moreover, domestic workers, especially those who cohabit with the elderly they take care of, have little (if any) access to information and assistance measures (Palumbo 2016, pp. 11–12).

For these reasons, trafficking for labour exploitation has been long neglected in the academic debate too, which mainly revolves around trafficking for sex exploitation and opposes abolitionists, who conceive of all cases of prostitution as forced and exploitative, to sex-worker advocates claiming legalisation and labour rights are means to combat trafficking and exploitation. It is true that there has been increasing attention to the largely submerged phenomenon of trafficking for labour exploitation. There is still a paucity of quantitative data, but at least qualitative research has been growing since the late 2000s (although most interviewed people are only those who have received some forms of assistance) (Andrees 2008, p. 5). Nevertheless, the existing literature tends to focus on either the criminalisation of migrants' transportation or the criminalisation of labour exploitation. When a victim-centred approach is adopted, the person is considered qua victim of exploitation. Very little attention is given to the trafficked people's experiences qua forced migrants. Indeed, some might raise doubts about grouping them with displaced people. While displaced people usually have not been seeking to emigrate, trafficked people may be caught up in trafficking precisely because they have been actively searching for a way to emigrate. However, recall that antitrafficking laws consider trafficked people's consent irrelevant. The point of this section is precisely to argue that, analogously to other forced migrants, people trafficked for labour exploitation suffer distinctive harms they would not have suffered had they migrated without being trafficked. This applies even to those who actively sought the services of those agents who led them into trafficking and to those who consented to be transported to and employed in a foreign country. Building on the phenomenology of the harms of forced migration proposed in chapter 2, I will argue that people trafficked for labour exploitation experience loss of control, loss of their Home environment, loss of social status, and loss of mental well-being caused by the traumatic experience of being trafficked.

Analogously to other forced migrants, victims of trafficking lose control over their lives. Firstly, trafficked people suffer a loss of control over their life plan when they agree to migrate, since their recruitment involves either coercion or deceit. While people who are not deceived at

the emigration stage may well face exploitation in destination and transit countries (particularly if they lack or lose a visa or residence permit), trafficked people lose control at the emigration stage too, and this specific harm leads to further loss of control over their body, bodily movement, work, and personal space at the exploitation stage.[115] Ottonelli and Torresi strongly made this theoretical point. As they put it, an approach to trafficking based on human rights violations only "fails to capture a fundamental interest of migrants when their free consent is thwarted" (Ottonelli and Torresi, p. 132). By contrast, looking at persons as "bearers of a life plan having an interest in leading their life as they see fit" allows us to make sense of "the existential condition of those migrants who have lost control over their lives . . . and, therefore, to a specific and very serious wrong that is suffered by trafficked . . . people in addition to violence, exploitation and the infringement of their basic human rights" (Ottonelli and Torresi, p. 133).

Lacking economic and social resources, trafficked people usually rely on the help of intermediaries to arrange the transportation, employment, and housing. Sometimes utterly illegal, intermediaries are more often disguised as legitimate businesses having close ties to the formal and informal economies in destination countries. Note that countries, such as Romania, which had only recently become market economies before joining the EU, lack adequate regulations and capacity to monitor the activities of these private recruiters. According to Andrees, research indicates that "intermediaries are able to exploit migrants that can theoretically move freely between two particular countries and seek employment legally (e.g., within the EU). Lack of awareness and flexible employment regulations play into the hands of these intermediaries" (Andrees 2008, p. 21). Indeed, key factors in creating vulnerability to trafficking are socioeconomic exclusion and discrimination affecting particularly women and ethnic minorities,

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[115] In an empirical study, Andrees (2008) identified three cases migrants can fall into: (1) 'successful migrants' i.e. migrants who were free to leave their employment at any given point in time without the loss of rights or privileges; (2) migrants who were not deceived by their recruiter (or who did not need a recruiter) and yet experienced coercion at the workplace that could be characterized as forced labour and (3) migrants were deceived/coerced from the beginning of their migration project and invariably experienced labour exploitation in the destination country. The latter group is made of forced migrants, whose condition is thus distinct from those voluntary migrants whose labour exploitation is not a consequence of having been trafficked.

such as Roma. Recruiters, she argues, "often approach potential migrants in their village or home town and make unrealistic promises. . . . Contracts are often not signed or only upon arrival in the destination country where the promises do not materialize. Other abuses include illegal wage deduction by charging migrants exorbitant fees for transportation means, housing and sometimes even working tools" (Andrees 2008, p. 20). Furthermore, a high degree of control over the person is often maintained once they are placed in the job through the agent who acts as a subcontractor for the main employer. When this is the case, deception is followed by coercion.

A recent report reconstructs the typical behaviour of Romanian labour-exploitation organised crime as follows: either in person or via the internet, they "promise attractive salaries ($1,500 monthly, for instance), good working conditions, free accommodation and transport. Once in location, identity documents are seized under the excuse of drafting labour contracts. After they start working the victims are not paid, entering into a debt trap. . . . Thus, the victims' first salaries are not paid in order to cover the trafficker initial expenses that are in fact overrated. The workers are left without money and the trafficker continue to cover their accommodation, transport and food, putting new overrated debts on their shoulders" (Nicolae 2019, p. 348). Palumbo offers a sketch of exploitation from the perspective of a destination country, namely Italy. According to her study, "Most of the migrant farm workers, in particular Romanian workers, have either no contracts at all, or contracts in which the number of working hours is lower than effectively performed. They work excessive hours. . . . Moreover, most of them do not use a mask or gloves, even though they inhale and are in continuous contact with toxic pesticides" (Palumbo 2016, p. 20).

In sum, the loss of control experienced by people trafficked for labour exploitation begins with the deception, which renders their consent to migration irrelevant when it comes to assessing the forced nature of their move. Following this initial harm, they continue to be deprived of control over their work and bodily movement, as they are obliged to work in exploitative conditions and are either guarded, physically isolated, or left in complete ignorance of their geographical location,

so that they are unable to leave. Once accommodated in shantytowns in the countryside, or confined in their workplace, as is often the case for domestic workers, they lack control over their private space, much like other displaced people.[116]

Furthermore, even those who did not experience violence at the recruitment stage often experience psychological and physical violence (including sexual violence) once in the destination country, thus losing control over their body. Note that, while women trafficked for sexual exploitation are expected to have suffered sexual violence, women trafficked for labour exploitation are not only forgotten (even more than trafficked men) but also not expected to have suffered this kind of harm. When women do emerge as victims of labour exploitation, the harm of exploitation tends to overshadow both the harms suffered qua forced migrants and the harms suffered qua women.

Along with physical and sexual violence, both male and female victims of trafficking for labour exploitation face psychological violence, including threats of violence against them or against others (particularly family members). As Andrees notes, threats "can also be effective by using a person's sense of shame", for instance when a man is "humiliated in front of others" (Andrees 2008, p. 23). Indeed, losing control over one's body in front of others, as in physical and sexual violence, is humiliating, and the mere threat of this harm is a harm in itself, which also contributes to the loss of social status experienced by trafficked people, as they are displaced, exploited, and socially isolated, and to the loss of mental well-being. As for other displaced people, therefore, the loss of control is strictly intertwined with the loss of a Home environment on which they can rely, the loss of status linked to their being forced into dependence on traffickers and into degrading work and life conditions, and the loss of mental well-being caused by traumatic experiences, constant fear, and misrecognition, often leading to post-traumatic stress disorder

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[116] In Palumbo's study, domestic workers often are provided inadequate accommodation (such as sleeping on the floor or in the same room with the person to be assisted) (see Palumbo 2016, p. 11).

(PTSD), anxiety disorders, and depression (which in turn may sometimes lead to alcoholism and further social marginalisation).

Let us consider the loss of a Home environment. Qualitative literature insists on the extreme isolation that trafficked people undergo. As mentioned above, victims of trafficking for labour exploitation usually end up trafficked because they were made vulnerable to fraudulent recruiting, given that they were already marginalised in their place of origin, did not have acceptable alternatives in that place, and could not count on sufficient social and cultural capital to allow them to migrate autonomously. Once they are trapped in exploitative work and life conditions, they have no exit options, so their stay in the destination country is as forced as their initial move. They find themselves in an extremely unbalanced power relation with traffickers, employers, and intermediaries. Indeed, there is a dramatic information asymmetry between trafficked people and their exploiters: they are deceived about the actual labour and housing conditions they are heading into, unable to prove their exploitation and deception because of the lack of oral or written evidence, and most importantly unable to orient themselves in the place they have moved to. Some of them may even be unaware of their exact location, as illustrated in the testimony of a Bulgarian woman trafficked in Greece. She recalls that "upon arrival, one Greek person was waiting for us; we all boarded a minivan and were taken to a farm. I had no idea where we were. Elena [the recruiter] said something to the Greek and left" (Petrunov 2014, p. 173). Others may be physically segregated or trafficked to work in remote rural areas unserved by public transport, as with the above-mentioned Romanians exploited in the Ragusa province in Italy. Others, like many domestic workers, may live in urban areas but nonetheless be extremely isolated as they spend all their days at the workplace and, even when outside it, may not know the local language, the local laws, and the institutions they might turn to for help. On top of it, victims of trafficking for labour exploitation are extremely deprived of financial capital. They are frequently cheated by traffickers who charge them exorbitant transportation and housing expenses as an excuse to keep them indebted, pay risible salaries, and thus create dependence or debt bondage.

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Clearly, people trafficked for labour exploitation are deprived of social, cultural, and economic capital and are therefore unable either to rebuild a Home environment in the place of destination or to leave and return to their previous Home environment.

As a result of the loss of control, exploitative work, degrading living conditions, economic deprivation, and loss of Home environment, trafficked people also lose social status. Of course, they may well have been socially marginalised and economically destitute in their place of origin too. However, their social status is further undermined as a direct and specific consequence of trafficking. Because of deception and coercion at both the recruitment and exploitation stages, they have lost control over their life plan, their bodily movement, their own body, and their private space. In the destination state, they find themselves marginalised, economically deprived, and disoriented precisely because they have been trafficked. Indeed, disorientation and diminished social status are essential components of the trafficking condition which are purposefully obtained by traffickers. Before being trafficked, would-be victims of trafficking could at least have relied on their usual social connections and sociocultural knowledge, however limited. They could tell where they were and whom they could trust, they could communicate, and they knew a few things about how to behave in that environment, despite often being socially marginalised, disadvantaged, insufficiently educated, and unsure about laws and their rights in that society. They could predict what would happen next in their usual routine, possibly wish to emigrate, and even actively seek a way to realise that plan. By contrast, once they have been trafficked their life plan is no longer in their hands: they have intentionally been made dependent on their exploiters. Thus, even their previous social roles, however unpleasant, are left behind and substituted with an extremely disrespectful social status. As trafficked people, cheated and coerced, they are deprived of their status as autonomous agents. When forced to live in barracks or to sleep on the floor in their employers' home, they are dehumanised and reduced to bare living bodies. When they are victims of physical and sexual violence, they suffer what Honneth considers the worst form of misrecognition, which deprives them of the basic self-esteem connected to the ability to control

their own body. Finally, as victims of work exploitation and marginalisation, they are deprived of social esteem both in the destination society and in the society of origin, if they were to return and their humiliating-failure story become known. This latter aspect, as already argued, is particularly painful for men, who constitute the overwhelming majority of people trafficked for labour exploitation within the EU.

As a result of all these harms, people trafficked for labour exploitation also have their mental health seriously undermined. There is a lack of disaggregated data on the mental health of EU nationals trafficked for labour exploitation within the EU's borders. However, a few studies have researched the mental health of labour-trafficking victims. Some of them have been carried out in destination countries, particularly in the UK, where a large share of labour-trafficked victims were identified. For instance, Turner-Moss et al. interviewed a sample of people trafficked for labour exploitation in the UK who were receiving support from a non-governmental service between June 2009 and July 2010. Over three-quarters of the sample was male (77 percent) and nearly one-third was UK or EU nationals who could live and work legally in the UK (Turner-Moss et al. 2014, p. 475). Forty percent reported experiencing physical violence while they were trafficked (Turner-Moss et al. 2014, p. 473); 57 percent reported one or more PTSD symptoms (Turner-Moss et al. 2014, p. 477); 81 percent reported one or more symptoms of poor physical health which, according to the researchers, may "represent somatic manifestations of psychological distress or may relate to physical health problems arising from violence, prolonged exposure to poor living and working conditions, and inadequate nutrition and medical care" (Turner-Moss et al. 2014, p. 476–77). High levels of depressive and anxiety symptoms since leaving a situation of exploitation were also reported (Turner-Moss et al. 2014, p. 476). Indeed, after trafficked people leave exploitation, they may feel constant fear of retaliation against them and their family by their exploiters. Furthermore, they find themselves in an extremely precarious situation, since they cannot count on a Home environment nor on an alternative, reliable source of livelihood.

A broader, more recent study is provided by Oram et al., who interviewed 150 people in England who were in contact with post-trafficking support services between June 2013 and December 2014. A third of the sample had been trafficked for labour exploitation, while domestic servitude and labour exploitation accounted for 29.3 percent and 40.4 percent respectively (Oram et al. 2016, p. 1073). Disaggregated data on EU nationals trafficked for labour exploitation within the EU's borders are again not available. Moreover, the authors warn that their finding may well underestimate the incidence and the seriousness of mental health distress among trafficking victims, since their study excluded those who remained in the exploitative setting, were too unwell or distressed to participate, or were unable to provide informed consent (Oram et al. 2016, pp. 1073–74). Nevertheless, they found that 78 percent of women and 40 percent of men in the sample reported high levels of depression, anxiety, or PTSD symptoms (Oram et al. 2016, p. 1073). Moreover, 71 percent of the participants reported that they remained afraid of the traffickers even after they were out of the trafficking situation (Oram et al. 2016, p. 1075).

In sum, available data suggest that people trafficked for labour exploitation suffer mental health distress as a result of both the traumatic experiences they had while trafficked and the enduring risks threatening their safety. Thus, trafficked people need specific support to recover sufficient mental health to rebuild their lives. The next section will discuss the needs that derive from the harms of trafficking for labour exploitation and assess whether current attempts at meeting them respect the principles of specificity, continuity, and expressivity outlined in chapter 3.

2. *The Needs of European Union Citizens Trafficked for Labour Exploitation*

In practice, the specific needs of EU labour-trafficking victims qua forcibly displaced people are far from being adequately met. The 2019 GRETA report on assistance for victims of trafficking found that "anti-trafficking policy and practice has focussed on women and girls. Most assistance services, including shelters, are designed and tailored to the needs of female victims, in

particular those subjected to sexual exploitation. However, not enough resources are available to assist female victims of other forms of exploitation" (GRETA 2019b, p. 6). Furthermore, despite a recent raising of awareness about the phenomenon of trafficking for labour exploitation "there is still a marked shortage of assistance projects for male victims of trafficking" (GRETA 2019b, p. 6). Funding is disproportionately allocated to assisting female victims of sexual trafficking, who are also often portrayed as "archetypical victims": destitute, helpless, third-country nationals in need of charitable help from the global North (Ricard-Guay and Hanley 2020, pp. 289–90). Thus, assistance for EU nationals may be limited too. In Spain, for instance, GRETA found that "EU citizens may not benefit from resources provided for third-country victims by the General Secretary for Immigration and Emigration, and there was a lack of resources to assist victims of trafficking for purposes of exploitation other than sexual" (GRETA 2019b, p. 11). Finally, the GRETA report remarks on a "lack of long-term options for survivors who continue to need assistance" (GRETA 2019b, p. 6).

Indeed, trafficking has to date been perceived by policy makers as a criminal offence to be prosecuted. Trafficked people have to be assisted qua victims of such criminal offenders, and thus should receive emergency assistance and be allowed to stay in the country as long as they cooperate in prosecuting their offenders. They are precious informants who need to be protected and "encouraged to remain in the country of destination for long enough to serve as witnesses in trials against traffickers" (GRETA 2019b, p. 5). Though the EU convention against trafficking prescribes that the provision of assistance to a trafficked person should not be made conditional on their willingness to act as a witness or otherwise cooperate with competent authorities in the investigations and criminal proceedings, GRETA found evidence that "the provision of assistance to victims of trafficking hinges on their co-operation with law enforcement authorities, even though the link does not exist formally" (GRETA 2019b, p. 13). Therefore, assistance policies do not approach trafficked people qua forcibly displaced people and do not have the primary aim of

rebuilding control, re-creating a Home environment, restoring their social standing, and providing long-term mental health support.

When it comes to housing, for instance, trafficked people, much like other displaced people, are entitled to emergency accommodation, but housing provision is neither sufficiently specific nor continuous. Trafficked people may be hosted in facilities for asylum seekers, where social workers may not be aware of their personal history and whose addresses may be public and accessible to former exploiters, thus failing to secure protection from retaliation.[117] Female trafficked victims are also often housed with victims of gender violence, who are not in a displacement condition. Furthermore, during visits to certain shelters, GRETA observed that trafficked people's freedom of movement, personal liberties, and privacy were excessively restricted (GRETA 2019b, p. 17), thus perpetuating their lack of control over their bodily movement, private space, and life plan, rather than restoring such control. Furthermore, housing and other basic necessities are only provided in the short term. In the Netherlands, for instance, there are no clear arrangements for support and accommodation beyond the three-month "recovery and reflection period", and ad hoc solutions have to be found by the municipalities (GRETA 2019b, p. 37). Analogously, in the UK, the government-funded support to victims of human trafficking lasts only during the recovery-and-reflection period of forty-five days and all service providers interviewed by GRETA researchers confirmed that trafficked people face considerable difficulties in accessing housing, health care, employment, or training afterwards, finding themselves at risk of being re-trafficked (GRETA 2019b, p. 36).

However, policy advisers, like GRETA, and trafficking researchers often invoke a "victim-centred" or "person-centred" approach, aimed at securing alternative sources of livelihood and support in socioeconomic integration. A person-centred model of care, according to Timoshkina, "ensures the provision of individualized, trauma-informed, culturally competent services"

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[117] See for instance the case of Ireland in GRETA 2019b, p. 19.

(Timoshkina 2020, p. 679). This means valuing [trafficked people's] experiences, respecting their right to self-determination, and helping them to make informed choices and to take back control of their lives" (Timoshkina 2020, p. 679). Moreover, Timoshkina makes clear that "conceptually, the chain of support starts with the responders' first contact with the presumed trafficked person and ends when the survivor achieved self-sufficiency" (Timoshkina 2020, p. 684). While the first week of assistance should be devoted to meeting immediate needs, the next three to four months should be "about contemplation and stabilization", meaning developing "individualized safety and care plans" (Timoshkina 2020, pp. 685–86). This should be followed by a long-term response, providing "stable and affordable housing, ongoing physical and mental health care, access to education and vocational training, life skills and financial literacy training, economic empowerment, assistance with finding employment, family reunification, and community (re)integration", since trafficked people at this stage often "struggle with the issues of identity and finding their place in society" (Timoshkina 2020, p. 687). Trafficking scholars also acknowledge that, although "persons who have been victims of trafficking will have similar needs in terms of protection, (e.g., immediate and longer-term shelter, regularization of their migration status, legal assistance, alternate economic opportunities), different types of trafficking will raise different issues" (Ricard-Guay and Hanley 2020, pp. 299–300).

In sum, despite the gaps between policy prescription, policy, and policy implementation, academics and practitioners demonstrate some implicit awareness of the importance of specificity and continuity in tackling the needs of trafficked people. However, recall that, to have reparative value, social service provision should also respect the expressivity principle: social services should be provided to respond to the specific needs arising from the harms of displacement and show acknowledgement of outcome responsibility. This latter aspect does not emerge in policy practice and remains underdeveloped in policy prescriptions and academic research too. The next section will examine why a satisfactory reparative framework on the harms of trafficking for labour exploitation is still missing.

3. *Reparations for European Union Citizens Trafficked for Labour Exploitation*

The language of reparations is not completely absent in the academic debate and in activists' works on labour exploitation. However, I argue, in addition to implementation challenges, the dominant approach has important limits, since it reduces reparations to monetary compensation. What is more, compensation is pursued as a component of a criminal or civil case against specific individual traffickers. Thus, destination states continue to be usually depicted as innocent bystanders, unimplicated in trafficking. In addition to special responsibilities, structural processes which made trafficking advantageous for both companies and states remain in the shadows. In sum, reparative justice only emerges in the context of individual traffickers' prosecution. Much like paramilitaries and dictators in the case of war displacees, individual traffickers are identified as criminals, morally and legally liable for the harms suffered by trafficked people, thereby absolving states and businesses from moral responsibilities and downplaying their relations of causal contribution and benefit.

Let us begin by considering how compensation is pursued. Compensation is understood to have restorative, preventive, and punitive functions (La Strada International 2019). The emphasis is thus on punishing traffickers, while, at the same time, having them repair the wrongs they committed against trafficking victims. A recent report by La Strada International recalls that "the right of victims of trafficking to seek and obtain compensation is established in the most important international and European anti-trafficking instruments, including the UN Trafficking Protocol, the Council of Europe Convention on Action against Trafficking in Human Beings, the EU Directive on Trafficking in Human Beings, the EU Victims' Rights Directive, and more recently the Protocol to the ILO Forced Labour Convention" (La Strada International 2019). Nevertheless, very few trafficked people can rely on sufficient information and means to seek compensation. Indeed, they would need specialist legal aid to access criminal, civil, and administrative proceedings, which is not always provided by the state they have been trafficked to. Moreover,

among those who succeed in submitting their claims, only a minority actually receive a compensation payment (La Strada International 2019). For example, Milan, a Czech man, was denied compensation in the criminal case, even though he had been trafficked to the UK under false job promises, his identity documents had been confiscated by the employer upon arrival, he had been assaulted and forced to work twelve to sixteen hours per day as a cleaner, and he had been made dependent on the employer for food and accommodation.[118]

La Strada International coordinated the Justice at Last consortium, which studied sixty cases concerning victims of trafficking or other related crimes in 2018. They found out that "only two out of three of the victims that claimed compensation, were awarded with compensation", and "only a quarter of them actually received the awarded compensation amount" (La Strada International 2019). Unsurprisingly, 60 percent of the compensation claims were addressed in criminal proceedings, civil cases being residual (La Strada International 2019). However, criminal cases may increase the risk of retaliation against victims, which makes enforcement difficult and risky. Consider the story of Mihai, thirty-four years old. According to the Justice at Last consortium, Mihai

> was recruited by one of his employers in Romania to work as a car wash operator in Ireland. He had been promised €300 per month salary in addition to free board and lodging. Once in Ireland he was made to work over 80 hours per week without a contract, no proper breaks and insufficient rest periods. He was paid irregularly and significantly under the national minimum wage. He was forced to sleep in a shed behind the employers' house. There was no bed, only a mattress on the ground. There was also no heating and no toilet or washing facilities. After a year of living and working in such conditions, the man was assaulted by one of the employers. He ran away from his place of work and, with the help of a local shopkeeper, the police were informed. The man was subsequently referred to the National Referral Mechanism. He was also referred to an NGO for assistance with submitting a claim to the employment redress mechanism. He was reluctant to do so, and very afraid of the employers' possible retaliation against his family, both in Romania and in Ireland (some family members had joined the man in the period since he left his employment). In the end, he did

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[118] https://www.justiceatlast.eu/case-ncz01/.

lodge a complaint but the entire process was extremely stressful and traumatic. The employers did not appear at the hearing and an award was subsequently made in his favour. However, the current whereabouts of the employers is unknown and, even if known, it is unlikely that the victim would pursue them for enforcement of the award due to his concerns for his safety and that of his family. Criminal proceedings for trafficking for labour exploitation were discontinued.[119]

As shown above, restitution in labour trafficking is usually conceived of as part of the prosecution of traffickers, who should compensate victims by returning money unjustly extracted from their labour. In the United States, the Californian legislature "specifically chose the term 'reparations' to describe the victim's injuries—a word that includes not only monetary loss but the conduct and nature of the wrongdoing". This means that a court "should appreciate that a trafficked victim's injury is not limited to the loss of labor wages but should also credit how the labor was extracted" (Greer 2020, p. 1628). Even in that case, however, the focus of reparations remains on the harms of exploitation, failing to appreciate the specific additional harms involved in trafficking. Moreover, the currency of reparations remains exclusively monetary.

By contrast, I argue, a reparative, harms-based approach to the needs of people trafficked for labour exploitation should also include material reparations, in the form of specifically targeted social services, and non-material reparations, including social rehabilitation, truth telling, and apologies. Non-material reparations thus require a more comprehensive reconstruction of outcome responsibilities for trafficking for labour exploitation, overcoming the exclusive attribution of moral and legal responsibility to organised crime groups or specific individuals. The latter do indeed owe compensation to trafficked people, but they are not the only actors who contributed to and benefitted from trafficking. Businesses and states may have both special reparative responsibilities for specific actions and general reparative responsibilities as they participate in the economic structures that make trafficking for labour exploitation both possible and economically advantageous.

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[119] https://www.justiceatlast.eu/case-ie03.

According to Ricard-Guay and Hanley, "Early anti-trafficking understandings strongly associated trafficking with organized crime and hence maintained the idea that [it] occurs outside of the mainstream economy, social values, norms, as well as policies. In other words, trafficking was confined to the underground, the criminal, and the 'extraordinary,' and not easily related to labor market structures and labor migration laws" (Ricard-Guay and Hanley 2020, p. 290). Relatedly, "there has been a growing shift toward the use of the term 'slavery,' to the extent that slavery, trafficking, and forced labor are sometimes used interchangeably" (Ricard-Guay and Hanley 2020, p. 290). The discourse on trafficking conceived of as a new form of slavery, some have argued, diverts attention from the "structural causes" and "depoliticizes the wider debate on migration and labor" (Ricard-Guay and Hanley 2020, p. 290).

In the UN Trafficking Protocol, Schumann notes, "regular business corporations typically were neither perceived as potential perpetrators committing the offence of trafficking in human beings, nor were they explicitly targeted as beneficiaries of cases of human trafficking" (Schumann 2020, p. 1659). To the limited extent businesses' responsibility has to date come to be considered, such a responsibility is usually conceived of as criminal liability for extraordinary unlawful acts, rather than as outcome responsibility for not-necessarily-criminal acts and participation in structures.[120] What is criminalised is the "intentional use of services of a victim of trafficking in human beings" and the related acts of "recruitment, transportation, transfer, harboring, or receipt of the person" (Schumann 2020, p. 1657). In addition, trafficked people's employers "might be held liable for inciting, aiding, or abetting the trafficking offender" (Schumann 2020, p. 1658).

Many trafficking practices across the world occur within the context of legitimate businesses. Indeed, trafficked persons can be employed in legitimate industries such as agriculture,

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[120] Depending on the particular domestic legal order, the concept of corporate criminal liability might or might not include potential liability for forced labour and human trafficking. In the EU, the emerging model on corporate (criminal) liability applied to human trafficking relies on article 5 of EU Directive 2011. See Schumann 2020, pp. 1654–55.

construction, hospitality, and transportation (De Vries et al. 2020, p. 751). Yet, scholars and practitioners have only recently begun to "recognize how human trafficking occurs in legitimate businesses and otherwise intersects with the private sector through supply chains, logistics, or finance" (De Vries et al. 2020, p. 747). According to Palumbo, "There is a lot of attention on the 'effect' of an abusive system, i.e., about tent cities, low wages etc., there are millions of photo exhibitions about the shantytowns ('baraccopoli') but we do not focus on the responsibilities of companies and all the other actors involved in the supply chains" (Palumbo 2016, p. 28). Focussing on agriculture, she notes that producers, in particular small producers, are often in a weak position to negotiate in the supply chains. Given the increasing pressure traders and large retailers put on the prices of agricultural products, some producers claim that they are not able to pay workers the salary stipulated by national and provincial contracts (Palumbo 2016, p. 26).

As we have seen, responsibility attribution and reparations in trafficking for labour exploitation are usually framed in a criminal justice perspective. This is a relevant limit when it comes to including legitimate business into the picture. As Vries et al. highlight, "A criminal justice system approach has proven to be especially limiting in addressing corporate offending in the context of human trafficking. . . . even if corporate criminal liability is legally an option, its actual use may be limited due to concerns about the potential adverse impacts of corporate criminal liability on businesses and trade relations" (De Vries et al. 2020, pp. 755–56). A backwards-looking, reparative approach to trafficking for labour exploitation should thus go beyond criminal liability to consider the outcome responsibility that businesses (including traders and retailers) have for contributing to the structures that trigger the demand for trafficked labourers and to consider how they benefit.

States' responsibilities in contributing to and benefitting from trafficking for labour exploitation should also be considered, in addition to the responsibilities that states of origin have for the failure to protect their nationals from being recruited and in addition to those that states of destination have for the failure to protect trafficked people from exploitation taking place under

their jurisdiction. Indeed, countries of destination also contribute by their actions and omissions to creating demand for trafficked labourers and to maintaining impunity for exploiters, and they benefit from trafficking. Along with trafficking for exploitation in agriculture, construction, and other sectors that cannot be relocated to the global South to lower production costs, recall the case of domestic work. As Palumbo illustrates, Italy benefits from trafficking for labour exploitation in domestic work, which allows the informal provision of cheap, quasi-free labour to continue in the private sphere. Indeed, the state saves the resources that would otherwise be needed to fund social services such as elderly care, nursery school, or home care for chronic illnesses.[121] In sum, receiving EU states occupy a powerful structural position in shaping the economic arrangements, political choices, and legal norms that make trafficking for labour exploitation a frequent outcome, even within the EU. Therefore, receiving states owe trafficked people social service provision as a redress, rather than as a form of charitable assistance, and they also owe them truth telling and apologies.

Conclusion

This chapter has focused on another case of forced migration that would be overlooked if we keep the focus on borders and admission policies. This is the case of intra-EU trafficking for labour exploitation. Admission is not an issue for EU citizens, who are allowed to move and settle in other EU member states. EU trafficked people thus do not need to be smuggled through illegal routes or to use fake documents. Yet, their existential condition is deeply different from that of other EU voluntary migrants. They have been coerced or deceived into moving to exploit their labour and purposefully prevented from regaining control over their lives. In this case, the theoretical frame provided in Part I allows us to see that, in addition to the harms of exploitation,

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[121] Surely, one might argue, the familialist model of care does not necessarily require trafficking to be sustained. In other words, trafficking is not a direct and necessary consequence of a familialist model. The point is rather that the receiving state benefits from trafficking when the labour of trafficked domestic workers contributes to sustaining that model despite the decrease in female family members' labour.

EU trafficked people also suffer the typical harms of forced displacement. They do not only need to exit the exploitative employment and find protection against retaliation. They also need to regain control over their lives, to re-create a Home environment where they can orient themselves, resume planning their lives, acquire meaningful social roles, and receive specific psychological assistance. Reparation, thus, should not consist just in the prosecution of exploiters and in the compensation for unfairly extracted labour. Qua forced migrants, EU victims of trafficking for labour exploitation are owed targeted services to overcome the harms of displacement. The responsibility to provide such services does not only rest on the state where the trafficked person has been brought to in virtue of its territorial jurisdiction: special reparative responsibility rests on receiving states, states of origin and legitimate business to the extent that they created the background conditions for trafficking to take place and profited from it.

Chapter 7

Forced Migration across Borders: The Syrian Case

The Syrian conflict has been enduring for ten years. Since 2014, Syria has been the main country of origin of people forced to move across borders. According to the UNHCR, at the end of 2020 there were nearly 6.7 million Syrians displaced outside their country (UNHCR 2021, p. 7). The previous UNHCR Global Trends report accounts for 6.6 million, 3.6 million of whom living in Turkey, nearly a million in Lebanon, over 600,000 in Jordan, and more than half a million in Germany (UNHCR 2020, p. 20). In addition, over 6 million people were estimated to be displaced within Syria itself, making the country rank second in the world ranking of IDPs' countries of origin, behind Colombia (UNHCR 2020, p. 30). While Colombians have been largely displaced inside their country and have attracted limited academic and public attention in the global North, Syrian forced migrants who left Syria outnumbered Syrian IDPs. What is more, European countries were forced to face the predicament of Syrian forced migrants when thousands of them began to seek asylum in Europe, particularly through the hazardous Balkan route, from Turkey across the Aegean to Greece and then heading North. This has been remembered as the "refugee crisis" or "Mediterranean crisis", given the alarming numbers of casualties at sea.

Not only politicians, but also academics, including political theorists, have been compelled by the "refugee crisis" to assess how European states should deal with an unprecedented flow of forced migrants, many of them fleeing war-torn Syria. The dominant approach to the issue is a humanitarian one, and the most pressing issue concerns admission policies. In other words, what Syrians are thought to be due is admission to a country where their survival and basic human rights are not at immediate risk. The basic assumption seems to be that the Syrian regime is the main entity responsible for both violence and subsequent displacement. External countries could be

conceived of as innocent bystanders by Singer's famous pond.[122] They all have a Samaritan duty to help displaced Syrians, provided that they are able do it at a reasonable cost. The point, then, is to fairly share the burden.

If the burden consists in physically hosting forced migrants, then such a burden appears unbalanced, given that most Syrian displaced people moved to neighbouring countries. It has been noted that these countries are forced to shoulder most of the burden merely because of their geographical proximity, even though wealthier countries have a greater capacity to help. Germany seems to have done more than its fair share, given that it was the only country in the global North to admit more than half a million Syrians.[123] Indeed, for a few months in 2015 German chancellor Merkel suspended the Dublin regulation obliging forced migrants to ask for asylum in the first EU country where they arrive, thereby allowing them to reach Germany. This helped to relieve the burden on both EU border countries (namely, Greece) and Levant countries. Nevertheless, some scholars have criticised Merkel's gesture as unwise. According to Betts and Collier, Merkel's behaviour was excessively impulsive and emotional, and it led to a rise in forced migrants risking their lives in the attempt to reach Germany (Betts and Collier 2017, pp. 84–85). Merkel's irrationality, they claim, worsened the "refugee crisis".[124] Besides, it also resulted in a right-wing backlash that soon prompted Merkel to abruptly reverse her policy, by supporting an EU deal with Turkey to stop the departure of Syrians from its territory. Although the deal included resettlement quotas along with financial help to Turkey, EU states showed little compliance with the resettlement part of the deal, basically outsourcing the hosting of Syrians to Turkey. According to

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[122] This is made explicit in Betts and Collier 2017, p. 99.

[123] In absolute terms, Germany was the fifth country in terms of the number of displaced people living on its territory in 2019 and the first among global-North states (UNHCR 2020, p. 22, fig. 9). In terms of the overall number of refugees as a proportion of the total population, in the period 2010–19 Malta (2.7 percent) and Sweden (2.5 percent) surpassed Germany (third among global-North countries with 1.5 percent of refugees). See https://www.nrc.no/perspectives/2020/the-10-countries-that-receive-the-most-refugees/.

[124] In their view, not only those displaced could have been incentivised to take the Balkan route, but more people could have been displaced given Germany's welcoming attitude: "The offer of a new life in Germany made it considerably more likely that military action against rebel civilians would induce them to leave Syria. Inadvertently, this may have encouraged the Assad regime to intensify the violence" (Betts and Collier 2017, pp. 85–86).

Betts and Collier, a more efficient and fair way to share the burden of helping forced migrants would have consisted in a coordinated effort by the global North to fund development plans in the Levant countries, to promote forced migrants' economic self-sufficiency and thus effectively relieve the burden that they pose to hosting countries. In any case, Betts and Collier's development-oriented approach explicitly builds on an underlying humanitarian ethics of rescue, where external states have a shared moral duty to save forced migrants from death, coupled with a marked consequentialist emphasis on efficiency and rationality in distributing the resulting burden.

The aim of this chapter is to assess the implications of my harms-based, backwards-looking approach to the Syrian case, discussing how it would change the way Syrians' plight is approached. Firstly, shifting the approach affects responsibility allocation by tracing external states' special and general reparative responsibilities for contributing to Syrians' forced displacement. Although this would not set each state's fair share, it would modify the frame of the debate. Secondly, a harms-based approach to forced migrants' needs illuminates what is due to Syrians besides admission to a safe country. To illustrate this point I will focus on the case of those Syrians who have been admitted to Germany, to consider to what extent German policies meet Syrian forced migrants' rights qua displaced people and whether they can count as reparations for the harms of forced displacement.

1. *A Backwards-Looking Approach to Responsibility for Displacement in Syria*

Forward-looking humanitarian approaches focus on how the responsibility to assist forced migrants should be distributed independently of why they have been displaced. What counts is the urgency of the need, rather than its source. Indeed, the rationale is a beneficiary principle, which does not require assessing whether assisting states have causally contributed to forced displacement. By contrast, a backwards-looking, harms-based approach to responsibility for forced migration entails the assessment of the reasons why forced migrants have been displaced. The guiding idea is that if "assisting" states have contributed to forcibly displacing people, they

bear a reparative responsibility to repair the harms of forced displacement and to fulfil the needs that forced migrants have as a result. This responsibility is more stringent than the generic humanitarian duty to help all strangers in distress provided that this is possible at a reasonable cost.

Why have more than twelve million people been displaced in Syria? A short answer would be: because of the violent repression of an uprising, which triggered a harsh civil conflict involving human rights violations and humanitarian-law violations. However, the dynamics of the Syrian conflict and its roots are more complex and not purely endogenous. Of course, the regime's policies played a crucial role both in making Syrians take to the streets and in turning the uprising into an armed rebellion. However, the regime and the rebels did not act in a vacuum, without any external influence. Indeed, without external influences the uprising might not have happened, and surely it would neither have rapidly escalated into a proxy war nor have resulted in a protracted stalemate. Thus, it is worth summarising the complex picture and balancing internalist and externalist approaches to the causes of the massive displacement in Syria.

A disputed externalist explanation of the uprising's root causes has attributed it to climate change leading to drought and then to a struggle for water. Though the causal connection between climate change and the Syrian war appears tenuous, the debate illuminates the interplay of domestic and external factors behind the uprising. Syrians began to pacifically take to the streets in 2011. Among the proximate triggers of the protests, we should recall the solidarity with the Arab Spring protests that had started spreading in the Middle East and North Africa. The time seemed favourable to the removal of another dictator, given the wide praise of the international community for the Arab Spring and the direct involvement of global-North states in Libya. In addition, living conditions were rapidly deteriorating in Syria, due to environmental stressors and sudden changes in economic policy. Syria was experiencing a serious drought. Though cyclic droughts were common in the area, the impact of the drought was exceptionally destructive, particularly in the rural Northern and Northeastern regions, because of a shortage of groundwater reserves, which had been overused (Daoudy 2020). Behind this groundwater depletion, there was

a miscalculated regime plan to excessively extend the cultivated areas, coupled with corruption in well concessions (Daoudy 2020; De Châtel 2014). Moreover, the use of inefficient irrigation systems was making precious water evaporate while also causing the salination of lands (Daoudy 2020). However, groundwater depletion has also been linked to the Turkish policy of unilaterally diverting Euphrates water and to the pollution of downstream water coming from Turkey, which also contributed to salinisation (Karnieli et al. 2019).

The drought was thus putting farmers' livelihoods under strain. What is more, it occurred while the regime was embarking on a precipitous economic liberalisation. The abrupt cut in state subsidies strongly affected the rural population. For instance, Marwa Daoudy observes that when the fuel subsidies were removed in 2008, just before the harvest, "diesel fuel prices rose approximately 350 percent. . . . This price spike coincided with farmers' increased need to pump water because of declining soil moisture and precipitation from drought, and farmers needed the diesel to run their pumps" (Daoudy 2020, p. 158). Subsidies for chemical fertiliser were also cut in 2008, resulting in price increases of 200–450 percent. Several farmers could not sustain their livelihoods and left. It has been estimated that around 60–70 percent of villages in Hassake and Deir ez-Zor provinces were abandoned, as well as 160–220 villages in the Jazira province (Daoudy 2020, p. 160). The cumulative effects of drought and economic liberalisation led to an unprecedented rise in internal displacement: while seasonal internal migration had long been common, entire families were now forced to move in search of an alternative livelihood (De Châtel 2014, pp. 526–27).

The Syrian state chose to implement reckless economic policies. However, economic liberalisation was strongly encouraged by Western states. It has been noted that the EU had an "unshakable belief that free trade and market-oriented reforms would be the panacea for the political, economic and social problems of the Arab partners" (Cavatorta 2020, p. 266). Issues of democratisation and human rights had moved to the background, and the Syrian state was being pushed on "economic integration through market reforms and free trade, in the hope that a better

performing economy would have a democratizing effect on the political system while delivering significant economic benefits to the EU" (Cavatorta 2020, p. 264). Macroeconomic indicators were taken as evidence of successful economic development, with analysts failing to recognise that the impact of such reforms impoverished the great majority of citizens (Cavatorta 2020, p. 266).

By 2011, inequality and unemployment had been rising. In addition, endemic corruption made bribery a survival-dictated choice for a growing number of Syrians, and pervasive state surveillance made it impossible to democratically contest the regime's policies and its structures. Thus, there were strong reasons for Syrians to call for demonstrations. The spark that lit the flame was the arrest of a group of schoolchildren in Daraa, accused of having written some graffiti against the regime. Demonstrations and sit-ins multiplied in the following days, while the regime began to open fire on protesters. As more and more killings, tortures, and arrests were reported, the uprising grew. Neither economic nor environment-related claims ranked high in the protesters' demands,[125] which concentrated on freedom, dignity, and an end to corruption (De Châtel 2014, p. 221). Yet, we should remember that the global North had been proactive in promoting inequality-triggering neoliberal policies in Syria while tolerating the regime's undemocratic and repressive strands. Furthermore, I will argue, the global North's actions contributed to making the Syrian uprising an ideal opportunity for regional powers to compete for their geopolitical ends.

International-relations scholar Christopher Phillips argues that "Syria's conflict is not a domestic civil war that has become a proxy war, but rather had an international dimension from its very beginning. This is not to deny agency to either Asad [sic] or his opponents, nor to indulge in conspiracy theories that either acted as an agent of a foreign power. The Syrian conflict is complex and multiple factors have driven and shaped it. But external factors have played a vital role in framing, enabling and facilitating the war from the very start, not just getting sucked in

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[125] Note, however, that Dara'a province, where the uprising began, had been considerably hit by the drought and there were protests revolving specifically around well licensing and groundwater use (De Châtel 2014, p. 225).

later on" (Phillips 2020, p. 38). The United States' 2003 invasion of Iraq and its failure to create a stable post-Saddam democracy had a huge impact by upsetting the fragile regional balance of power. The major beneficiary was Iran, which bolstered its relations with Iraq's Shi'a majority—who used to be marginalised under Saddam Hussein's regime—as well as with the Syrian Alawite, heterodox-Shi'a regime. This frightened (Sunni) Saudi Arabia, whose arms imports from the United States dramatically increased between 2004 and 2011 (Phillips 2020, p. 39). Betts and Collier concede that "occasionally, refugee movements do involve direct Western complicity—Vietnam, Kosovo, and Iraq, for example", but they claim that this is not the case with Syria (Betts and Collier 2017, pp. 99–100). On the contrary, Phillips notes that "even the expectation of external support from domestic actors can lead them to favour violence over compromise. This clearly happened in Syria". He deems the US position contradictory: despite wanting to step back from the region, in 2011 US president Obama "repeatedly used the language of the dominant power towards Asad. Similarly, a year later, in August 2012 he famously threatened Asad not to cross a 'red line' on chemical weapons use" (Phillips 2020, p. 42). The expectation of a forthcoming US military intervention prompted Iran to send military support to the Assad regime. The same happened with Russia, which also feared that a pro-US Syria would deprive Russia of its geopolitical influence and of its naval base on the Mediterranean. On the anti-Assad front, Saudi Arabia, Qatar, and Turkey began training and arming the insurgents, expecting the United States to intervene against Assad as it had just done in Libya (Phillips 2020, p. 42). Hinnebusch agrees that "seeming to promise intervention and then failing to do so in the Syrian case created the worse of all scenarios" (Hinnebusch 2020, p. 9).

Meanwhile, EU states were divided on whether weapons should be sent to the insurgents and agreed on pursuing the economic-sanctions route to express condemnation of the regime's repression, initially advocating reforms and later demanding that Assad resign. Economic sanctions were also meant to financially weaken the regime. However, they clearly missed this target: Iranian and Russian resources allowed the regime to resist and fight, while economic

sanctions—particularly those affecting oil revenues—turned out to be key in the debilitation of the state and of its capacity to provide basic services to the population (Hinnebusch 2020, p. 9), thus contributing to forced displacement in Syria.

When a US-led coalition did overtly intervene in Syria, its goal was no longer deposing Assad, but rather destroying the self-proclaimed Islamic State (IS) in the rebel-controlled area. Indeed, the Syrian insurgency was highly fragmented into several rival secular and Islamist Sunni groups, the latter backed by Saudi Arabia, Qatar, and Turkey.[126] Among them, there were two main jihadi groups derived from the Iraqi branch of Al Qaida: Jabhat al-Nusra and the IS group (Phillips 2020, p. 44). As the IS began seizing more and more territory in Syria and announced the proclamation of a caliphate in 2014, fighting the jihadists became the priority for the United States and Europe. Thus, a US-led coalition was formed against the IS. Looking for non-Islamist local proxies, the coalition allied with Kurdish rebels (the Syrian Democratic Forces) (Phillips 2020, p. 44). This further complicated international relations in the anti-Assad front, given that Turkey strongly opposed the creation of an independent Kurdistan neighbouring the Turkish border; thus, for Turkey, preventing the creation of a Kurdish state took priority over deposing Assad. The active military involvement of Russia on the regime's side, with the use of air bombardment on a massive scale, further shifted the power balance in favour of the Assad regime (Hinnebusch 2020, p. 11). The Syrian and Russian forces have since then repeatedly and deliberately targeted civilian objects (e.g., hospitals) and even employed banned weapons (Human Rights Watch 2021, p. 638). Besieged rebel-controlled territories have gradually capitulated, and the regime has now reconquered around two-thirds of its territory, yet the conflict has not come to an end. Arguably, Assad's resignation will no longer be an option in future peace talks.

Some scholars blamed the United States and the EU for failing to intervene against the Assad regime, particularly since the regime crossed what Obama had called the "red line" in

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[126] Phillips reports that "there is evidence that both Qatar and Turkey offered support to Islamist fighters opposed to the Free Syria Army, at the same time as they claimed to be backing it" (Phillips 2020, p. 43).

employing chemical weapons (Gani 2020, p. 217; Phillips 2020, p. 42). This, they argue, is a failure to live up to the responsibility-to-protect doctrine (R2P), which had been used to justify the military intervention in Libya shortly before. Thus, we might conclude, the United States and the EU have a reparative responsibility towards the victims and the forcibly displaced for their failure to militarily intervene against the regime to protect them. However, it should be noted that UN Security Council resolutions against Assad were invariably vetoed by Russia and China, which suspected R2P could be used as an official cover to mask military intervention driven by strategic interests (El-Kebbi 2020, pp. 304, 309, 313). In addition, the military intervention in Libya was not succeeding in securing peace or security, let alone democracy. In sum, the consequences of a counterfactual military intervention against the Assad regime are difficult to imagine, independently of whether it would have been morally justified, and it is not clear whether military intervention would be the wiser way to deploy the R2P.

However, as I have argued in chapter 4, reparative responsibility for forced migration does not require moral culpability. Even if not necessarily morally guilty for military inaction, global-North states, as well as the other external states and local actors, have a reparative responsibility for the outcomes they contributed to. This also applies to the US-led coalition's intervention against the IS. Legally, it has been primarily justified as a defence against a non-state actor that had been claiming terrorist attacks in the global North (Cohen 2020, p. 17). Morally, it might also be justified by referring to the R2P, given the atrocities committed by the IS group, including the genocide of the Yazidi minority. Nevertheless, the US-led coalition engaged in air bombardments and indisputably directly displaced and killed civilians in Syria,[127] though harming civilians might not have been done on purpose. In addition, we should recall that thousands of EU citizens joined the IS as foreign fighters[128] and that the US intervention in Iraq greatly contributed to the strengthening and spreading of jihadism in the area (Phillips 2020, p. 40). Thus, the United States

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[127] https://www.bbc.com/news/world-middle-east-48473979.
[128] https://www.businessinsider.com/afp-more-than-6000-european-jihadists-in-syria-eu-official-2015-4?IR=T.

and the EU cannot claim complete extraneity in the Syrian conflict nor in the plight of the forcibly displaced.

To sum up, I have tried to sketch a picture of the complex interplay of causes of the Syrian uprising and the even more complex dynamics of the conflict that followed. My aim has been to evaluate the plausibility of externalist and internalist accounts of what lies behind the massive forced displacement in Syria and to assess whether host states actually resemble bystanders by the pond where Syrians are drowning. I have conceded that externalist accounts attributing the Syrian uprising to climate change and the subsequent struggle for water do not seem to effectively make sense of the Syrian case and that they excessively downplay the role of the Syrian state in setting the preconditions for the Syrian war. Thus, contribution to climate change seems to provide poor ground for a general reparative responsibility towards Syrian forced migrants. However, I showed that EU diplomatic pressure on the Assad regime to economically liberalise while leaving democratisation issues aside did contribute to dissatisfaction among the Syrian population. Although surely not an intended outcome, this was still a foreseeable outcome. Moreover, external states have played a crucial role since the beginning of the Syrian conflict. Turkey, which hosts half of the displaced Syrians, was actively engaged on the rebels' side; it even allowed foreign fighters into IS and financially supported the IS by buying its oil (Hinnebusch 2020, p. 10). Thus, it seems puzzling to consider Turkey as an innocent bystander merely owing admission to Syrian forced migrants on humanitarian grounds. When it comes to the global North, the US ambivalence in the first months of the uprising fuelled the expectation of a forthcoming intervention, contributing to a rapid escalation of the civil conflict into a regional one. EU sanctions also communicated a willingness to escalate and contributed to the deterioration of the basic services in Syria while failing to weaken the ruling elite. Finally, the United States and some EU states also engaged militarily in Syria to fight the IS, thus directly provoking victims, destroying buildings, and displacing residents. Surely, this time the United States and the EU allies did not initiate the war, unlike in Afghanistan and Iraq. They could not be charged for most killings and forced

displacement, nor for the forced disappearances, tortures, and illegal weapons deployment ascribable to the regime and other states or local actors. However, they do not appear completely uninvolved in the conflict either. Notwithstanding the attribution of blame, even in this case the United States and the EU states share some collective reparative responsibility for indirectly contributing to setting the background conditions and nourishing a conflict that displaced millions of people and also bear special reparative responsibility towards those that they directly contributed to displacing.

2. *A Harms-Based Approach to What Is Owed to Displaced Syrians: A Focus on Germany*

The previous section adopted a backwards-looking approach to the issue of responsibility for displacement in Syria. The intricate picture I have attempted to sketch supports the claim that those states that found themselves confronted with the "refugee crisis" are not completely unrelated to the plight of the displaced Syrians. Thus, such states do not merely have a humanitarian duty to relieve human sufferings according to their capacity; at least, they bear some collective, general reparative responsibility to mitigate the harms of forced displacement given their contribution to underlying causes or to the management of the conflict. In addition, some of them bear special responsibility towards subsets of forced migrants coming from the areas affected by the military operations they have been involved in. The reparative responsibility of these states thus varies: Turkey, for instance, seems to have far greater reparative responsibilities than, say, Jordan, given its strong involvement in the conflict. Global-North states also have differentiated reparative responsibilities, and this may matter in determining their fair share of costs. Assuming for a moment admission is a simplified currency for the costs of discharging reparative responsibility, Germany, for instance, seems to have taken up the slack by admitting over seven

hundred thousand asylum seekers since the beginning of the war,[129] while the United States has resettled far fewer.[130] A fair and exhaustive attribution of costs to each state exceeds the aims of this discussion of the Syrian case. Other criteria, along with outcome responsibility, may be worth factoring in. However, the point is that a backwards-looking assessment of outcome responsibilities matters in determining what kind of moral obligations states have towards Syrian forced migrants, which is prior to the determination of their individual shares.

In what follows, my aim is to consider how a backwards-looking, harms-based approach matters to what these forced migrants are owed. My claim is that the distinctive harms involved in forced migration should be taken into account to understand what forced migrants need and to determine how such needs should be met. A harms-based approach highlights that forced migrants do not merely need rescue (i.e., admission to a safe haven and survival). Thus, even those states that admitted a large share of Syrian forced migrants did not necessarily meet the needs that those forced migrants have as a result of their forced displacement. Moreover, the reasons why states address such needs and the way they do so are also crucial in determining whether forced migrants are given what they are owed, which is the recognition of and reparation for the harms they suffered qua forced migrants. Thus, my harms-based approach helps us to illuminate shortcomings even in the most successful cases, where forced migrants' survival needs are sufficiently addressed. To illustrate my argument, I will focus on the case of Syrian forced migrants who have been admitted to Germany. As I have already noted, Germany admission policies have been particularly inclusive towards Syrian forced migrants, at least at the beginning of the "refugee crisis". Moreover, Germany seems particularly successful in providing assistance to those forced migrants who have been admitted. Among the states that host the bulk of the Syrians displaced outside their country, Germany has been able to better provide for the needs of Syrian forced

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[129] By December 2018, 770,000 Syrians had requested asylum in Germany since the beginning of the war (Meininghaus and Mielkem 2019, p. 17).

[130] In total, 18,007 Syrian refugees were resettled in the United States between 1 October 2011 and 31 December 2016. https://www.migrationpolicy.org/article/syrian-refugees-united-states-2017.

migrants it admitted, compared to Turkey or Lebanon.[131] Germany clearly has greater financial and infrastructural capacities than the Levant countries. However, I will show, even prosperous Germany did not properly recognise and meet the needs that Syrian forced migrants have qua displaced people. A harms-based approach helps to illuminate these needs and to identify where a change in policy is needed.

A harms-based approach highlights that forced migrants do not only need to be saved from death. Rather, they have distinctive needs to regain control over their lives, to remake a Home environment where their life is predictable and has some meaning, to restore social status, and to recover mental health. Those who reached Germany did not travel a long distance in order to merely survive, but rather to be able to plan a life again, to find a source of livelihood and decent housing with sufficient privacy, and to receive an education or secure an education for their children. For Nur and her family, for instance, life in Lebanon was so bad that after two years they attempted to return to Aleppo, where unfortunately "things were worse" than when they left. At that point, they decided to cross the Aegean and try the Balkan route to Germany. Nur recalls, "Once while I was waiting for an appointment in one of the state agencies here I met a journalist. She told me, 'The most important thing is that now you're safe.' I told her, 'But we haven't come looking for safety. We're not afraid of death.' And it's true. We don't have a problem with death. Our problem is life without dignity" (Pearlman 2017). This might seem puzzling if we assume that Syrians reached Germany exclusively to flee life threats, such as indiscriminate bombings, or persecution. By contrast, as we have seen, forced migrants have specific needs as a result of the harms of forced displacement, and they seek the fulfilment of such needs, besides physical security. Let us thus turn to the harms-based theory of the specific harms of forced displacement and consider whether such needs have been recognised and addressed in the case of Syrian forced migrants in Germany.

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[131] For a comparison with Turkey on labour integration, see, for instance, Okyay 2017. On issues and coping strategies in Turkey, see Arenliu et al. 2020.

In chapter 2, I have argued that forced migration involves a loss of control over one's body and bodily movement, one's private space, and one's future life plan. As a result, forced migrants have a specific need to regain control over these fundamental aspects of human existence. As I have argued in chapter 3, policies focussed on admission and on the fulfilment of mere survival needs do not adequately acknowledge such needs and thus fail to adequately meet them. Indeed, they may even further deepen forced migrants' loss of control. Consider how Germany's policy choices, although generous in providing admission, fell short of adequately meeting Syrian forced migrants' need to regain control.

During the "refugee crisis", German policy makers, like many other policy makers, academics, and the public, seem to have been moved by a humanitarian ethics of rescue. It was imperative to maximise admissions, even though this required emergency temporary shelter. Moreover, if what forced migrants needed was merely a safe haven, it did not really matter where they were placed. Thus, it appeared rational to adopt a quota system, allocating a share of forced migrants to each Land (i.e., federal state) according to the Land's number of inhabitants and tax revenue (Adam et al. 2019, p. 4). In the German system, as a first step, forced migrants are assigned to emergency reception facilities in the designated Land for up to six months. Subsequently, again based on quotas, the Land's authorities allocate refugees to the municipalities, where they can again be temporarily sheltered in emergency shelters such as sports halls, and then moved to collective accommodations such as hotels or prefabricated buildings.[132] Only once they receive refugee status are they allowed to move to a private dwelling and entitled to social housing (Adam et al. 2019, p. 5). To ensure that the distribution among Länder would be respected, it seemed rational to impose a residence obligation on forced migrants requiring them to remain in the Land (or even the town) they were assigned to. According to the German Residency Act §12a/1, all asylum seekers who were accepted as refugees after 1 January 2016 are required to stay in the

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[132] See Adam et al. 2019, pp. 8–9 on the case of Cologne.

Land to which they have been assigned for a period of three years (Damir-Geilsdorf and Sabra 2018, p. 17). By June 2018, seven states out of sixteen had implemented additional restrictions;[133] for instance, the Land of North Rhine–Westphalia (NRW) also required that those who are granted refugee status reside in the municipality they were allocated to for three years (Adam et al. 2019, p. 5). This was a way to fairly share the burden of hospitality among Länder, while also granting forced migrants what they were owed: a safe place where their life was not at risk. However, Syrian forced migrants were not just people whose life and human rights were threatened in the place of origin. They were first and foremost displaced people, who had been deprived of control over their lives and that were struggling to replan their lives anew. Thus, being assigned to a Land and obliged to live there for years did not help them to regain control over their lives.

Secondly, the uncertainty, dependency, and lack of information in the asylum process perpetuated the loss of control over their near future. A UN report describes the system as "neither transparent nor efficient, involving many different bodies that do not communicate with each other so that procedures are extremely slow". This, the report observes, "creates an atmosphere of uncertainty and insecurity, of powerlessness and disappointment" (Damir-Geilsdorf and Sabra 2018, p. 20). Insufficient information undermines the (limited) sense of control an asylum seeker strives to develop about what is expected to happen next. Furthermore, impersonal communication can increase a sense of unpredictability and arbitrariness about the whole process. An asylum seeker recalls that in the reception centre where he was hosted, the source of information was a board: every day, they had to check if their name was on the board to find out if they were on the list for a transfer or for any other thing that might be important for them, such as an audition. The name might appear within a day or a month. Clearly, there was no point in

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[133] https://www.oecd-ilibrary.org/sites/147e7284-en/index.html?itemId=/content/component/147e7284-en.

arguing or posing questions to a board. They used to feel totally helpless and passive in the process (See Gürer 2019, p. 63).

Thirdly, the emergency shelter they received was far from helpful for regaining control over their private space. Syrian forced migrants in Germany often found themselves assigned to camp beds in a sports hall for many months. Surely, this was originally meant as an emergency, short-term-assistance provision. Besides, privacy seems a luxury, compared to physical security. However, it is a fundamental need for a person who has been suddenly deprived of it and might have already endured its lack for years as an IDP or a forced migrant in a country near Syria. To some, it may also be a necessary condition for feeling secure. According to the above-mentioned UN report, since "the majority of persons accommodated in sport halls are male, men dominate the space while women usually do not have any specific spaces for retreat, and although showers are gender segregated, they often cannot be locked" (Damir-Geilsdorf and Sabra 2018, p. 20). The lack of privacy obliges women with headscarves to wear them there all the time (Damir-Geilsdorf and Sabra 2018, p. 20), as if they were constantly in a public space, rather than their only surrogate home. Far from whimsical, a sphere of privacy is a basic human need and its protracted lack is extremely stressful for anyone. For a forced migrant who has lost control over their home and cannot come back, this is even more harmful and shows a misrecognition of their specific condition. What is more, the lack of privacy exposes women to sexual and gender-based violence. Indeed, sexual harassment has unfortunately been reported in German reception centres too (Damir-Geilsdorf and Sabra 2018, p. 20) and not only in camps in the global South.

Along with the need to regain control, Syrian forced migrants struggle to re-create a Home environment. As I argued in chapter 2, a Home environment does not only require a home, understood as a relatively stable physical space allowing sufficient personal privacy. A Home environment is also made of a web of reliable social connections, spatial landmarks allowing one to orient themselves in space, and intelligible and predictable social norms and routines. A Home environment is a place that provides a sufficient sense of stability, where planning for the future is

possible, even though the plan may involve moving elsewhere or eventually returning to the place of origin.

It should be noted that Germany has been offering language courses and cultural-integration courses to many Syrian forced migrants. However, these courses are not offered as a way to meet the need to re-create a Home environment for those who have lost it. Rather, the reason to provide such courses is to promote employment and the cultural assimilation of those who are likely to become permanent—or at least long-term—members of German society. Indeed, language and cultural-integration courses are provided not to all forced migrants, but only to those who have already been granted refugee status, or at most to those who have a high chance of receiving it (Okyay 2017, p. 6). Even more neglected is the need to orient themselves in space, given that forced migrants are allocated to municipalities they often did not know and can be moved repeatedly from one reception facility to another.

Again, it seems that as long as physical security is provided, forced migrants are given what they are owed, qua forced migrants. Only if they eventually settled in Germany, qua society members, would they be entitled to language and cultural-integration support, in order to assimilate in and benefit society instead of burdening it. Thus, during the exhausting wait for a decision on their status,[134] forced migrants are not thought to be owed support to orient themselves in Germany when adjusting to unfamiliar places and habits and mitigating the disorientation that comes from being forced to flee their previous Home environment for an indefinite time, perhaps forever.

While voluntary migrants would also benefit from language courses and integration support, they have not lost their Home environment: they deliberately left it behind and could in principle go back to it if they decided to. Syrian forced migrants, instead, usually had no intention

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[134] In 2016, the average length of an asylum application was seven months from lodging an application to receiving a decision. When the waiting time between arrival and getting an appointment with the Federal Office for Migration and Refugees (BAMF) is added, on average it takes around thirteen months. See https://www.oecd-ilibrary.org/sites/147e7284-en/index.html?itemId=/content/component/147e7284-en.

to leave Syria before they were forced to. Iman, a female engineer from Harasta, sadly remarks, "We had just gotten married and lived only two months in our new home before we had to abandon it. I'd chosen everything in the house with such care: the furniture, the curtains, the colors of the walls" (Pearlman 2017). To her, forced displacement clearly came as a sudden disruption of her life plan, and adjusting to a new Home environment is a painful necessity, rather than a challenge worth undertaking to pursue a migration plan. In sum, an enforced protracted wait for a residence permit with little support for re-creating a Home environment in the meantime evinces a misrecognition of the distinctive condition forced migrants found themselves in as a result of displacement.

To re-create a Home environment, human relations are at least as important as orientation, discernability, and predictability of the outside world. Along with developing positive contacts with members of the new society, forced migrants' effort to re-create a Home environment usually involves reunification with family members and friends from their previous Home environment. Indeed, family life is conceived of by most migration theorists and policy makers as a central aspect of human life, and family reunification is understood to be a right in the EU,[135] albeit a qualified one. However, German policy choices in dealing with Syrian forced migrants significantly hindered family reunification, not only with family members remaining in Syria or in neighbouring countries, but even with those who made it to Germany but had been assigned to a different Land.

The right to family reunification, in Germany, only applies to spouses and minor children and is restricted to those who are granted asylum (according to article 16a of the German Basic Law) or refugee status (according to the Geneva Convention). However, since 2016 the percentage of Syrians granted refugee status has dropped vertiginously. While in 2015 nearly 95 percent of Syrian applicants received asylum, in 2016 the winds had already changed and just around 56

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[135] Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification. Retrieved from: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32003L0086.

percent did, while 40 percent received subsidiary protection and could not apply for family reunification.[136] Many of them "had already spent a year or more waiting for receiving the refugee status that would allow them to apply for family reunification and were shocked to discover they were not allowed to" (Damir-Geilsdorf and Sabra 2018). Indeed, given the risks of irregular migration and the price of passage, often men had travelled alone with the idea of bringing in safely the rest of the family once in Germany. For those who received the refugee status and could apply for family reunification, bureaucratic obstacles had still to be overcome.

The procedure would look reasonable if refugees' family members were leading a peaceful life in a well-functioning state, but they turn out to be rather sadistic if we consider the actual life conditions of Syrians. The person who has been granted refugee status in Germany can file an application for family reunification with the Foreign Office via a special online system within three months of notification of their protection status. In addition, however, family members abroad have to apply online for an appointment to submit their own written applications and have a personal interview at a German embassy. This is particularly complicated and risky for those who have remained in Syria, including IDPs: given the closure of the German embassy in Damascus, they have to reach the embassy in a neighbouring country, such as Turkey, Jordan, or Lebanon. This not only requires the visa to be obtained in time, but it also involves multiple checkpoint crossings in a country at war. Moreover, it may take several months before the appointment is made. After the interview, family members have to go back to Syria or to their current places of residence and wait again, since the processing of the submitted files may require several more months.

For the whole duration of the process, they need a valid telephone number and an e-mail address to be able to communicate with the embassy, as if they were waiting tranquilly in their

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[136] See Damir-Geilsdorf and Sabra 2018. In Germany, family reunification for people with subsidiary protection has been alternatingly allowed and denied. Since 2018, it has been allowed, up to a limit of a thousand people per month (see Brücker et al. 2019, p. 25).

living room in Berlin, instead of being crammed with other IDPs in dilapidated houses, sleeping in a tent in a camp, or living in a precarious urban shelter in a Levant country. What is more, collecting the required documents can entail life risks or be totally impossible. According to a UN report, "There are documented cases of women with children who had to leave relatively secure shelters in Turkey and travel back to Syria to renew their passports" (Damir-Geilsdorf and Sabra 2018). Personal-status documents such as marriage or birth certificates, the report continues, "are not only required to be translated into English or German but also need a pre-certification stamp from the Syrian Ministry of Foreign Affairs that has to be issued no later than 2012" (Damir-Geilsdorf and Sabra 2018). This is quite ironic, given that applicants may live in rebel-controlled areas or be targeted as opponents by the regime. In addition, those documents may simply not exist. "I got married in 2013 when I was in a rebel-held area. How am I supposed to get a marriage certificate?", wonders Zein (Damir-Geilsdorf and Sabra 2018). Stateless displaced people from Syria (including members of "maktum" Kurdish minorities), who are faced with similar problems, need to take a DNA test at the embassy.[137]

It might be argued that granting the right to family reunification to all Syrian forced migrants would create significant additional economic and social costs for Germany, given that it would entail admitting a large number of additional forced migrants. However, the sudden drop in the percentage of refugee-status recognitions seems to suggest a morally problematic exploitation of the arbitrariness of the process to both reduce the likelihood of permanent settlement among admitted forced migrants and curtail the number of newly admitted ones by impeding family reunification. Furthermore, German policies have hindered family reunification even among those family members who were already on German territory. Indeed, family members who had arrived separately could be allocated to different Länder. That was, for instance, the case of Siwar, who

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[137] See McGee 2019. Note that "Syria has long been reported as hosting one of the largest stateless populations in the world. According to figures from the United Nations Refugee Agency (UNHCR), prior to the 2011 conflict, Syria had a population of approximately 300,000 stateless individuals, mostly Kurds from the north-eastern Governorate of Hassaka. . . . In addition to those included in UNHCR statistics, more than half a million stateless Palestinian refugees had been habitually resident in Syria prior to the outbreak of the conflict" (McGee 2019, p. 8).

arrived in Germany a year and a half after her husband and was sent to a shelter about 100 km away from him (Damir-Geilsdorf and Sabra 2018, p. 16). In addition, given the narrow understanding of the family-member definition, children above eighteen, aunts, uncles, and grandparents do not count as family members. Taking into account more extended family relations and the presence of family members who had already arrived in Germany while distributing Syrian forced migrants among Länder would have allowed forced migrants to re-create a web of significative social relations in the new environment without admitting additional forced migrants or entailing significant extra costs for Germany.

Consider now the need to recover mental well-being. Such need derives from the loss of mental well-being which, as we have seen in chapter 2, is the psychological consequence of the of the specific harms of forced displacement coupled with the violence that often triggers, accompanies, and follows forced displacement. Obstacles to regaining control over one's life and to rebuilding a Home environment, including being unable to reunite with family members, further undermine mental health in forced migrants, who have already experienced traumatic events connected with forced displacement and often with perilous journeys. Psychological research indicates that "besides the traumatic experiences at home or whilst fleeing their country, resettlement in a new country may also put refugees under great strain and have a powerful impact on mental health" (Borho et al. 2020). Indeed, "post-migration experiences often tend to be more detrimental to refugees' mental health than pre-migration traumatic events and . . . the post-migration environment plays a key role in either fostering or impeding recovery from trauma" (Borho et al. 2020).

Syrian forced migrants, in line with other forced migrants, show a higher prevalence of depression, anxiety, and PTSD than the host populations. Furthermore, the first follow-up study on Syrian forced migrants carried out in Germany found that the mental health of respondents had not improved after a year and a half. In that sample, "26.9% fulfilled the criteria for a clinically relevant depression diagnosis, 16.7% for a generalised anxiety disorder and 13.9% for PTSD at

T1. Approximately 1.5 years later (at T2), these prevalence rates hardly changed and were 30.6% for depression, 15.7% for generalized anxiety and 13.0% for PTSD" (Borho et al. 2020). Unexpectedly, at T2, "a significant increase of having experienced and/or witnessed traumatic events as well as in the number of traumatic events mentioned was found" (Borho et al. 2020). Memories of traumatic experiences thus seemed to become more pervasive instead of fading away with a longer duration of stay in Germany. This could be linked with the insufficient mental health support that Syrian forced migrants receive, even in Germany. Among the respondents to the above-mentioned study, only 6.5 percent at T1 and 7.4 percent at T2 reported having already received psychological help (Borho et al. 2020). Lack of information, language barriers, and stigmatisation of psychological distress seem to be the most cited obstacles to receiving mental health support (Borho et al. 2020; El Khoury 2019; Hassan et al. 2016). El Khoury claims that since "seeking counselling is foreign to the Syrian culture", it is "important to spread awareness about the normality of seeking counselling and to tone down the thoughts that stigmatise those who seek psychological help." Secondly, "more Arabic speaking counsellors are needed" to allow forced migrants to "express themselves and receive counselling in their own mother tongues" (El Khoury 2019 p. 77).

Poor mental health, particularly depression, has also been linked to the loss of social status, which, as we have seen in chapter 2, is one of the distinctive harms involved in forced migration. Indeed, researchers in psychology acknowledge that the fact of "realising that they 'have lost everything' including their social standing and control over several aspects of their lives" has a severe detrimental impact on the mental health of forced migrants. A study investigated downward mobility in subjective social status among a sample of male Syrian forced migrants in Germany. Among respondents perceived social status in Germany was considerably lower compared to social status in Syria, indicating overall subjective downward social mobility. Moreover, the study revealed that those "who experienced stronger subjective downward social mobility exhibit more severe depressive symptoms and were more likely to fulfill [sic] provisional DSM-IV criteria for

a diagnosis of Major Depression" (Euteneuer and Schäfer 2018). This highlights that forced migrants, including Syrians in Germany, have a distinctive and strong need to regain social status.

Having an employment which secures a source of livelihood is a key component in the process of regaining social status. Germany has designed programmes to train Syrian forced migrants so that they can enter the highly specialised German labour market. Vocational training, along with language, is a prerequisite to become a specialised worker and apply for a job in Germany. However, the length of the process of language acquisition and training can be highly frustrating for adult forced migrants who lost their previous jobs and have been forced to start a career anew. Some opt out of the training and start looking for an unqualified job, even in the informal labour market, to rapidly achieve economic self-sufficiency.[138]

It would be important to check the provenance of Syrian forced migrants (their urban or rural place of origin), the sociocultural milieu, and their previous job both in allocating them to German municipalities inside Länder and in orienting them in the job market. A facilitated, faster entry into the job market and a more careful, fine-grained match between forced migrants' individual background and job opportunities might help to reduce dropout from training. Moreover, it would also reduce potential marginalisation and deviance among those who abandoned the path they were set on, which would otherwise result in considerable costs for the receiving society. Furthermore, it would both express the recognition of the harm of losing one's place in the society of origin and support them to regain social status and to reduce mental health conditions such as depression. By contrast, if employment policies remain overwhelmingly oriented towards using forced-migrant labourers to fill the gaps in the labour market according to the host-country needs only, they fail to recognise the specificity of forced migrants. Indeed, Syrian forced migrants did not leave in search of job opportunities but have been forcibly and abruptly

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[138] https://deeply.thenewhumanitarian.org/refugees/articles/2017/02/22/refugee-apprentice-germany-offers-skills-training-to-newcomers.

deprived of their jobs, as well as of the socially recognised roles they used to have in their Home environment.

In addition to the recognition of their individual skills and social identities, as we have seen, forced migrants need recognition of their forced-displacement condition, of the harms involved in displacement, and, as is usually the case, of the injustices behind displacement. In the case of Germany, accommodation based on the quota system reveals an insufficient acknowledgement of the reasons why Syrians were displaced and why many of them began to demonstrate in the first place. As a Syrian refugee in Germany remarked, "Many people see refugees as people who popped up in the Mediterranean. For many people, the story begins only in the Mediterranean in boats" (Ragab and Antara 2018, p. 19). The lack of a backwards-looking approach leads to neglect of crucial political and cultural differences among Syrian forced migrants. Many of them supported the revolution, others supported the regime, and others wished to not take sides but were caught up in the fight and forced to move. Insurgency supporters are also highly diversified and include Arabs as well as Kurds, supporters of a secular state as well as Islamists whose claims for justice involve the appeal for giving to the Islamic law a stronger public role. Given that Syrian forced migrants are far from a uniform group and given that political and cultural differences have been made salient during the conflict, enforced cohabitation may be tense if not conflictual. Consider Zein's testimony:

Zein and her husband first stayed for six months in shared accommodation with wooden walls between families' beds and were then transferred to a small three-room flat in a little village [in Germany] at the Belgium border that they have to share with two other couples. Zein describes not only the previous distressing lack of privacy: "Since one year my husband and I have never been alone in a house and I find it hard that I never can be alone in a room," but also the equally distressing social control in the new accommodation by their fellow residents. One of the two couples is very religious and criticizes her for neither praying nor wearing a veil, while the other couple are enthusiastic supporters of the Assad regime: "They represent exactly what made me flee and now I have to live with

them without any privacy. I try not to have confrontations, only hello and good-bye. When the man enters the kitchen, I go out."[139]

Thus, when treated as an undifferentiated mass of needy people in search of food and shelter, forced migrants are not recognised in their nuanced pre-displacement social identities that may well have been salient to the causes of displacement itself.

A further crucial component of the process of regaining social status is the recognition of Syrian forced migrants' testimonial and agential capacities, particularly in helping to construct a narrative of how they came to be displaced, what the uprising was aiming at, and how the conflict was felt on the ground, as well as to determine what peace would require and under what conditions return would be feasible and morally acceptable. As for peace and dignified return, Syrian forced migrants have so far been largely excluded from official peace talks or negotiations. Concerning narratives, given that global-North states have directed their military efforts against the IS, the media have contributed to backing the Syrian regime's narrative, which depicts the conflict as a confrontation between the Syrian state and terrorists. This negates the complexity of Syrian insurgency groups and obscures the legitimate claims raised during the uprising. Nevertheless, it is worth noting that German civil society has supported the creation of civil society organisations among Syrian forced migrants, aimed at spreading testimonies of Syrian forced migrants themselves or advocating enhancing human rights and democratisation and justice more broadly in postwar Syria (see Meininghaus and Mielkem 2019).

Displaced Syrian activists seem to be particularly interested in truth and justice, understood primarily as retributive justice. Indeed, they have continued spreading images and videos by citizen journalists who remained in Syria and have protested against widespread immunity regarding the human rights violations and crimes against humanity perpetrated by the regime's army and by other militias. German courts have started cooperating in identifying and prosecuting

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[139] Damir-Geilsdorf and Sabra 2018, pp. 20–21.

individual criminals, appealing to the principle of universal jurisdiction (Kaleck and Kroker 2018). A few trials have been initiated, and one has recently come to an end in the conviction of a low-ranking officer in the Syrian intelligence service to four and a half years of detention.[140] Along with contributing to accountability for individual criminal responsibility, however, global-North states should also investigate the responsibilities of those corporations based in the global North that contributed to or profited from the protracted conflict (Kaleck and Kroker 2018, p. 167). Furthermore, global-North states should acknowledge their own outcome responsibilities for contributing to killing and displacing Syrian civilians and for destroying properties. This would not mean taking on the bulk of moral responsibility for the civil conflict or denying individual responsibilities for identifiable crimes. Yet, it would contribute to the overall effort of reconstructing truth, and it would allow states to provide reparations to the affected Syrian civilians. Instead, the US-led coalition has so far been downplaying its outcome responsibilities, minimising casualties and harms deriving from the air strikes, thus providing very limited reparations conceived of exclusively as material compensation.[141]

I have argued so far that a backwards-looking, harms-based approach allows us to better identify what is owed to forced migrants in receiving countries and to evaluate the extent to which a state that has admitted many forced migrants has also been able to recognise and fulfil the specific needs deriving from the harms of forced displacement. Finally, such an approach has important implications concerning justice in return as well. As I have already argued in chapter 4, return itself is not a solution to forced displacement; forced migrants still need to regain control over their lives, to re-create a Home environment, to secure a source of livelihood and a role in society, and to overcome the mental health issues deriving from forced displacement and migration abroad. Return does not merely require that a safe area be available inside the country; this would be not

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[140] https://www.theguardian.com/world/2021/feb/24/germany-convicts-former-assad-regime-agent-in-historic-syria-torture-verdict.
[141] https://www.hrw.org/news/2019/07/09/syria-us-coalition-should-address-civilian-harm.

a return, but another migration to a new Home environment which might be completely unknown to the returnee. Besides, after a ten-year conflict Syrian towns are in ruins, and the same goes for the economy, education, and health services. Thus, returning to Syria may mean moving to an unknown place offering hardly any opportunity to rebuild lives once again. Even coming back to the exact place of origin does not actually mean "returning". Obviously, pre-displacement house, job and social status are usually unattainable. Moreover, the pre-displacement Home environment may no longer exist. Indeed, the social fabric may have dramatically changed, given the high number of people who have died, have emigrated, or have settled there in the meantime. Turkey is believed to have encouraged or even forced thousands of Syrians to return to Syria and to settle in the provinces bordering Turkey and taken from the control of the Kurdish rebels (Yüksel and van Veen 2019, p. 9). This is part of a process of ethnic substitution in a formerly Kurdish-majority area of Syria, aimed to prevent the creation of an autonomous Kurdish state which could strengthen the autonomy claims of Kurds in Turkey (Yüksel and van Veen 2019). For these returnees, moving to Syria does not mean coming back to a familiar environment, nor would it mean it for previous residents after the massive arrival of these newcomers.

Germany has not promoted return as a means of ethnic substitution. However, Germany should take into account the changes undergone in Syria in the last decade and should not expect that a decrease in open hostility would make return feasible and morally acceptable. Thus, it should not only refrain from forcibly deporting Syrian forced migrants whose temporary protection is due to expire. It should not incentivise voluntary return either if the material and social conditions in the place of origin would likely compel the forced migrant to leave again and end up internally displaced. Instead, as part of the US-led coalition, Germany should contribute a share of reconstruction aid to airstrike-affected communities and, as leading member of the EU, to Syrian communities more broadly. This would eventually help to create the conditions for forced migrants' needs to be increasingly addressable in the place of origin and could gradually make voluntary return more feasible and morally acceptable.

Conclusion

The previous two chapters have contextualised the theoretical frame provided in Part I pointing to cases of forced migration that have been largely overlooked in normative political theory. Indeed, such cases do not raise pressing issues for the ethics of immigration policies in Western counties. By contrast, this final chapter has aimed to illustrate how a backwards-looking harms-based approach to what is owed to forced migrants also allows us to reframe a widely discussed case of forced migration, namely the Syrian one. Over six million Syrian are currently displaced outside Syria. Over the last decade, hundreds of thousands pursued onward migration towards Europe and sought admission to EU states, facing immigration restrictions. Thus, the Syrian case raised ethical debates and stimulated reflection among political theorists.

In this case, a backwards-looking harms-based approach can play two important functions. Firstly, it allows us to rethink the kind of responsibility that states bear towards forced migrants. Secondly, it highlights what Syrian forced migrants need besides or after admission to a safe state. I have argued that external states, including the US and EU states are not completely innocent bystanders bearing a humanitarian duty of rescue, because they directly or indirectly contributed to conflict and forced displacement in Syria, even though the bulk of responsibility rests on the country of origin. Furthermore, I have shown that Syrian forced migrants, qua forced migrants, do not merely need a safe haven and the fulfilment of basic survival needs. Focussing on Germany, which admitted the largest number of Syrian forced migrants among EU states, I have illustrated the importance of acknowledging the harms of displacement to assess what forced migrants need. Indeed, even wealthy Germany has not yet properly recognised and addressed the needs of forced migrants, since its policy has been based on a humanitarian picture of Syrian forced migrants as generically needy people in search of safety.

Concluding Remarks

The ethics of migration is a growing field of enquiry for political theorists. This thesis has argued that forced migrants have distinctive moral claims compared to other people on the move. Furthermore, such claims are shared by both international and internal forced migrants (i.e., IDPs). Thus, IDPs should not be conflated with non-migrant people in need, such as the global poor. Forced migrants, I have contended, are neither just migrants, nor just needy, destitute people. They are people who have suffered distinctive harms and have developed distinctive needs, compared to both populations. The harms of displacement undermine in a specific way the fundamental interests that all human beings share in having place and purpose, which provide the conditions for a dignified, minimally flourishing life. Thus, forced migrants have distinctive claim rights, analogous to human rights, to the fulfilment of the needs that derive from the harms of displacement. What is more, I have argued, the harms of displacement are usually attributable to human actions, man-made structures and processes. While displacement is not necessarily the product of injustice, it usually is in our non-ideal world. Thus, agents whose actions caused displacement or contributed to processes and structures causing displacement bear reparative responsibility towards those who have been harmed by displacement. Therefore, meeting the needs of forced migrants is not just a matter of humanitarian obligations, or obligations of charity, but rather an issue of justice.

This work offers both methodological and substantive contributions to the ethics of forced migration, with the aim of fostering the recognition of forced migrants qua forced migrants. On the side of methodology, this thesis has attempted to reframe forced migration by addressing it from a different angle. Normative theorists usually approach forced migration from within the debate on admission policies, having already assumed or argued for an ethics of admission policies for voluntary migrants. The normative question of who should be admitted precedes and guides conceptualisation, shaping both the existence and the extension of categories of non-voluntary

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migrants and what such migrants owed. As a result, normative attention focuses on forced migrants as admission claimants. By contrast, I have attempted to rethink what is peculiar about being a forced migrant independently of whether forced migrants face closed borders and to deepen our understanding of what is owed to forced migrants besides admission. Thus, I have not assumed any ethics of admission policies and I have avoided identifying forced migrants with the neediest admission claimants. Although border policies and practices can make a crucial difference in migrants' lives, the plight of forced migrants begins before they reach a border and may continue even when border crossing is allowed. My main research question has been: "Is there anything common to the experiences of those who have clearly been forced to migrate, anything which grounds the normative salience of the forced migration concept?". I have adopted a phenomenological approach, conceived as an approach that starts from the lived experience of forced migrants to identify what makes it distinctively harmful. While some harms may well depend on borders being closed, I have purposefully tried to elucidate harms that do not derive closed borders and externalised borders. This led me to devote more attention to those forced migrants for whom admission is not an issue, because they are internally displaced within their country or are legally permitted to move across borders. Therefore, the methodological approach I adopted prompted me to enlarge the scope of the ethics of forced migration, bringing light to less explored categories of forced migrants such as IDPs.

Given the methodological choice of beginning the enquiry from an exploration of the distinctive harms of forced migration, this thesis has also proposed novel substantive contributions to the normative debates on what is owed to forced migrants, what kind of obligations states have towards forced migrants and whether other agents besides states have any obligations. Concerning what is owed to forced migrants, I have offered a harms-based theory of forced migrants' needs and rights. I have argued that forced migrant are not just owed safety and eventually political membership in a state which protects human rights. Indeed, forced migrants are not just people whose basic human rights are unprotected because they lack an effective citizenship. Non-

displaced people may lack effective citizenship and human rights protection as well. By contrast, forced migrants have additional specific rights because they have suffered specific additional harms that result in specific needs. Forced migrants' needs, I have argued, are as fundamental as those protected by human rights, because the harms of forced displacement undermine the fundamental conditions for a dignified life. However, what is at stake are needs which only arise when someone is displaced and thus are not captured by general human rights. This has potential normative, legal, and policy implications for the responses to forced migrants' needs in their country of origin and in global South host countries, which are typically meant to fulfil basic human rights through humanitarian assistance or development aid. Moreover, it has implications for the responses to forced migrants' needs after admission after admission to countries of the global North.

In line with the harms-based account of forced migrants needs, I have proposed a backwards-looking, harms-based approach to responsibility for forced migration. While humanitarian responsibility to help does not depend on how the need for help came about, I have argued that looking at the hams generating forced migrants' needs allow us to see whether such harms are attributable to agents and thus whether there are reparative responsibilities. I have argued that, along with states of origin, external states and non-state actors bear special reparative responsibility when directly forcing people to migrate. In addition, states collectively bear a general reparative responsibility when they contributed to structures or processes, such as climate change, which force people to migrate. This has implications concerning the ground of obligations agents have towards forced migrants and their strength, given that duties of justice to remedy harm are stronger than humanitarian duties of beneficence and are not equally affected by the nearer or farer physical location of the forced migrant.

Based on the harms-based account of needs and on the backwards-looking account of responsibility I have offered, I have proposed three normative principles for an ethics of policy responses to forced migration. Firstly, policies should be specific: namely, they should recognise

forced migrants' distinctive condition. Just policies should target the specific needs that depend on the harms of displacement. Thus, such policies should be either formulated ad-hoc or be sufficiently sensitive to forced migrants' needs. Secondly, justice in forced migration requires continuity: the specificity of forced migrants' condition should be taken into account since the beginning of displacement until its end. Temporary assistance policies, thus, should not be limited to basic survival needs without taking into account the specific needs that derive from the harms of displacement. When these harms are not acknowledged, temporary assistance may even perpetuate and worsen such harms. Moreover, the specific needs of forced migrants should not be assumed to cease when a durable solution is reached: even when forced migrants are allowed to remain in a host country, to resettle elsewhere or to return, they do not find themselves in the same condition of non-displaced fellow residents or other newcomers. Thus, they should still be entitled to receive targeted support until the harms of displacement cease to impact on their needs. Finally, justice in forced migration requires that the harms of displacement be explicitly recognised. Not only social services should express this recognition by targeting provisions. Non-material policies should be adopted to express this recognition, fostering the reconstruction of truth on the causes of displacement and helping forced migrants to obtain the epistemic resources to make sense of their experience.

This project leaves open several paths for possible future research. Since my aim has been to focus on what justice in forced migration requires besides admission, my backwards-looking account of responsibility does not deal with obligations to admit or resettle. While the lack of engagement with the admission debate might strike as an obvious limit of the thesis, it is also one of its strengths. Methodologically, the thesis is aimed to avoid being burdened and oriented by the principles of an ethics of migration that deals with the admission of voluntary migrants. As a result, its normative conclusions are in principle acceptable by both closed-borders defenders and open-borders advocates. However, a theorist defending or realistically assuming states' right to exclude might derive implications for admission and resettlement policies as well. Indeed, states having

individual, special reparative responsibilities to repair the harms of forced migrants may well be argued to have special obligations to admit or resettle those forced migrants that arrive at their borders or apply for resettlement. Furthermore, one might also assign to states having collective, general responsibilities differentiated shares of obligations to admit or resettle taking into account their relative power or relative contribution to the process or structure that caused forced displacement.

A second important issue this thesis does not engage with is non-compliance. The thesis has adopted a realistic approach to the forced migration phenomenon, trying to convey a realistic picture of the harms and needs experienced by forced migrants. Yet, it is a work in ideal theory since it is interested in what justice requires in principle, i.e., in what forced migrants are owed, in who owes forced migrants what they are owed and in what principles should guide just policies. Assuming this ideal framework, one might turn to the issue of non-compliance and thus move to non-ideal theory. Indeed, one might argue, there are feasibility issues in ensuring that states assume their special reparative responsibility for their individual contributions to forced displacement and in determining fair shares in the case of collective, general reparative responsibility. The question of whether non-responsible or less responsible states should take up the slack would thus remain. Furthermore, my account stresses the fact that reparative responsibility extends to IDPs and forced migrants hosted in other countries. This could raise implementation issues, given that these forced migrants are under the jurisdiction of another state who might choose not to cooperate in dispensing targeted and continuous services to forced migrants even when the responsible external state complied in funding such services and in providing non-material reparations. Additional issues of non-compliance would arise if one extended the backwards-looking account of responsibility to admission and resettlement policies.

A third issue I have not dealt with is historical responsibility for forced migration. My backwards-looking account of responsibility, indeed, has taken recent past into account since it is interested in how and why forced migrants have been harmed. It has considered proximate sources

of coercion and deceit and has attempted to inscribe them in the context of larger political, social and economic relations. However, it has not looked back to historical injustice proper. For instance, it has not taken into account colonial legacies and the responsibilities that former colonisers may have in setting the conditions for current displacement triggers. Extending backwards-looking responsibility to historical injustice would be consistent with my approach and it is an interesting direction that future research could take. Moreover, on might note, throughout the thesis I have focussed on forced migrants who have themselves been displaced, rather than on the descendants of forced migrants. Of course, displaced persons' children or even grandchildren may endure harms that depend on their parents or grandparents' displacement. This is evident in cases of people who have been born in refugee camps and have been spending their whole life there. However, I maintain that the harms and needs experienced by those who are forced to migrate differ from the harms and needs experienced by descendants. While such harms and needs and subsequent reparative responsibilities might be worth philosophical consideration, I leave them for possible future research.

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